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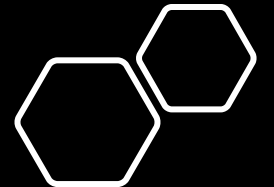
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Defining the vulnerability of persons & groups

Theodora Gazi

Lawyer, PhD, Postdoc researcher

thgazi@law.uoa.gr



Vulnerability and Human Rights



Personal vulnerability indicators:

age, health status, psychosomatic issues

Group vulnerability indicators:

λ.χ. Obstacles in fulfilling basic needs (e.g. housing, labour, education, justice), poverty, prejudice, stigma, and negative stance of society

Common characteristics of vulnerable persons & groups: the reduced ability to object to violations of fundamental rights, due to age, health or social status.

Recognition of vulnerability: Vulnerability triggers the state's obligations to adopt positive measures so that a person or a group enjoys the protection of their fundamental rights.

Definition of vulnerability in international law

The European Court of Human Rights characterizes a person or a group as vulnerable, after evaluating the facts of each case, as well as the personal and group indicators of vulnerability.

Vulnerable groups

Children

Persons with
Disabilities

HIV patients

Roma

Prisoners

LGBT

Asylum seekers

Human trafficking
survivors

Domestic violence
survivors



Children as a vulnerable group

- All children (persons below 18) are considered vulnerable by definition, due to their limited capacity to make decisions about their lives.
- See United Nations International Convention on the Rights of the Child (1989) → “best interest of the child” principle.



The vulnerability of Roma people

Roma people are the largest ethnic minority in Europe (between 10-12 million).

They are not a homogeneous population: there are distinct Roma communities in European cities, such as stateless persons, citizens holding citizenship and travelers who regularly move to different countries. Roma people:

- Have a common ethnic identity and goals:
- Are at risk of discrimination,
- Have unequal access to basic services, compared to the rest of the population,
- Have limited access to education and adequate housing;
- Face higher rates of unemployment and poverty.

Vulnerability due to health

(e.g. patients, persons with disabilities, HIV patients)

Vulnerability due to health is linked with:

- the seriousness of the medical condition,
 - The dependence on the State for treatment,
 - Society's negative attitude towards specific groups, such as HIV-positive patients and persons with disabilities.
- In case of deportation of immigrants, states must examine the seriousness of the person's condition, whether it is last-stage, the availability of treatment in the country of origin/
- **UN Convention on the Rights of persons with disabilities (2016) → Accessibility principle**



Vulnerability of prisoners



Criteria on overcrowding:

(European Court of Human Rights, Aden Ahmed v. Malta, 55352/12, 9.12.2013)

- (a) each prisoner must have a separate sleeping area in the cell;
- (b) each prisoner must have at least 3 square meters of space
- (c) the total space of the cell must allow prisoners to move freely between the furniture

- The transition from freedom to imprisonment marginalizes people. Factors, such as overcrowding, stress and isolation from their family and social environment are also common cases.
- Prisoners are considered as a vulnerable group due to violations of their fundamental rights and human dignity. → reluctance of States to ensure adequate living conditions and their access to basic needs, perhaps due to the misperception that prisoners should not enjoy the same protection of their rights as other citizens.

Vulnerability of human trafficking survivors

- European Court of Human Rights, Chowdury et al v. Greece (Manolada case) 21884/15, 30.3.2017

Greek farmers employed 42 Bangladeshi nationals, from 7am until 7pm, under the supervision of armed guards.

The Court ruled that they did not work voluntarily, because their employers abused their power and took advantage of their vulnerable situation as undeclared immigrants, threatening them to go to the police if they objected

- See Council of Europe, Convention on Combating Trafficking in Human Beings (2005)



Vulnerability of domestic violence survivors

Domestic violence includes physical, sexual, psychological or financial violence, which occurs by family members, between former or current spouses or partners, regardless of whether the perpetrator resides in the same house as the survivor.

