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Shadow Report

**submitted by the Greek National Commission for Human Rights
to the UN Committee on the Rights of Persons with Disabilities
in relation to the implementation by the Hellenic Republic of
the Convention on the Rights of Persons with Disabilities and
its Optional Protocol (CRPD)**

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The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection. It was established by Law 2667/1998 and is functioning in accordance with the UN Paris Principles. Its members are nominated by institutions whose activities cover the field of human rights (NGOs, trade unions, independent authorities, universities, bar associations, political parties, Parliament and the Administration).

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SUMMARY

The present Report contains an extensive -42 pages- presentation and evaluation of the application of the Convention on the Rights of Persons with Disabilities (hereinafter CRPD) in Greece, without limiting itself to a simple indication of the legislation and the relevant structures established for the protection of every right. The Greek National Commission for Human Rights (hereinafter GNCHR) considers that it should, at this point, recall the need to clearly describe the issues that arise during the application of any legislation in practice as closely as possible to reality and to find solutions to the shortcomings either of the protection framework or of the stakeholders and structures created. In this regard, it should be pointed out that in some parts there is either too much redundant information, or no information at all.

In particular, the present Report includes extensive observations regarding the implementation of the CRPD through the relevant national legislation and the specific measures in relation to the individual and social rights of persons with disabilities. In this framework, the GNCHR notes with great concern, that the existing scheme contains discrimination aspects on the grounds of disability in law and practice.

As general observation is that although the State designs policies and practices and takes specific measures in most sociopolitical areas such as support programmes, social benefits, quota systems, technical aids, assistive devices etc., in order to protect the rights of persons with disabilities and to combat discriminations, yet, these measures, albeit extended form a fragmented social policy. Moreover, the GNCHR stresses its serious concerns regarding the lack of continuity and coherence in the context of the services provided and recommends to the Greek State, instead of developing new structures, to upgrade the existing structures, bringing in, where necessary, the proper policy changes that would ensure the institutional continuity. To that end, the GNCHR recommends to the Greek State to support and develop a coherent and reliable legal framework, applicable to all people with disabilities with special attention, among others, to children and the elderly, ensuring their rights in all aspects - political, civil, economic, social and cultural rights - on an equal basis.

Introduction

The Greek National Commission for Human Rights (hereinafter GNCHR), which was established by law 2667/1998 in accordance with the Principles relating to the Status of National Institutions (The Paris Principles) and is accredited with *A-status* by the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI), is the independent advisory body to the State on matters pertaining to human rights protection. The GNCHR has a very broad mandate to provide advice to the Greek State on matters pertaining to the promotion and safeguard of human rights. Its mandate covers the whole spectrum of human rights in terms of *ratione materiae* and, since its establishment, the GNCHR has dealt with a broad range of human rights issues, including the protection against discrimination on the grounds of disability.

The GNCHR has a pluralistic composition. Its 42 members are nominated by NGOs, trade unions, independent authorities, universities, bar associations, political parties, Parliament and the Administration. It has to be noted, that among its members a representative of the National Confederation of Disabled People (NCDP) is appointed, who participates with a voting right in the GNCHR Plenary. The NCDP is an umbrella organization representing the disability movement of Greece. It is a non-profit legal entity founded and established in 1989 by organizations of people with disabilities and their families.

According to its founding law, the GNCHR's mission consists in: a) the constant monitoring of human rights issues, the information of the public and the advancement of research in this connection; b) the exchange of experiences at international level with monitoring bodies and similar organs of international organisations, such as the UN, the Council of Europe, the OECD, or of other States; c) the formulation of policy proposals on matters related to its objectives.

Following its Contribution to the Committee in the framework of the CRPD 21st session and 11th pre-session in relation to the implementation of the CRPD in Greece, where it endorsed the conclusions and recommendations of the NCDP's Alternative Report, the GNCHR welcomes the opportunity to submit its Shadow Report to the Committee concerning the implementation of the CRPD, in view of the CRPD twenty-second session, after taking into account **a)** the Greek Government's submission to the Committee, according to article 35 of the Convention, of its initial Report on the implementation of CRPD, which it has ratified and incorporated into its national law by Law 4074/2012 (Government Gazette 88/A'); **b)** the List of Issues by the Committee in relation to the initial Report of Greece, adopted by the pre-sessional working group at its eleventh session (8–11 April 2019); **c)** the initial Greek

State Report submitted in 2015 and **d)** the replies of the Greek State since the adoption of the [List of Issues](#) in April 2019.

Accordingly, the present Report focuses on the main challenges faced by the Greek State party in implementing the CRPD, while highlighting the shortcomings and gaps in the existing legislation. It draws upon the GNCHR's reports, public statements and general recommendations on related issues as well as the data available in the relevant Reports by Institutions participating at the GNCHR Plenary, such as, apart from the NCDP, the General Confederation of Labour of Greece (hereinafter GSEE), the Hellenic League for Human Rights (hereinafter HLHR), the Greek Council for Refugees (hereinafter GCR) and the Greek Ombudsman (hereinafter Ombudsman). After the reference to each specific article of the CRPD, the present Report ends in Recommendations to the Greek State authorities to ensure the full implementation of the Convention.

A. Purpose and general obligations (arts. 1-4)

Question 1

The text of the Convention on the Rights of Persons with disabilities (hereinafter CRPD) does not include a definition for “disability”, which is considered as a turn from the medical model of disability to a model that is more human rights oriented¹. Law texts in Greece refer to “disability” or “chronic illness” as a single ground of discrimination², in line also with ILO and WHO texts³. However, the GNCHR suggests deleting the word “chronic”, and raises the question what is the connection or difference between “disability” and “chronic disease”, which is not defined in the law text.⁴ In addition, law 4443/2016 introduces the term “*multiple discrimination*”, thus covering a lack of the Greek legal order (art. 2, par. 2(g)). Furthermore, law 4488/2017⁵ sets the bases for the implementation of the CRPD in national level, targeting at the removal of the obstacles that hinder the full and equal participation of all people with disabilities in the social, economic and political life of the country.

Nevertheless, the existing legal framework combating direct or indirect discrimination on the grounds of disability in law and practice still contains discrimination aspects in. The GNCHR has criticized the fact that both law 3304/2005 and law 4443/2016 apply in the field of employment and occupation, actually, keeping outside their scope, the fields of social protection, social security, health care, social benefits, tax benefits, for religious reasons or other beliefs, disability or chronic disease, age, family or social status, sexual orientation, gender identity or gender characteristics⁶. This issue is expected to be addressed with the enactment of a regulation as provided for in par. 4 of art. 74 of law 4488/2017 that extends the protection in sociopolitical areas such as social security, health care, social benefits etc.

In general, it should be noted that the State designs policies and practices and takes specific measures in most sociopolitical areas such as support programmes, social benefits, quota

¹ GNCHR [Protection of the rights of older persons](#) (2014) p. 7

²The Greek anti-discrimination law 4443/2016 “*I incorporating into Greek legislation the Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, the Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation and the Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers...*” (OGG 232/A, 9.12.2016) which amended law 3304/2005 “*Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation*” (OGG 16/A, 27.01.2005),

Law 4488/2017 “*Public sector pensions and other social security matters, strengthening the protection of workers, rights of persons with disabilities and other provisions*” (OGG 137/A, 13.9.2017).

³ WHO [Non communicable diseases \(NCDs\)](#), ILO [Disability Inclusion Strategy and Action Plan 2014-17](#)

⁴ GNCHR [Protection of the rights of older persons](#) (2014) and [GNCHR Observations on draft law on equal treatment](#) (2016) p. 16-17

⁵ Law 4488/2017 (see footnote 2)

⁶ See [GNCHR Observations on draft law on equal treatment](#) (2016) p. 18-20, [GNCHR Comments](#) on Law 3304/2005 (see footnote 2)

GNCHR Submission to the OEWG-Ageing, 2017

systems, targeted recruitment, palliative care services, technical aids, assistive devices etc., in order to protect the rights of persons with disabilities and to combat discrimination. Yet, these measures, albeit extended, form a rather fragmented social policy. The same applies through established negative practice followed by all successive governments, elaborating a new Action Plan, which means that the previous one is never completed or fully implemented⁷. Moreover, part of the social policy depends almost entirely on European programmes for its funding, therefore, the GNCHR underlines the need for a coherent and stable governance policy on disability which safeguards the rights of persons with disabilities. To this end, it is critical to involve all the relevant stakeholders including persons with disabilities through their representative organizations.

It is worth mentioning here, that according to the data of Greek Ombudsman regarding discrimination against persons with disabilities, 3 complaints have been examined and resolved in year 2019, 3 in 2018, 2 in 2017, 1 in 2015 and 2 in 2014⁸. In all cases the competent State authorities complied with Ombudsman's recommendations and applied the rules.

Recommendations

-Taking into account that the existing legal framework combating direct or indirect discrimination on the grounds of disability in law and practice still contains discrimination aspects in, the GNCHR recommends that provisions should be necessarily made for the imposition of penalties for all the areas of discrimination protected by the anti-discrimination law.

- The GNCHR recommends to the State to design and implement a coherent, permanent and reliable legal framework, applicable to all people with disabilities in order to better ensure their rights in all aspects - political, civil, economic, social and cultural rights - on an equal basis. The already existing services ought to be integrated in a framework of public, free-of-charge health and welfare services which shall be steadily provided and funded by the State budget.

- The GNCHR recommends to the competent State authorities to proceed with the revision of Civil Procedure Code in order to include provisions relating to the representation of victims on grounds of disability and to the burden of proof, thus better implementing the CRPD in the

⁷ While a National Action Plan on Persons with Disabilities has already been elaborated by the Ministry of Justice, a new National Action Plan for the support of the persons with disabilities will be elaborated by the Ministry of Labor according to the announcements of the new Prime Minister of Greece

<https://www.kathimerini.gr/1033324/article/epikairothta/politikh/oi-vasikes-proteraiothtes-ths-kyvernshs-ana-ypoyrgeio>

⁸ <https://www.synigoros.gr/?i=equality.el.imdworkprivate>, <https://www.synigoros.gr/?i=equality.el.imdservices>), <https://www.synigoros.gr/?i=equality.el.imdworkpublic>, <https://www.synigoros.gr/?i=equality.el.imdpositive> <https://www.synigoros.gr/?i=equality.el.imdworkpublic>, <https://www.synigoros.gr/?i=health-and-social-welfare.el.pistopoiisi-anapirias>, <https://www.synigoros.gr/?i=equality.el.imdworkpublic>, <https://www.synigoros.gr/?i=equality.el.imdedu>

national law. Moreover, amendments should be also promoted regarding the Civil Code and the Code of Criminal Procedure and Administrative Procedure in order to comply with the provisions of the CRPD and to remove obstacles thus ensuring equal access to justice.

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

Question 2

(a) Upon assessing the antidiscrimination national legal framework⁹, and examining how the principle of equal treatment is implemented in all sectors of social life, there seems to be a lack of implementing “reasonable accommodation” in sociopolitical areas, for the latter is restricted in the field of employment and vocational training¹⁰. More specifically, as defined by par. 1 of art 27 of the CRPD, the right of persons with disabilities to enjoy, “a work environment that is open, inclusive and accessible” to them, is guaranteed and therefore a claim for reasonable accommodation on their behalf should be protected by the Greek legal order. However, a duty of the competent State authorities to provide reasonable accommodation for people with disabilities in other socioeconomic fields outside the employment, could be justified after the CRPD has been incorporated into national law¹¹. Furthermore, as far as the beneficiaries of reasonable accommodation are concerned, national law clearly states that the principle of equal treatment applies to all ‘persons’ in the public sector as well as in the private sector, including public bodies (par. 1 of art. 3 of law 4443/2016). In this light, and taking into account the failure of the State authorities to provide the necessary adjustments towards persons with disabilities, the GNCHR stresses the need of combating discrimination including direct adaptations in the legislation.

With regard to reasonable accommodation at school, Greece, after having ratified the CRPD, is obliged to proceed with the necessary adjustments, in order for the children with disabilities to enjoy the right of education and access to school on an equal basis with other children, placing particular emphasis on inclusive education. Yet, despite the fact that actions targeted at inclusive education for children with disabilities are included in the National Action Plan for the Rights of Child, it does not include an explicit guarantee of an inclusive educational system

⁹ Law 3304/2005, which transposed the two antidiscrimination Directives, introduced the concept of “reasonable accommodation” in the Greek legal context. It has been revised by law 4443/2016 but its point of reference has remained in the field of employment

¹⁰ It should be here pointed out, that in relation to the distinction between the terms “integration” and “inclusion” the UN Committee, insists on the need to apply a “integration model for education”, assessing that equal inclusive education can only function based on policies aimed at adjusting school environment in order to meet children’s needs and not the opposite. See GNCHR Observations on the National Action Plan on Children’s Rights 2018-2020 (29.11.2018) [in Greek], footnotes 64-65

¹¹ See also [Country Report, Antigone 2017](#)

for children with disabilities¹². Apart from an unreasonable delay of the State in issuing the relevant executive act on equal treatment in the field of education, the lack of a reference in the National Action Plan for the Rights of Child on specific measures of reasonable accommodation, places additional obstacles to this direction. In this context, the GNCHR stresses the need for a set of measures in the Action Plan, such as adjusting curricula, learning materials and teaching strategies, in order to ensure *de facto* equality, in line also with the observations of the UN Committee on the Rights of the Child regarding an “integrated model of education”¹³.

(b) With regards to the residence of foreign nationals in Greece, the GNCHR appreciates the protective legislative framework regarding the fundamental rights to health and education that are accordingly safeguarded regardless of the residence status of the person concerned¹⁴. In addition, migration law provides for the issuance of residence permits for humanitarian reasons in case of third-country nationals, **i)** who attend an approved statutory mental dependency treatment program, **ii)** who are victims of work accidents or other accidents covered by Greek law, **iii)** who are suffering from serious health problems identified by medical certificate. However, the GNCHR expresses its serious concerns as regards the initial granting of a residence permit in the case of serious health problems, thus this category requires the possession of a valid residence permit of a different category, which in practice puts serious limits on the scope of the relevant measures (art. 19 A of law 4251/2014).

Furthermore, in accordance with articles 29 and 30 of the Presidential Decree 141/2013, beneficiaries of international protection including vulnerable groups such as persons with disabilities are entitled to social assistance and enjoy equal treatment with Greek citizens. Nonetheless, the GNCHR shares the concerns of the Greek Council for Refugees that not all of them have access to social and economic rights and welfare benefits. What has been observed in practice is either a difficulty in accessing these rights or an ill implementation of the applicable provisions¹⁵.

Additionally, the GNCHR acknowledges with satisfaction that according to law 4375/2016¹⁶, applicants for international protection who belong in vulnerable groups such as persons with disabilities, receive special treatment during reception and identification procedures. In

¹² <https://government.gov.gr/ethniko-schedio-drasis-gia-ta-dikeomata-tou-pediou/>

¹³ The UN Committee on the Rights of the Child suggests that equal inclusive education can only operate with policies aim at changing the school environment, in order to meet the needs of the child and not the opposite. See GNCHR Observations on the National Action Plan on Children’s Rights 2018-2020 (29.11.2018) [in Greek], p. 39, 76

¹⁴ Law 4251/2014 *Immigration and Social Integration Code and other relevant provisions* (OGG 80/A, 1.4.2014)

¹⁵ [Response of the Greek Council for Refugees to questions raised by a foreign public authority](#)

¹⁶ Law 4375/2016 “*on the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC*” (OGG 51/A, 13.4.2016)

addition, regarding social security, the beneficiaries of international protection enjoy free access to Public Health Institutions and have a right to nursing and health care (art. 33 of law 4386/2016). However, a necessary requirement in order for the beneficiaries of international protection to be included in the social security system is to obtain a Social Security Number. Nonetheless, there have been constant complaints that the competent authorities deny the granting of a social security number¹⁷. This results in insurmountable difficulties for the beneficiaries of international protection in their efforts to gain access to basic benefits of the national healthcare system¹⁸. In this context, the GNCHR shares also the concerns of the Greek Ombudsman regarding the ill application of the existing legislation¹⁹.

Recommendations

- The GNCHR recommends to the competent State authorities to enact law to specify the term “reasonable accommodation”²⁰ and mainstream it in all aspects of social life. They should further ensure and facilitate the proper law adaptations without other delay.
- The GNCHR recommends to the competent State authorities to make the necessary adjustments in order to implement the full and equal inclusion of children with disabilities in education, in the context of ensuring meaningful learning opportunities for all students within the regular school system²¹. In this regard, the State should ensure that all teachers, support staff and other educational professionals have the necessary skills and tools to support children with disabilities in school settings. Besides, educational authorities should incorporate children’s rights, with a particular focus on children with disabilities, into teacher training curricula.
- As regards the existing difficulties that migrants and refugees with disabilities face in practice, the competent State authorities should proceed to the effective implementation of the specific measures focusing on the vulnerability of those persons. Specialised structures which meet the needs of migrants/refugees with disabilities and which provide them with effective access to health-care services should be established.

¹⁷ <http://www.gcr.gr/index.php/el/news/press-releases-announcements/item/689-koini-anafora-25-organoseon-gia-peristatika-paraviasis-dikaionaton-ton-aitounton-asylo>

¹⁸ [Response of the Greek Council for Refugees to questions raised by a foreign public authority](#)

¹⁹ [Letter of the Greek Ombudsman to the Administration for the simplification of the procedure of issuing a social security number to beneficiaries and applicants of international protection and unaccompanied minors \(28th February 2018\).](#)

²⁰ See Greek anti-discrimination Law 4433/2016 “Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation” (OGG 232/A, 9.12.2016) and Art. 5 of 200/78/EU available at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>

²¹ The GNCHR [adopts](#) the Principles on Child Protection in Greece [in Greek] (June 2016)

- In case an applicant of international protection is a person with deafness and / or does not understand the languages used by information leaflets, he/she should be informed through interpretation in the sign language²². The same should also apply in the case of detainees.

Women with disabilities (art. 6)

Question 3

The GNCHR welcomes the protection measures focused on women who belong to vulnerable social groups or suffer multiple discrimination, including women with disabilities, chronic diseases, older women etc, provided in the National Action Plan on Gender Equality 2016-2020²³, and finds important the reference in it to the economic crisis affecting some EU countries, including Greece, which exacerbates the risk of multiple discrimination against women²⁴. The online portal Observatory of the General Secretariat for Gender Equality (GSGE) designed to include, analyze, process and diffuse statistical data and indicators for gender equality policies is operating as a useful tool in this direction²⁵. Furthermore, the GNCHR recognizes the actions achieved by the General Secretariat for Gender Equality in order to support women²⁶, such as the implementation of the Project “Supporting NGOs (Women Organizations)” to tackle women’s unemployment²⁷ and of the Project “Gender mainstreaming in municipalities” etc.

Nevertheless, the GNCHR, which has repeatedly issued several Reports on the implementation of the gender equality principle in Greece²⁸, notes that there has been no substantial progress in the legislative framework regarding gender equality especially in the field of employment, in the participation of women in political and public life, in family issues etc. The high and increasing female unemployment rates demonstrating the gender gap, is indicatively of the gravity of the situation²⁹. Moreover, the GNCHR has serious concerns regarding women with disabilities since coherent policies or measures focused on this vulnerable group have not been

²² GNCHR, [Observations](#) on the draft law of the Ministry for Migration Policy regarding the transposition into Greek legislation of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast, L180/96/29.6.2013) and other provisions, Amendment of Law 4251/2014 (A’ 80) regarding the transposition into Greek legislation of Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, Amendment of asylum procedures and other provisions (2018)

²³ <http://www.isotita.gr/ethniko-programma-drasis/>

²⁴ [National Action Plan on Gender Equality 2016 -2020](#)

²⁵ http://paratiritirio.isotita.gr/genqua_portal/

²⁶ <http://www.isotita.gr/>

²⁷ [National report](#) submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 (A/HRC/WG.6/25/GRC/1), Working Group on the Universal Periodic Review, 25th Session, 22.2.2016

²⁸ The [GNCHR Annual Report 2016](#), p. 249 [version in English]

²⁹ 2019-04-01 [Observatory of the General Secretariat for Gender Equality 19th e-bulletin - Female Unemployment](#) [in English]

implemented. Another source of concern of the GNCHR is the continuous reduction of the already insufficient day-care structures for children and dependent persons limiting women's ability to take up employment or keeping them in jobs with reduced rights³⁰.

Recommendations

- The GNCHR recommends to the competent State authorities to elaborate a targeted and effective strategy for women's rights protection and promotion, with special emphasis on women with disabilities. This should be integrated in a framework of constantly provided and state-funded public and free-of-charge services.