- Lack of punishment (Impunity) and insufficient state mechanisms for the protection of survivors deprive them the right to justice and the prevention of the phenomenon.
- Domestic violence happens behind closed doors – "invisible" crime - victims are often afraid to report perpetrators to the authorities
 - **positive obligation of authorities to adopt preventive measures to combat the phenomenon, investigate incidents and effectively punish perpetrators**
- **Council of Europe, Convention on Preventing and Combating Violence against Women and Domestic Violence (2011-Istanbul Convention)**

Vulnerability of LGBT community

Due to regular violation of their rights

- Approx. 72 countries criminalize same-sex relationships, while 6 states impose the death penalty (Afghanistan-following the Taliban takeover, Nigeria, Somalia, Saudi Arabia, Iran and Yemen.)
- The LGBTI community is often targeted by hate speech and hate crimes. In addition to attacks on their physical and mental integrity, LGBTI people may also be treated differently in terms of their legal status compared to heterosexuals, especially in matters related to family, employment and freedom of assembly.
- A person's sexual orientation and gender identity are considered integral elements of their personality. → Violating rights of the LGBTI community is against the right to privacy and the prohibition of discrimination.



Vulnerability of asylum seekers – European Court of Human Rights, M.S.S. v. Belgium and Greece (no. 30696/09):

The Court states that asylum seekers are particularly vulnerable, due to what they have suffered during their migration and the traumatic experiences they may have experienced.

States must adopt measures to protect them from homelessness and absolute poverty.





State measures to support vulnerable groups

Case study: Greece

Free health care for vulnerable social groups in Greece



Law 4368/2016: Free access to health services of the public health system and the coverage of nursing and medical care for:

- a) minors, b) pregnant women, c) prisoners,
- d) persons with disabilities (67% and above), e) patients who are hospitalized or in need of continuous medical treatment, due to severe, chronic, incurable or rare diseases,
- f) the victims of crimes of the Criminal Code (trafficking in human beings),
- g) applicants/beneficiaries for international protection and members of their families (spouse, minor children),

SOCIAL SOLIDARITY INCOME

Financial criteria:

For the last 6 months, the income is lower than:

- **200** euro/month for 1 person
 - **100** euro/month for each additional adult
 - **50** euro/ month for each child
-
- Real estate: less than 90.000 euro
 - Car: less than 6.000 euro
 - Money in bank: less than 4800 for 1 person, 7.200 for 2 person
-
- 3. Legal residence in Greece.



Municipal Community Centers



Beneficiaries: All residents in the Municipality, with priority to vulnerable groups (i.e. persons facing poverty and social exclusion, immigrants, persons with disabilities, Roma, etc.)

Services:

Access to information
to referrals to specialised services (e.g. housing)
to support to apply for social benefits

Indicative services to improve living standards and ensure social inclusion:

Career counselling, psychosocial support for children, adults and families, educational opportunities for children, events for social integration, distribution of basic items



Fighting homelessness

Day centers

Open centers to support basis needs.

Psychosocial support, primary health care, personal care and hygiene services, referrals to actors for housing, food, psychological support, legal assistance, counseling, health care, labor integration.

Night centers

Centers which operate only during the night to cover urgent housing needs

Overnight accommodation, personal care and hygiene, psychosocial support and referrals.

Apartments

Leased by actors for a certain period of time to cover urgent housing needs.

Conclusions

A

What does “vulnerability” mean?

There is no universal definition for vulnerable persons and groups. Vulnerability is a tool that seeks to enable persons to enjoy their rights.

B

2. Where does the recognition of vulnerability lead us?

Recognizing the vulnerability of groups seeks to protect them from violations of rights.

The protection of vulnerable groups and the adoption of measures to combat poverty and social exclusion is an obligation for states, in accordance with the Constitution and binding international conventions.

However, it is not enough to establish strict laws. Their implementation and the respect for human rights is a requirement



Thank you for your
attention!