- Taking into account the high unemployment rate of women in relation to measures such as the severe pension cuts affecting widows and other vulnerable categories of women, the existing institutional framework should not disregard gender discrimination when referring to persons with disabilities. To this purpose the support towards women who take care of people with disabilities should also be reinforced.

- In view of the upcoming European Disability Strategy 2020-2030 and in line with European Parliament resolution of 29 November 2018 on the situation of women with disabilities ([2018/2685\(RSP\)](#)), the GNCHR recommends that the competent State authorities ensure non-discrimination and equal opportunities towards women and girls with disabilities, as well as monitoring their effectiveness, closely consulting with their representative organisations.³¹

- The GNCHR in line with the Statement of 10th June by the Global Alliance of National Human Rights Institutions in the framework of the 12th Conference of State Parties to the CRPD, calls upon the State to review and/or amend legislation on violence against women to ensure that it expressly prohibits all forms of violence against women and girls with disabilities, in accordance with relevant provisions of the CRPD, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other relevant international human rights treaties³²

Children with disabilities (art. 7)

Question 4

The GNCHR acknowledges particular importance to the establishment of the "National Mechanism for the Elaboration, Monitoring and Assessment of Action Plans on the Rights of the Child", attached to the General Secretariat for Human Rights of the Ministry of Justice

³⁰ The [GNCHR Annual Report 2016](#), p. 251 [version in English]

³¹ [European Parliament: The situation of women with disabilities](#)

³² Statement of 10th June – 12th Conference of State Parties to the Convention on the Rights of Persons with Disabilities, Global Alliance of National Human Rights Institutions (GANHRI)

according to law 4491/2017. In this regard it is provided that the Mechanism ensures, among others, children's participation in the consultation process with civil society on the elaboration of the Action Plan (art. 10 of law 4491/2017)³³. Yet, the GNCHR notes the fact that organizations representing children with disabilities have not been involved in the "National Mechanism for Monitoring and Evaluating of the National Action Plan on the Rights of the Child", and this does not fulfill the requirements of: **a)** Art. 4 (3) of the CRPD and **b)** Art. 7 (1) of the CRPD. The involvement of a representative organisation of children in the procedure is going to serve more effectively the purpose of protecting this particular vulnerable group.

Additionally, it should be also pointed out that during the elaboration of the present draft Action Plan a representative organisation of children with disabilities did not participated. This constitutes an omission, since it does not take into account the requirements of the CRPD, following to par. 3 of art. 4 of the CRPD³⁴. Moreover, the GNCHR notes with disappointment, that despite the important steps that have been made so far, the Action Plan has not been put in place until now.

In view of the above mentioned and taking into account that the State has not proposed any action and/or strategy on how to 'empower' the engagement of children with disabilities to issues that concern their own lives, the GNCHR stresses the significance of participation of children with disabilities and their representatives in decision-making processes³⁵. In this regard, to the GNCHR refers to a written request submitted by the Pan-Hellenic Federation of Parents and Guardians of Disabled People (POSGameA), whereby unjustified delays in reimbursement from the public insurance funds for medical expenses (special therapies, prescriptions of drugs etc. are recorded³⁶.

Recommendations

- The government should ensure full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children³⁷. In this regard the GNCHR

³³ [Draft of the National Action Plan for Children's Rights](#)

³⁴ par. 3 of art. 4 "General Obligations": "*In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall continuously consult with and actively involve persons with disabilities, including of children with disabilities, through their representative organizations*". See GNCHR Observations on the National Action Plan on Children's Rights 2018-2020 (29.11.2018) [in Greek], p. 14, 30, 68, 70, 81.

³⁵ Child protection is not a luxury! - [The GNCHR adopts the Principles on Child Protection in Greece](#) (June 2016) [in Greek],

³⁶ "Request of immediate resolving of the vital problems faced by the persons with disabilities and their representative organizations" submitted by the Pan-Hellenic Federation of Parents and Guardians of Disabled People (POSGameA) with Pr.Nr 309/14.05.2019

³⁷ GNCHR [Childhood protection: Health and Welfare](#)

reiterates the need for signature and ratification of the Third Optional Protocol to the UN Convention on the Rights of the Child³⁸.

- The GNCHR encourages the government to be bound that it will ensure the participation of organizations that represent children during the consultation, as well as, in the evaluation procedure of the National Action Plan for Children's Rights in order for best practices to be identified and invites the Government to start implementing the Action Plan as soon as possible. In this regard, and for the proper implementation of the CRPD, the GNCHR suggests amending law 4491/2017³⁹ in order to include the National Mechanism the Panhellenic Federation of Parents and Guardians of Disabled People (POSGameA)⁴⁰.

- There is a need to elaborate a National Strategy with specific axes relating to the protection of childhood and a child focused fiscal policy, meanwhile ensuring the participation of the Greek Ombudsman as the independent mechanism for the implementation of the CRPD and all relevant stakeholders including a representative organisation of children with disabilities⁴¹. To this end the competent national authorities should mainstream child rights across all policy levels involved.

- The GNCHR recommends to the competent State authorities to achieve synergies among the *National Action Plan on the Rights of the Child* and the *National Action Plan on the Rights of Person with Disabilities* in order to ensure an added value with regard to child protection.

Accessibility (art. 9)

Question 5

(a and b) Though national law provides for disabled accessibility of public buildings and infrastructure, and a series of positive developments have taken place, the GNCHR notes that in practice there are difficulties. Accessibility barriers, especially in case of persons with mobility disabilities and persons with visual impairments, have not been completely removed in Greece, as most of the buildings housing public services and services of public use are still inaccessible⁴². In particular, the recent law 4067/2012 imposed the implementation of accessibility in existing buildings, providing as deadline for the adaptation to the new

³⁸ The above Protocol was adopted in New York on 19 December 2011 and entered into force on 14 April 2014. See also GNCHR Observations on the National Action Plan on Children's Rights 2018-2020 (29.11.2018) [in Greek], p. 84

³⁹ Law 4491/2017³⁹ "Legal gender recognition- National Mechanism for Monitoring and Evaluation of the Action Plan on the Rights of the Child and other provisions" (OGG 152/A 13.10.2017)

⁴⁰ See GNCHR Observations on the National Action Plan on Children's Rights 2018-2020 (29.11.2018) [in Greek], http://www.nchr.gr/images/pdf/apofaseis/paidia/paratiriseis_EEDA_ESSDP.pdf, p. 31.

⁴¹ GNCHR Observations on the National Action Plan on Children's Rights 2018-2020 (29.11.2018) [in Greek], p. 84-85

⁴² GNCHR [Protection of the rights of older persons](#) See also footnote 40

standards, the end of 2020⁴³. Most likely, the deadline is expected to be extended. For the purpose of accessibility, new legal innovations have been also launched with law 4495/2017, which replaced law 4178/2013. The main innovation of the law is the establishment of a new institution, the Building Environment Observatories, which will operate in central, regional and local level and will be responsible for the settlement of illegal constructions, the proper and comprehensive application of building rules, as well as, monitoring, organizing and coordinating all issues related to the building environment, including the accessibility and the free movement of people with disabilities in public spaces. In this regard a Central Accessibility Committee is set up, where, participates, among others, one (1) representative of the National Confederation of Disabled People (hereinafter NCDP) with its alternate⁴⁴. However the GNCHR raises serious concerns regarding the implementation of the relevant law, since in fact, in order for the law to be implemented, the issuing of approximately 60 new Presidential Decrees and Ministerial Decisions is required, which have not yet been issued. According to the data presented in the recent State Report, the GNCHR is particularly concerned due to the fact that in Greece schools and many of the facilities and services in question, including public and private buildings, are still very difficult or impossible to access for persons protected by the CRPD⁴⁵. In this regard, the GNCHR shares the concerns of the NCDP according to which, few interventions are needed to complete and/or update the existing legal framework regarding buildings and transport accessibility⁴⁶. The lack of a National Plan on the implementation of accessibility in infrastructure, services, goods and policies, is an additional obstacle to the issue of accessibility.

(c) Concerning transport accessibility, the GNCHR shares the concerns of the NCDP that there is a significant differentiation of the level of existing accessibility among Athens and the remaining Regions of the country⁴⁷. More specifically, apart from the transport system in Athens and in Thessaloniki, long-distance buses, local buses and trains are still considered to be inappropriate for persons with disabilities.

(d) The GNCHR acknowledges with satisfaction that there is a sufficient legislative framework regarding discrimination in the mass media and in audiovisual activities. Furthermore, in

⁴³ Law 4067/2012 *New Building Regulation* (OGG A/79, 09/04/2012)

⁴⁴ Law 4495/2017 “*Audit and protection of the Built Environment and other provisions*” was enacted and published (OGG A/167, 3.11.2017)

⁴⁵ [The GNCHR: International Convention on the Rights of Persons with Disabilities: Problems regarding its implementation](#)

⁴⁶ [Alternative report Greece 2019 by the National Confederation of Disabled People \(NCDP\)](#)

NCPD is an umbrella organization representing the disability movement of Greece. It is a non-profit legal entity founded and established in 1989 by organizations of people with disabilities and their families. A representative of the NCPD participates with voting right in the GNCHR. The GNCHR has adopted the Report of the NCPD by decision of its plenary.

⁴⁷ [Alternative report Greece 2019 by the National Confederation of Disabled People \(NCDP\)](#)

accordance with law 4488/2017, media and communication services' providers, including the Internet providers, are required to use new technologies, such as spoken web pages, subtitling, audio description and sign language interpretation for ensuring the access of persons with disabilities to them, such as deaf and persons with hard of hearing⁴⁸. Pursuant to art. 67 of this law, a Ministerial Decision was issued⁴⁹, defining in detail the means of disabled accessibility to services provided by media and communication service providers: subtitling, the use of the Greek sign language and the use of the audio description of the visual content.

Recommendations

- Taking into account that accessibility is a precondition and a means to achieve *de facto* equality for all persons with disabilities, according to the General Comment No. 2 (2014) of the Committee on the Rights of Persons with Disabilities, the GNCHR recommends to the competent State authorities to take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical and digital environment, to transportation, to information and communication and to other facilities and services open or provided to the public, both in urban and in rural areas, as soon as possible.
- The GNCHR shares the relevant proposal of the NCDP and encourages the competent authorities to elaborate a National Accessibility Plan⁵⁰. To this end, the GNCHR suggests involving all relevant stakeholders, including civil society, in order to fully promote awareness-raising and educational campaigns, to contribute to the design of single concrete national accessibility standards in the context of the prohibition of disability-based discrimination, and to participate in the monitoring process.
- The competent authorities should take the necessary measures in order to improve accessibility at all stages of the transport cycle (booking, issuing tickets, stops, vehicles, etc.) all over the country⁵¹.
- With regard to public transport, the GNCHR shares the Racist Violence Recording Network Recommendations to the Ministry of Infrastructures, Transports and Networks, which suggest:

⁴⁸ [Alternative report Greece 2019 by the National Confederation of Disabled People \(NCDP\)](#)

⁴⁹ See Ministerial Decision with Ref. N. 3586/03-12-2018 regarding the accessibility for persons with disabilities to services provided by media and communication service providers (mainly transmission of television programming, informative or not), which includes the range of means of accessibility, the procedure as well as the technical standards/specifications which ensure the accessibility for persons with disabilities to services provided by the free-to-air TV broadcasters, the public service media, the pay-TV channels, as well as the providers of non-linear audiovisual media services. According to the Decision there is an obligation to submit a report related to the implementation of the provisions of the current Decision to the National Council for Radio and Television and the relevant Directorate of the Secretariat General for Media and Communication within the period of the first two months per year

⁵⁰ [Alternative report Greece 2019 by the National Confederation of Disabled People \(NCDP\)](#)

⁵¹ See E. Nikolaidis: Designing in practice the new policy for the disability, NCDP 2013

- Drafting of guidance for staff working in public transport (including buses) on obligations to respect all passengers regardless of race, colour, ethnic or ethnotic origin, descent, religion, disability, sexual orientation, gender identity or sex characteristics.
- Introduction of proportional sanctions for non-compliance with the obligation to respect all passengers regardless of their race, colour, national or ethnic origin, descent, religion, disability, sexual orientation, gender identity or sex characteristics.⁵²

Situations of risk and humanitarian emergencies (art. 11)⁵³

Question 6

The GNCHR is particularly concerned with the implementation of Article 11 of the CRPD in our country especially under the impact of the austerity measures that have led to a humanitarian emergency threatening the protection of the rights of persons with disabilities living within the Greek territory. In this regard, the GNCHR is deeply worried of the continuous refugee and migration crisis and its impact on the most vulnerable group, namely refugees and migrants with disabilities⁵⁴.

More specifically, with regards to the identification of migrants, refugees and asylum seekers with disabilities, it is *per se* considered to be a major problem. The Greek legal framework on Asylum Service and the First Reception Service includes provisions for the protection of migrants, refugees and asylum seekers with disabilities but its implementation is rather inefficient⁵⁵. Such deficiencies are further exacerbated in multiple crisis conditions and the onslaught of mass migration⁵⁶. According to Human Rights Watch, “refugees, asylum seekers and other migrants with disabilities are not properly identified and do not enjoy equal access to services in reception centers in Greece”⁵⁷.

⁵² [RVRN Annual Report 2018](#)

⁵³ HRC 31, [Written submission](#) by the Greek National Commission for Human Rights Article 11 of the Convention on the Rights of Persons with Disabilities on situations of risk and humanitarian emergencies, A/HRC/31/NI/9 (24.2.2016) and [GNCHR: Annual Report 2016](#)

⁵⁴ [GNCHR: Protection of the rights of older persons](#) and GNCHR, “International Convention on the Rights of Persons with Disabilities: Problems regarding its implementation”, 9.10.2014, available under: http://www.nchr.gr/images/English_Site/Problems_%20Ratification_Implementation_ICRPD.pdf;

“ICC: First Meeting between the CRPD Committee and NHRIs: Greek National Commission for Human Rights Oral statement”, 23.9.2014, available at:

http://www.nchr.gr/images/English_Site/oral%20statement%20CRPD.pdf;

GNCHR, “Recommendations on the Bill on Special Education”, 10.7.2014, available at: http://www.nchr.gr/images/English_Site/PAIDIA/GNCHR_special_education.pdf.

⁵⁵ HRC 31, [Written submission](#) by the Greek National Commission for Human Rights Article 11 of the Convention on the Rights of Persons with Disabilities on situations of risk and humanitarian emergencies, A/HRC/31/NI/9 (24.2.2016)

⁵⁶ See footnote 54

⁵⁷ HRW, [Greece: Refugees with Disabilities Overlooked, Underserved. Identify People with Disabilities; Ensure Access to Services](#), 18.1.2017

In practice, the implementation of the existing legislative framework on Asylum and First Reception matters including the protection of migrants, refugees and asylum seekers with disabilities, remains a big challenge⁵⁸. Indeed, crucial structures such as the First Reception Service and the new Asylum System are short of human, economic and material resources. Failing to accommodate refugees with disabilities in specialised structures, which can meet their needs, contributes to the creation of an extremely unfavorable environment for refugees with disabilities. The GNCHR notes that the deficiencies regarding the access to social protection and social assistance are of crucial importance for refugees and asylum-seekers with disabilities.

Taking into account that the implementation of Article 11 CRPD requires the commitment of all parties involved, the Greek State along with the UN, the EU, the EU member states and the European institutions, there is an urgent need for the best possible management of the migration flows with respect for human life and dignity, both in the EU as well as the countries of origin⁵⁹.

Recommendations

- The GNCHR calls both the Greek State and the EU to mainstream disability in its migration and refugee policies in order to ensure their protection and safety according to the CRPD (art. 11).
- Under the current circumstances and given the fact that the identification of migrants, refugees and asylum seekers with disabilities is *per se* considered to be a major problem, the GNCHR calls upon the Greek State to take the necessary measures in order to identify migrants, refugees and asylum seekers with disabilities, so that they are adequately protected as required by the CRPD.
- The competent State authorities should ensure the transparent character of the asylum procedure both for refugees with disabilities. At this point, it is worth pointing out that it is vital to speed up the reunification of their family members in the case of refugees with disabilities and chronic diseases⁶⁰.

⁵⁸ See the website of the GNCHR: <http://www.nchr.gr/index.php/en/2013-04-03-10-23-48/2013-04-03-10-43-00>

⁵⁹ See footnote 54

⁶⁰ The GNCHR: Information relevant to the implementation of the Convention against Torture

Equal recognition before the law (art. 12)

Question 7

12 (b) The GNCHR applauds, despite the delay, the significant developments with regard to the institution of guardianship, which are in line with the main positions of the GNCHR⁶¹ and recommends to the Greek State to implement the relevant measures with respect for the rights, will and preferences of children with disabilities in order to ensure full compliance with the relevant provisions of the CRPD⁶².

Furthermore, the GNCHR, with particular respect for every person's right to self-determination and to the enjoyment of the legal capacity on an equal basis, stresses with disappointment that very often, according to the CPT's findings following its 2018 country visit in Greece, involuntary placement procedures do not offer guarantees of independence and impartiality as well as of objective medical expertise⁶³. In this regard, the GNCHR cannot but welcome, as a positive development, the new draft law on involuntary psychiatric placement, which has integrated the relevant CPT's recommendations. However, the GNCHR notes with great concern that persons admitted involuntarily to psychiatric establishments are not always provided with full, clear and accurate information on their rights including information on legal assistance in an appropriate range of languages and that there is a lack of review of placement, as well as, consent to treatment and complaints procedures in every psychiatric establishment⁶⁴. In the same context, the GNCHR is deeply worried about violations of statutory time limitations⁶⁵ and significant monitoring gap with regard to the psychiatric establishments, which needs to be remedied urgently⁶⁶.

Recommendations:

- The GNCHR calls upon the competent State authorities to take all appropriate and effective measures to provide persons with disabilities with access to support in the exercise of their legal capacity.
- The GNCHR calls upon the competent State authorities to ensure the effective functioning of the guardianship system, especially in case of children with disabilities. In this regard the

⁶¹ GNCHR Observations on the National Action Plan on Children's Rights 2018-2020 (29.11.2018) [in Greek] and GNCHR [Observations on the draft law on the special guardianship of unaccompanied minors](#) [in Greek language] (2017)

⁶² See [General comment No. 1 \(2014\) Committee on the Rights of Persons with Disabilities, Article 12: Equal recognition before the law](#)

⁶³ GNCHR [Information relevant to the implementation of the Convention against Torture](#), Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, 2019

⁶⁴ *Idem*, par. 51

⁶⁵ *Idem*, par. 48

⁶⁶ *Idem*, par. 52

competent State authorities should secure the appointment of a guardian at the time that a separated or unaccompanied child in need of international protection is identified.

- With regard to the application of safeguards against ill-treatment in Psychiatric establishments, the competent State authorities should take the necessary steps to ensure that⁶⁷:

- Persons admitted to psychiatric establishments are provided with full, clear and accurate information, in an appropriate range of languages, setting out the facility's daily routine and patients' rights including information on legal assistance, review of placement, consent to treatment and complaints procedures.
- Involuntary placement procedures offer guarantees of independence and impartiality, as well as of objective medical expertise.
- The law is amended so that the periodic review of the placement of long-term patients is explicitly required and that such a review is undertaken in practice.
- Patients benefit, in practice, from the right to be heard in person by the court during placement or appeal procedures. Further, it must be ensured that patients enjoy effective and free of charge – for indigent patients – access to legal representation.
- The practice applied to involuntary placements is reviewed and that the statutory time limitations are respected.
- Procedures of internal and external complaints, including complaints boxes, are introduced at all psychiatric establishments.
- The significant monitoring gap concerning the private sector institutions is remedied urgently and that appropriate external supervisory bodies are provided with the necessary resources to make frequent and unannounced visits to all places – including private clinics – where involuntary patients are hospitalised.

Access to justice (art. 13)

Question 8

(a and b) Taking into account that existing legislation provides for the right of legal protection by the courts including the right to interpretation for persons with hearing or speech problems⁶⁸, the GNCHR observes with concern an omission of law to provide more specific arrangements for its proper implementation in this direction⁶⁹. It is worth mentioning, that the

⁶⁷ GNCHR [Information relevant to the implementation of the Convention against Torture](#), Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, 2019

⁶⁸ Law 4236/2014 *Transposition of the Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings and the Directive 2012/13/EU on the right to information in criminal proceedings* (OGG 33/A, 11.2.2014)

⁶⁹ [GNCHR: The Right to Interpretation and Translation in Criminal Proceedings and the Right to Information in Criminal Proceedings \(23.11.2015\)](#)

Greek criminal procedural law prescribes a special procedure for the examination of a deaf or dumb as a defendant⁷⁰, however, the protection of the rights of persons with disabilities is generally considered to be rather inefficient⁷¹. The same applies also in case of legal aid, where, the existing legal framework has not managed to meet the specific requirements in respect with the different types of disabilities (e.g. interpreters, accessibility) and in practice, persons with disabilities are often unable to access legal aid⁷².

During the last years, a number of laws have been adopted to rationalize, accelerate and improve the efficiency of judicial proceedings, issues which, along with the increase of litigation costs are also of concern to the NCHR.

There is no information regarding relevant training provided to judges, lawyers and other judicial and administrative staff.

Recommendations

- The GNCHR, bearing in mind that the right to legal capacity is essential for access to justice in many respects, recommends to the Greek State to ensure that persons with disabilities have unimpeded access to justice on an equal basis with others in all jurisdictions and all procedural stages.
- Taking into account the deficiencies in implementation of the right to interpretation and translation in case of persons with hearing or speech problems, the GNCHR recommends to the Greek State the review of the existing institutional framework with a view to consolidate translators and interpreters as an institutional guarantee for the fair trial on the basis of the following axes:
 - creation of a national register of translators and interpreters of sign language, Braille, auxiliary and alternative communication capable for interconnection with relevant EU-wide registers safeguarding at the same time the protection of personal data.
 - establishment of an accreditation system for translators and interpreters of sign language, Braille system, auxiliary and alternative communication, involving lawyers and academics.
 - control of services through supervision of standards of linguistic competence in the field (e.g. medicine, law, technology) and of the cultural mediation capacity of interpreters of sign language, Braille systems, auxiliary and alternative communication⁷³.

⁷⁰ Greek Criminal Procedural Law (Article 227 CCP)

⁷¹ https://www.efsyn.gr/ellada/koinonia/56001_gia-dikaioma-sti-diermineia

⁷² GNCHR: Legal aid

⁷³ GNCHR: [The Right to Interpretation and Translation in Criminal Proceedings and the Right to Information in Criminal Proceedings \(23.11.2015\)](#)

- official training and continuing education providing, as well as, awareness-raising among professions involved in the different stages of the procedure, such as police officers, social workers and other first responders in order to recognize persons with disabilities as full persons before the law and to give the same weight to complaints and statements from persons with disabilities as to persons with no disabilities⁷⁴.

Liberty and security of the person (art. 14), Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15) and Freedom from exploitation, violence and abuse (art. 16)

Questions 9, 10, 11 and 12

Art. 14 - Questions 10 (a and b)

With respect to the right of liberty and security of persons with disabilities, the GNCHR notes positively that, according to the CPT's latest findings, patients' living conditions in psychiatric establishments are in most of the establishments visited rather satisfying. Nonetheless, there is still room for improvement. In particular, overcrowding at all three Psychiatric units of general hospitals visited is reportedly a regular occurrence throughout the Greek mental health care system⁷⁵, while there are still some isolated allegations of ill-treatment by staff at specific clinics (eg. punches on the back, restraint straps being applied too tightly, verbal abuse etc.), as well as a small number of allegations of violence among patients which need to be addressed⁷⁶. In that regard, the GNCHR underlines the fundamental importance of the independence and participation of persons with disabilities in decision-making, emphasizing the connection between information and patient's consent⁷⁷ as a necessary precondition before the performance of any medical act⁷⁸.

Furthermore, the GNCHR appreciates the issuing of a new Circular (November 2018) of the Ministry of Health regarding the referral and transition of mental health patients to community-based Psychosocial Rehabilitation Units aiming to facilitate the distribution of mental health

⁷⁴ See [General comment No. 1 \(2014\) Committee on the Rights of Persons with Disabilities, Article 12: Equal recognition before the law](#)

⁷⁵ CPT/Inf (2019) 4, par. 26

⁷⁶ GNCHR [Information relevant to the implementation of the Convention against Torture](#), Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, 2019

For further detail with regard to the use of means of restraint as well as the obligation to submit regular quantitative reports to the Health Ministry, see Special Committee for the Protection of the Rights of Persons with Mental Health Disorders, *Guidelines on the Use of Restraints*, 30 January 2008, as well as Ministry of Health, [Special Committee for the Protection of the Rights of Persons with Mental Health Disorders](#).

⁷⁷ The Greek Code of Medical Ethics guarantees the informed consent of the patient and provides for representation by the family member, in case the patient loses the ability to participate in decision-making. See also law 3418/2005 (OGG A/287, 28.11.2005)

⁷⁸ [GNCHR Observations in view of the examination of the 27th greek report on the application of the european social charter \(articles 3, 11, 12, 13 and 14\) and on the 11th greek report on the application of the additional protocol to the european social charter \(article 4\) \(reference period 01/01/2012-31/12/20\)](#)

patients in appropriate community-based Units⁷⁹. It is also worth mentioning that according to the Circular, the upcoming development of a considerable number of new community-based Units with funds from the National Strategic Reference Framework 2017-2020 will further assist addressing the problem of overcrowded Psychiatric Units of hospitals⁸⁰.

With regard to foreign nationals with disabilities, according to the Human Rights Watch, refugees, asylum seekers and other migrants with disabilities remain unprotected and are being overlooked, even though they are among the refugees and migrants most at-risk⁸¹.

Recommendations

- The GNCHR stresses the need for the competent State authorities to ensure that any preventive measures should specifically address and take into account the needs of vulnerable persons including persons with disabilities, with mental or cognitive impairments, as well as HIV-positive persons, children and the elderly.

The GNCHR, in line with a relevant Opinion issued by the Greek National Bioethics Commission⁸², highlights the need:

- to ensure the respect the right of persons with disabilities to provide consent to every decision regarding care and medical treatment

- to establish the right of persons with disabilities to receive proper support during decision making and exercising their legal capacity

- to enrich both the proper education of doctors and other health professionals and the education and awareness of citizens with regard to older persons' autonomy⁸³.

Art. 15 – Question 11 (b)

Concerning use of force against persons with disabilities by police, the GNCHR welcomes the establishment, in 2012, of Sections and Offices for Counteracting Racist Violence in the State Security Sub-Directorates of the Attica and Thessaloniki Security Departments under the supervision of the Ministry of Citizen Protection⁸⁴. The mission of these departments has been modified and is described as follows: "*...the prevention and prosecution of offenses committed*

⁷⁹ CPT/Inf (2019) 5, p. 5

⁸⁰ See footnote 78

⁸¹ HRW, [Greece: Refugees with Disabilities Overlooked, Underserved. Identify People with Disabilities; Ensure Access to Services](#), 18.1.2017

⁸² Greek National Bioethics Commission, *Consent in the Patient-Physician Relationship*, *op.cit.*

⁸³ See footnote 1

⁸⁴ Presidential Decree 132/2012 "*Establishment of Sections and Offices for Counteracting Racist Violence*" (OGG 239/A, 11.12.2012)

against persons or group exclusively on the basis of race, color, religion, descent, national or ethnic origin, sexual orientation, gender identity or disability."⁸⁵.

Art. 15 – Question 11 (c)

Please refer to our answer in Article 12 LOIs (b)

Furthermore, as for unaccompanied minors, the GNCHR expresses serious concerns about the lack of a systematic and accelerated procedure regarding their registration and reception, in conjunction with the fact that the asylum procedure remains non-transparent towards both refugees with disabilities and refugee families with a member with disabilities⁸⁶. In this context the GNCHR shares the concerns of the CPT's delegation, expressed after its recent country visit, stating that no action has been taken in order to increase shelter capacities so as to reduce the recourse to deprivation of liberty, which may have a detrimental effect on the physical and/or mental well-being of unaccompanied children, given their particular vulnerability⁸⁷.

Recommendations

- With regard to the application of safeguards against ill-treatment of foreign nationals deprived of their liberty under alien legislation, the GNCHR recommends to the competent State authorities make the necessary steps in order to ensure that all foreign nationals who are deprived of their liberty by the police are granted the rights of notification of custody, access to a lawyer, to a doctor and to free legal aid.
- The GNCHR shares the observations of the Greek Ombudsman⁸⁸, and urges the Greek State to plan the gradual abolition of welfare units, where persons with disabilities or chronic diseases live and their replacement with appropriate small family-based units in line with the EU de-institutionalization policy based on non-discrimination and non-exclusion⁸⁹.
- The GNCHR stresses the lack of a coordinated data system connecting the public authorities such as the judiciary, the police and social welfare services and recommends to the Greek State to improve a coherent collection of data that goes beyond the internal recording and in which is expected to be included reliable and comprehensive statistics.

⁸⁵ http://www.astynomia.gr/index.php?option=ozo_content&lang='..'&perform=view&id=23730&Itemid=1027&lang

⁸⁶ GNCHR [Information relevant to the implementation of the Convention against Torture](#), Submission to the UN Committee against Torture in response to the List of Issues with regard to the Report of Greece, 2019

⁸⁷ See footnote 85

⁸⁸ [Greek Ombudsman Special Report 2011](#)

⁸⁹ [GNCHR Observations on the Draft of the seventh periodic report of the Greek Government the International Convention regarding the Prevention of Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment \(October 2017\)](#)

Art. 16 – Question 12 (b)

The GNCHR, following its extensive recommendations and positions regarding human trafficking and sexual exploitation⁹⁰, recognizes the particularly worrying parameter of women with disabilities, who are at increased risk for experiencing disability-related abuse from multiple sources and brings it to the attention of the Greek State. In this regard, the GNCHR notes with great concern that there is a lack of national legislation targeted at the protection of persons with disabilities victims of sexual exploitation.

Recommendations

- The GNCHR recommends to the competent State authorities to take the necessary measures to protect the rights of victims, without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.
- Taking into account the particularly vulnerable condition of women and children with disabilities, the GNCHR wishes to underline the problem of sexual exploitation of this category of persons, while advocating a) further research in this important field⁹¹, as well as, b) the adoption of proper legislative protective measures.

Liberty of movement and nationality (art. 18)

Question 14

(a) The GNCHR closely monitors all matters regarding the protection of migrants and refugees, welcomes the State's efforts towards a fair and impartial asylum system and is satisfied with all the relevant legislative developments over the past years. In that context, the GNCHR has issued a series of Decisions and Recommendations towards the Greek State on matters concerning the entry and residence of migrants, their social rights, as well as the problematic access to the asylum procedure in the country⁹², the delays in the asylum procedure, the living conditions in reception centers etc⁹³. However the GNCHR cannot but express its constant

⁹⁰ [GNCHR Human Trafficking](#)

⁹¹ <https://www.unfpa.org/news/five-things-you-didnt-know-about-disability-and-sexual-violence>

⁹² GNCHR, [Observations](#) on the draft law of the Ministry for Migration Policy “Transposition into Greek legislation of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast, L180/96/29.6.2013) and other provisions, Amendment of Law 4251/2014 (A' 80) regarding the transposition into Greek legislation of Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, Amendment of asylum procedures and other provisions (2018).

⁹³ See the site of the GNCHR: [Refugees – migrants](#)

concerns particular regarding the problems observed in the asylum procedure, as applied in practice, as well as the poor living conditions in Reception and Identification Centers (hereinafter RICs)⁹⁴.

Specifically, with regard to migrants and asylum seekers with disabilities or those suffering from incurable diseases or the elderly in RICs, these are considered as vulnerable groups and should be referred to the relevant social support and protection institutions according to law 4375/2016⁹⁵. In the same context, the GNCHR is deeply worrying about the assessment of the vulnerability of the applicants of international protection⁹⁶. In particular, according to the recently adopted classification for the assessment of the vulnerability of the applicants for international protection in the Eastern Aegean islands, asylum seekers are registered into two distinct categories: “medium” vulnerability, which, in practice and without relying on any scientific or other criteria, does not lead to vulnerability under law and “high” vulnerability, which leads to vulnerability under law. Besides, there are serious deficiencies in identifying and recognising vulnerable persons on the Eastern Aegean islands⁹⁷, such as long delays, geographical limitations, different assessments among the RICs and the Asylum Service, network problems, etc⁹⁸. Finally, the GNCHR reiterates, deeply concerned, the fact that there is a failure to accommodate refugees with disabilities due to a lack of an efficient number of RICs, of accessible infrastructure, as well as of specialised structures, which can meet the needs of this vulnerable group and provide them with effective access to health-care services.

(b) See <http://asylo.gov.gr/wp-content/uploads/2018/02/AIDA-Report-2018.pdf>

(c) The GNCHR welcomes the adoption of law 4604/2019, which amended the Code of Greek Citizenship in order to facilitate participation in naturalization procedures for persons with disabilities, including children. However the GNCHR must highlight the fact that the asylum procedure remains non-transparent with regard to both refugees with disabilities and refugee families with a member with disabilities. In relation with the international cooperation, the GNCHR stresses that it is ready to use the full armory of the European and international legal order, in cooperation with its respective Institutions in Europe and around the world, in order to

⁹⁴ [STATEMENT The GNCHR expresses its deep concerns about the situation in the Reception Centers of the Eastern Aegean islands and, especially, of Moria in Lesbos](#) (15.10.2018)

⁹⁵ See footnote 16

⁹⁶ GNCHR [Observations](#) on the draft law of the Ministry for Migration Policy with regard to the amendment of asylum procedures (7.5.2018) [Excerpts]

⁹⁷ See also: <https://www.cnn.gr/news/ellada/story/63362/aprostateytoi-oi-prosfyges-me-eidikes-anagkes-kai-ta-paidia> and [The disabled refugees in need of care](#) and <https://www.refworld.org/topic,50ffbce53a,50ffbce55b,587f23704,0,HRW.,GRC.html>

⁹⁸ GNCHR [Observations](#) on the draft law of the Ministry for Migration Policy with regard to the amendment of asylum procedures (7.5.2018) [Excerpts]

ensure the effective respect of the rights of the applicants, as well as, of those involved in this procedure, including the State authorities⁹⁹.

Recommendations

- In relation to the application of international and national safeguards regarding international protection, the GNCHR states that it will continue to assist the overall effort for the management of refugee and migration flows in the Country and recommends that the overall reception and protection management system, should function in an entirely sufficient and transparent way, ensuring full and safe services for the applicants of international protection, provided by employees with full occupational, financial and personal safety¹⁰⁰.

- The GNCHR reiterates its consistently expressed position about the termination of the entrapment of the applicants for international protection in the Eastern Aegean islands and the lifting of geographical limitations imposed on them. As urgent priority it should be set the immediately transfer of all vulnerable people off the islands to safe and appropriate accommodation on the mainland and the ensuring of effective control of the conditions for granting international protection in the respective infrastructure in order to avoid a recurrence of the same situation in the future¹⁰¹.

- The GNCHR calls upon the competent State authorities to take all the necessary measures with a view to¹⁰²:

- strengthening of Accommodation Centers with medical and paramedical personnel as well as with staff of the administrative and social care sector (interpreters, intercultural mediators, social workers and support for the proper operation of the facilities).
- ensuring the transparent character of the asylum procedure both for refugees with disabilities and refugee families with a member with disabilities. Reunification in the case of refugees with disabilities and chronic diseases with their family members should be a priority.

- As regards the EU-Turkey Statement of the 18th of March 2016, the GNCHR calls upon the Greek State, the UN, the EU institutions, all EU Member States and all the international organisations involved, in a spirit of responsibility, solidarity and cooperation, to take all appropriate measures with a view to ensuring the unhindered, timely and effective access of asylum seekers to the international protection processes.

⁹⁹ [STATEMENT The GNCHR expresses its deep concerns about the situation in the Reception Centers of the Eastern Aegean islands and, especially, of Moria in Lesbos](#) (15.10.2018)

¹⁰⁰ [Statement](#): The GNCHR expresses its deep concerns about the situation in the Reception Centers of the Eastern Aegean islands and, especially, of Moria in Lesbos (15.10.2018)

¹⁰¹ See footnote 100

¹⁰² GNCHR [Press Release regarding the prolonged situation in Elliniko](#)

Living independently and being included in the community (art. 19)

Questions 15 and 16

In the framework of de-institutionalisation policies and programs, the Ministry of Labour and Social Solidarity has designed since 2017 a “De-institutional Program for People with Disabilities”, according to which, persons with disabilities are planned to be transferred from Social Welfare Institutions to safe and supportive residence or to community based residence or to their family under the government’s support¹⁰³. Targeted at the persons with disabilities are also the Daily Care Centers for Persons with Disabilities. Those services could be identified as community-based approaches enabling the inclusion of older persons with disabilities.

With regard to the elderly, in Greece, apart from the Boarding Houses for elderly persons, there is also a number of Daily Care Centers available in support of the elderly, who are in need of a more personalized approach aiming to strengthen social cohesion and improve the quality of life¹⁰⁴. As far as the daily care centers for the Elderly (KIFI) are concerned, there are 74 structures in place, which serve 1581 people¹⁰⁵.

Regarding the institutional care of older persons provided in retirement homes, the GNCHR recalls the importance of preserving the independence not only of the Care Homes inspection system, but also of the body which controls the observation of basic care and services’ standards of these institutions¹⁰⁶.

In Greece de-institutionalisation policy among the elderly and disabled people has become a challenge in recent years. Social protection programmes are more and more afflicted due to the dismantling of the Welfare State as a result of the financial crisis¹⁰⁷.

Pertaining to services and structures for children with disabilities and chronic diseases, there is concern that the State has not taken care of centers of creative employment, recreation centers, as well as, care and services within the community, which is of particular concern, as in some cases these children are also neglected in the family and do not receive sufficient state support¹⁰⁸.

Finally, the GNCHR expresses its concern about the fact that a part of this social policy depends almost entirely on European programmes for its funding.

¹⁰³ [GNCHR Annual Report 2017 – Contribution of the Greek Ministry of Labour](#)

¹⁰⁴ Elderly day care services <https://www.espa.gr/en/Pages/Search.aspx?k=elderly&start1=0>

¹⁰⁵ [Annual Report 2016 of the Greek Ministry of Labour submitted to the GNCHR](#)

¹⁰⁶ [GNCHR: Protection of the rights of older persons](#)

¹⁰⁷ See: [GNCHR: Protection of the rights of older persons](#) and [GNCHR Statement on the impact of the continuing austerity measures on human rights](#)

¹⁰⁸ [GNCHR Observations in view of the examination of the 27th greek report on the application of the european social charter \(articles 3, 11, 12, 13 and 14\) and on the 11th greek report on the application of the additional protocol to the european social charter \(article 4\) \(reference period 01/01/2012-31/12/20\)](#)

Recommendations

- Taking into account the above mentioned developments, the GNCHR calls the Greek State to collect and record all the existing institutions under a unified registry. This will become a useful tool for persons in need of specific protection.
- The GNCHR stresses the need to ensure access to institutional care for older persons who do not wish to reside at home or receive care services there. In that regard it recommends the competent State authorities to ensure the independence of the monitoring of Care Homes, as well as, to encourage the development of institutional care in small units according to the standards of care within the community¹⁰⁹.
- The GNCHR highlights the need for social policy measures to be integrated in a framework of public, free-of-charge health and welfare services which shall be steadily provided and funded by the State budget.
- The GNCHR shares the CPT recommendations, according to which, the competent State authorities should make the necessary steps to ensure a more appropriate placement of persons with mental disabilities, who are not in need of in-patient psychiatric treatment¹¹⁰.

Education (art. 24)

Question 19

a) Taking into account the law development in the field of education, the GNCHR notes with particular concern that, in practice discrimination against children with disabilities still exists and that the rights of children with disabilities in relation to the rights of their peers are not addressed on an equal basis.¹¹¹ Particularly, the GNCHR expresses its deep concerns regarding the chronic problems in the education of children with disabilities, such as lack of sufficient parallel support personnel¹¹², non- timely start of the school year, difficulties in the access to inclusive education, as well as, absence of relevant data¹¹³.

Overall, the GNCHR observes that prolonging separate legislation and scattered provisions on the matter constitutes *per se* a form of discrimination against persons with special needs, which is to be added to the already existing social and educational inequalities of the Greek educational system¹¹⁴.

¹⁰⁹ [GNCHR: Protection of the rights of older persons](#)

¹¹⁰ CPT, *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018*, 19 February 2019, CPT/Inf (2019)

¹¹¹ [Recommendations](#) on the Bill on Special Education (10.7.2014)

¹¹² Recruitment of substitute teachers rather than permanent educational specialized personnel.

¹¹³ GNCHR Observations on the National Action Plan on Children's Rights 2018-2020 (29.11.2018) [in Greek], http://www.nchr.gr/images/pdf/apofaseis/paidia/paratiriseis_EEDA_ESSDP.pdf, pp. 35, 43, 46

¹¹⁴ [Recommendations](#) on the Bill on Special Education (10.7.2014)

Furthermore, the GNCHR voices its concern for the impact of austerity measures and the sharp decline in the social rights sector¹¹⁵. In this regard, new measures such as the reduction in the New Revised Table for Determining Disability Rates of the minimum disability rate for persons with Autism Spectrum Disorders (DOS), are expected to leave families without disability allowance towards their children¹¹⁶. According to a recent statement of the Association of Greek Psychologists, the new Integrated Health Care Regulation in fact restricts remedies of Special Education and reduces the role of the psychologists¹¹⁷. A series of Press Releases by the representatives of Ergotherapists, Logopedists, Logotherapists and Physiotherapists Associations as well as by the Pan-Hellenic Federation of Parents and Guardians of Disabled People regarding complaints about spending cuts in Special Education depicts the dimension of the problem¹¹⁸.

Last but not least, the GNCHR avails itself of the opportunity to remind its position with regard to the necessity of interoperability between all competent State authorities for the effective monitoring of the rights of persons with disabilities across the board¹¹⁹.

b) Taking into account that persons with disabilities constitute an exceptionally heterogeneous population group, especially due to the different categories or degrees of disability, the State's actions ought to move towards eliminating these limitations and making the most of each individual's potential¹²⁰. The GNCHR expresses its reservations concerning classifying and grouping teachers with particular disabilities, which results in drastic limitations being imposed on their access to work¹²¹.

c) With regard to the enrolment and drop-out rates in mainstream schools and placement in special schools or segregated school units for children with disabilities, the data available are inadequate¹²². Reference should be also made here to the common findings of the research group: Development Center for Education Policy of Greek General Confederation of Labour

¹¹⁵ GNCHR Observations on the National Action Plan on Children's Rights 2018-2020 (29.11.2018) [in Greek], http://www.nchr.gr/images/pdf/apofaseis/paidia/paratiriseis_EEDA_ESSDP.pdf, pp. 43,46,76, GNCHR, Statement on the impact of the continuing austerity measures on human rights, 15.7.2015, available at http://www.nchr.gr/images/English_Site/CRISIS/GNCHR_Statement_%20impact_of_austerity_measures_on_HR_2015_.pdf and GNCHR [Written Submission](#) by the Greek National Commission for Human Rights Article 11 of the Convention on the Rights of Persons with Disabilities on situations of risk and humanitarian emergencies, A/HRC/31/NI/9 (24.2.2016)

¹¹⁶ [Autism: the mistake of reducing the disability rate](#) (iatropaideia)

¹¹⁷ [Statement from the Association of Greek Psychologists Prot. Nr.: 13474/10.10.2018](#)

¹¹⁸ [Ergotherapists Association](#)

[Pan-Hellenic Logopedists Association](#)

[Greek Logotherapists Association](#)

[Panhellenic Association of Physiotherapists](#)

[Pan-Hellenic Federation of Parents and Guardians of Disabled People \(POSGAMEA\)](#)

¹¹⁹ [GNCHR: Annual Report 2016](#)

¹²⁰ [The GNCHR Observations](#) on the National Action Plan for Children's Rights (2018-2020)

¹²¹ [GNCHR Recommendation on Special Education](#)

¹²² [GNCHR Recommendation on Special Education](#)

(KANEP/GSEE) and the Disability Issues Observatory, which concludes that in Greece the existing data for the education of pupils with disability and / or special educational needs are limited to minimum elementary figures for pupils attending either special schools or the mainstream elementary schools¹²³. Indicatively, according to the data referring on rates of integration classes within 2016, a total of 430 integration classes operate in the framework of Primary Education. Out of this total, 1,662 integration classes (85.9%) operate in Primary Education and 273 integration classes (14.1%) are registered in the Secondary Education. Within the reference period (2007-2016) there was a strong increase of 25.0% in the number of integration classes in general education from 1,548 integration classes in 2007 to 1.935 integration classes in 2016¹²⁴.

Recommendations

- The GNCHR recommends for the proper implementation of art. 24 of the CRPD the revision of the existing legislative framework in order to comply with the principles and practices of co-education. In particular, the Greek State should take coherent, appropriate and effective measures to ensure the full and effective participation, accessibility, attendance and achievement of all students without discrimination¹²⁵ at all stages and educational levels. The reform should be based on a new a national strategy, in cooperation with the disability movement and focus on the following:

- Elimination of the distinction between “Special Education” and “Education” in the existing legislation and promotion in a coordinated way of the integration of students with special educational needs into General Education¹²⁶. In this direction, the competent State authorities must provide for the staffing of school units with special education teachers, special support and special education personnel when necessary. It is also deemed necessary to create Integration Classes in all general schools, as well as to increase authorizations for Parallel Support for children, who can be integrated into general classes. Where integrating students

¹²³ [The key figures in Education 2017-2018: The Greek primary & secondary special education & education Part C: Record of the Workshop 27 November 2018/ Development Center for Education Policy of Greek General Confederation of Labour \(KANEP/GSEE\)](#)

¹²⁴ [2017-2018 Annual Report on Education: The Greek primary, secondary Special Education, Part B: National Frame of Reference \(2005-2016\). Development Center for Education Policy of Greek General Confederation of Labour \(KANEP/GSEE\) in collaboration with the Observatory on Disability Issues of the National Confederation of Persons with Disabilities \(NCPD\).](#)

¹²⁵ [General comment No. 4 \(2016\) on the right to inclusive education](#)

¹²⁶ [2017-2018 Annual Report on Education: The Greek primary, secondary Special Education, Part A: Access of persons with disabilities to education and employment – European Frame of Reference \(2005-2016\). Development Center for Education Policy of Greek General Confederation of Labour \(KANEP/GSEE\) in collaboration with the Observatory on Disability Issues of the National Confederation of Persons with Disabilities \(NCPD\), p. 195 and GNCHR Statement \[in Greek\]: \[Ensuring the timely start of the school year for children with disabilities and/or special educational needs\]\(#\) \(5.6.2017\)](#)

with disabilities into General Education is not possible, it is suggested that special schools be interconnected with the general ones by means of organising sports or cultural activities or exchange visits¹²⁷. Furthermore, the competent authorities should ensure the timely start of the school year for children with disabilities and/or special educational needs¹²⁸.

- Allocation of sufficient financial and human resources in order to address the chronic shortage in inclusive education¹²⁹. Specifically, in line with the recommendations of the Committee on the Rights of Persons with Disabilities on the right to inclusive education, the GNCHR calls upon the competent State authorities to allocate sufficient financial and human resources for improvements such as more accessible education settings (learning materials and transport), teacher education, reasonable accommodations, including assistive technology and awareness-raising programmes to challenge discrimination and bullying¹³⁰. To this end the GNCHR further suggests entering the corresponding appropriations in the national budget and decoupling its funding from the National Strategic Reference Framework (NSRF) programs¹³¹.

- Collection of data by the competent State authorities on the school enrolment and drop-out rates of children with disabilities at various levels of education, disaggregated by sex and national or ethnic origin, in line with the recommendations of the Committee on Economic, Social and Cultural Rights, in order to identify obstacles to accessing and continuing education and to devise appropriate strategies¹³².

- The State competent authorities should deploy the contribution of the independent monitoring mechanism regarding the special education for children with disabilities according to Art. 24 of the CRPD.

Health (art. 25)

Question 20

a) The GNCHR welcomes law 4486/2017 as an attempt to reform the existing legislation regarding the primary health care¹³³. Specifically, the current reform targets at an upgrading of the National Health System through a consolidation of the public existing structures and the

¹²⁷ [The GNCHR Observations](#) on the National Action Plan for Children's Rights (2018-2020)

¹²⁸ GNCHR [Statement](#) [in Greek]: Ensuring the timely start of the school year for children with disabilities and/or special educational needs (22.7.2016)

¹²⁹ [General comment No. 4 \(2016\) on the right to inclusive education](#) and [Committee's Draft General Comment on Article 24 of the CRPD](#)

¹³⁰ See footnote 129

¹³¹ GNCHR Annual [Report](#) 2016, p. 21, GNCHR Observations on the National Action Plan on Children's Rights 2018-2020 (29.11.2018) [in Greek]

http://www.nchr.gr/images/pdf/apofaseis/paidia/paratiriseis_EEDA_ESSDP.pdf, p. 3-4

¹³² UN, Committee on Economic, Social and Cultural Rights, [Concluding observations on the second periodic report of Greece](#), 27 October 2015, E/C.12/GRC/CO/2, παρ. 40

¹³³ Law 4486/2017 - Government Gazette 115 / A / 7-8-2017 (Codified) Reform of Primary Health Care, urgent regulations of the Ministry of Health and other provisions

establishment of new local primary health care facilities (TOMY)¹³⁴. The model of “family doctor” is planned to play a central role in the new model. The “family doctor” should take care of, *inter alia*, the elderly and persons with disabilities, as well as ensure the relief and palliative care services. In this respect, the “family doctor” should design and implement programs for children's protection, protection of the elderly, persons with disabilities and vulnerable social groups. Nonetheless, there is not an efficient number of doctors having responded until now to the placement in the new structures¹³⁵. Besides, it has to be noticed that a major problem is that the new model is mainly funded by National Strategic Reference Framework (NSRF) programs up to 2020. Moreover, there is no relevant plan for a funding scheme from national resources after 2020. Another risk is that the new law provides several levels of administration which could result in an overlapping of responsibilities. Besides, it does not appear to make use of the existing structures¹³⁶.

Furthermore, the GNCHR expresses serious concerns due to the successive amendments of the so called “Integrated Health Care Regulation”¹³⁷. Indeed, the GNCHR does not recognize the added value of a series of modifications, since overall they are considered to be alternated in the same pattern.

With regard to the children with disabilities, the recent reform contains, among others, i) reductions to special treatments for children with autism, and ii) changes to the process for administering special education treatment therapies¹³⁸.

To conclude, primary health in Greece is characterized by a series of reforms, however they remained incomplete and did not substantially improved the situation¹³⁹. There is still a lack of a coherent and stable protective framework, as some of the criteria are tightening while in some other cases they are becoming more flexible. The GNCHR reiterates with great concern that the several expenditure cuts to the public health care system and its critical understaffing over the last years violate the full enjoyment of all human rights¹⁴⁰.

¹³⁴ <https://www.news247.gr/ygeia/protovathmia-frontida-ygeias-osa-prepei-na-xerete-gia-ta-tomy.6636059.html>

¹³⁵ In particular, towards the announcement of the Ministry of Health for the staffing of TOMY 57.583 doctors have applied for 1.200 positions. See: [Primary Health Care and Health System: Reforms, Problems and Prospects](#), National Centre for Public Administration and Local Government, 2017

¹³⁶ [Primary Health Care and Health System: Reforms, Problems and Prospects](#), National Centre for Public Administration and Local Government, 2017

¹³⁷ Integrated Health Care Regulation OGG 2315/B/19.6.2018 and modification of the Ministerial Decision ΕΑΛΕΓ.Π.801572018 “Unified Health Benefits Regulation of the National Agency for the Provision of Health Services” ΕΚΠΥ ΕΟΠΥΥ (OGG 4898/B, 1.11.2018)

¹³⁸ ESAMEA: [Written Statement for the CRPD Pre-Sessional WG - 11th Session \(April 8-11\)](#)

¹³⁹ [Primary Health Care and Health System: Reforms, Problems and Prospects](#), National Centre for Public Administration and Local Government, 2017

¹⁴⁰ - As the Independent Expert on Foreign Debt, has noted in its Report, spending to support sick persons and persons with disabilities has decreased disproportionately, in line with the overall reduction of government expenditure. In particular, public health expenditures fell in an unprecedented manner 42.5 percent over a five-year period. See the [Report of the Independent Expert on the effects of foreign debt and other related international](#)

(d) With regard to older persons with disabilities, it should be firstly stressed that in Greece, both, persons with disabilities who are ageing and older persons who acquire a disability later in life, are not protected by a coherent national legislative framework targeted to the protection of older persons with disabilities. Instead, their rights are safeguarded by laws based on single grounds of discrimination. Apart from the general rules of social security, the GNCHR stresses that prohibition of multiple discrimination is particularly important in case of older persons in all aspects of their life, who are often victims of discrimination not only on the grounds of age, but also on grounds of gender, ethnic origins, sexual orientation, nationality, religion or disability¹⁴¹.

In that regard, the GNCHR points out the essential need for the Greek State to encourage older persons' social participation and independence by integrating inter alia health and welfare services in a public free-of-charge framework¹⁴².

Recommendations

- The GNCHR, raising its serious concerns regarding the constant lack of continuing measures, it recommends to the Greek State, instead of developing new structures, to upgrade the existing structures, bringing in, where necessary, the proper policy changes that would ensure the institutional continuity. To this end there is an urgent need of elaboration of a long-term National Strategy in Health Sector.

- The GNCHR recommends, as far as older persons with disabilities it concerns, to the competent State authorities to take the necessary steps in order to

- assist families in care of older persons
- ensure access to institutional care for older persons who do not wish to reside at home or receive care services there.
- ensure the effective operation of a palliative care provision system as prescribed by the Council of Europe in its respective Recommendation¹⁴³.

[financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights on his mission to Greece](#) (21/4/2016)

- The CoE Commissioner for Human Rights further to his visit in Greece (September 2016), has also expressed its concerns for the persisting deficiencies in the state mental health care system, stressing in particular that the very high increase of health care demand in Greece, which reportedly reached 120% during 2011-2013, has been accompanied by a sharp decrease of health care expenditure and of specialized staff, due to the austerity measures that the successive governments have been obliged to adopt: CoE, Commissioner for Human Rights, [Letter to Mr. Andreas Xanthos, Minister of Health and Ms. Theanou Fotiou, Alternate Minister of Social Solidarity of Greece](#), CommDH (2016) 33, 12.9.2016

¹⁴¹ [GNCHR: Protection of the rights of older persons](#)

¹⁴² Contribution by the Greek National Commission for Human Rights (GNCHR) to the Special Rapporteur on the Rights of Older Persons with Disabilities, 17 May 2019

- ensure access to health services without discrimination, even when they are provided by third parties to all older persons. The health protection of older persons shall combine prevention, cure and rehabilitation. A cohesive horizontal networking of health and welfare services should be established in order to achieve their effective cooperation.
 - ensure appropriate training for both health and welfare professionals, as well as unofficial care providers to older persons. The competent authorities should adopt new programmes for older persons' care and strengthen the ones already in place (e.g. "Help at Home" Programme) in order to allow them to reside at their own home for as long as they wish.
- The GNCHR, in line with a relevant Opinion issued by the Greek National Bioethics Commission¹⁴³, highlights the need to ensure the respect of the older persons or every person of his/her choice to provide consent to every decision regarding care and medical treatment.
 - The GNCHR encourages Greece's adopting a binding international Convention on older persons' rights, that would support the effective and systematic monitoring of the implementation of older persons' rights by international and national bodies and contribute in raising public awareness globally on relevant issues¹⁴⁴.

¹⁴³ Greek National Bioethics Commission, *Consent in the Patient-Physician Relationship*, *op.cit.*

¹⁴⁴ See footnote 1

Habilitation and rehabilitation (art. 26)

Questions 20 and 21

(a) According to the recent State Report 2.262 individuals of both sexes, all ages and with several types of disabilities receive services from the New Social Welfare Services. In this context, the GNCHR encourages the Greek State to make the proper policy changes and to take the appropriate measures, in order to increase the number of the beneficiaries concerned.

(b) The GNCHR recognises the operation of the National Institute for the Deaf People and the Centre for Education and Rehabilitation for the Blind as good national practices in the direction of supporting and counselling the target groups. In that regard, the GNCHR stresses, that there is an urgent need in creation of support or counselling centers, rather than structures of asylum character, with special programs and focused activities, targeting at persons with severe disabilities or chronic diseases, mental disorders or serious psychosocial problems. Moreover, the competent State authorities should ensure the access of persons with disabilities to accessible, appropriate and affordable community-based support services¹⁴⁵.

(c) - With regard to children with disabilities and chronic diseases, it is particularly worrying that the relevant existing services and structures continue having a character of asylum and operating socially isolated, with the hosted children receiving inadequate coverage of their medical, therapeutic and educational needs. The State has not established recreation centers, nor has provided for care and services in the community for children with serious or multiple disabilities. This causes great concern, given that in certain cases, these children are also neglected in the family¹⁴⁶. Furthermore, it is to be noted, that the Greek State has not transposed yet into national policy neither the UN Guidelines on alternative care, nor the content of the Recommendations of the Council of Europe 2005 (5) on the rights of children living in residential institutions and CM/Rec (2010) 2 on de-institutionalisation and community living of children with disabilities.

- With regard to older persons with disabilities, in the country operate public and private care institutions, as well as, facilities run by non-governmental organizations and the Orthodox Church¹⁴⁷. Among the Elderly Care Homes, there are some whose services are addressed specifically to elderly persons with disabilities such as, mobility impairment, mental disabilities, dementia etc¹⁴⁸. Indeed, possible gaps in accessibility of the Care Homes may exclude in practice access for person with disabilities.

¹⁴⁵ The GNCHR [adopts](#) the Principles on Child Protection in Greece [in Greek] (June 2016)

¹⁴⁶ The GNCHR [Childhood protection: Health and Welfare](#)

¹⁴⁷ <http://www.ecclesia.gr/greek/koinonia/koinonia.asp>

¹⁴⁸ [Elderly Care Homes](#)

- With regard to additional habilitation and rehabilitation programmes, the Ministry of Labour and Social Solidarity has designed since 2017 a “De-institutional Program for People with Disabilities”. In the framework of the program is, *inter alia*, included the development of accommodation facilities for disabled people, the development of a short reception facility for people with disabilities, the creation of a mobile center providing supportive services to families with members with disabilities etc.¹⁴⁹. The GNCHR stresses the need for new programmes to be adopted by the Greek State, which would be characterized by stability, continuity and coherence in the context of the services provided. These services ought to be integrated in a framework of public, free-of-charge health and welfare services, which shall be steadily provided and funded by the State budget.

Recommendations

- The GNCHR recommends that emphasis must be placed on important structural changes and institutional measures in the Welfare sector replacing the institution-centered welfare system by other "open protection" measures. The GNCHR calls further for a human rights-based approach in all the issues addressing the rights of persons with disabilities and chronic diseases.

- Taking into account the existing structures and institutions targeted at persons with disabilities, the GNCHR considers it as necessary to collect and record all of them under a unified registry in order to become a useful tool for persons in need of specific protection. In this context, the GNCHR deems necessary the collaboration of the competent health and welfare services through their consistent horizontal networking and coordination¹⁵⁰.

- The GNCHR stresses the need to ensure access to institutional care for older persons who do not wish to reside at home or receive care services there. The GNCHR also recommends ensuring the independence of the monitoring of retirement homes so as to achieve respect for all human rights of older persons residing there, as well as, to encourage the development of institutional care in small units according to the standards of care within the community¹⁵¹.

Work and employment (art. 27)

Question 23

(a) According to the State’s response to the LOIs, all the public notices for community service programs and the 2/2016 notice for “Training and certification of unemployed persons of 29-64 years in state-of-the-art fields” provide as criteria for the allocation of credit points the

¹⁴⁹ [GNCHR Annual Report 2017 – Contribution of the Greek Ministry of Labour](#)

¹⁵⁰ See [GNCHR: Recommendations for the Protection of Childhood](#)

¹⁵¹ [GNCHR: Protection of the rights of older persons](#)

existence of a disability percentage higher than 50% and the existence of protected children of persons with disabilities, both minor and adult, with a disability percentage higher than 67%. However, the GNCHR stresses the fact that these data are presented without providing any further statistics on the implementation of these quotas.

The State also referred to the equal participation in the social and economic life of persons that belong to vulnerable population groups, including persons with disabilities of any form (Law 4430/2016), however, also without the provision of any statistics.

(b) With regards to measures targeted to implement supported employment, the GNCHR notes with great concern that there is no legislative framework so far providing for the facilitation of the transition from the Sheltered Workshops employment into Open Labor Market.

Persons with disabilities and minimum standards of work

After having evaluated the exacerbation of labour inequality, as well as, the extensive breaches of international and national fundamental labour law standards that lead to the overexpansion of the informal economy and the emergence of situations of lawlessness and discrimination, the GNCHR has stressed the need for immediate restoration of the system of collective bargaining and collective agreements introduced by Act 1876/1990, which has been seriously restricted since 2010, during the so called “crisis period” in Greece. Within this framework, the re-establishment of the procedure for concluding national general collective agreements (NGCAs), of their full content, scope and binding force remains an immediate priority, with a view to maintain the NGCA as the key institutional instrument guaranteeing the general interest and the interest of workers (mainly through the establishment of general minimum standards of wages and working conditions for all workers) throughout Greece¹⁵². Besides, it should be pointed out, that since 1975 (the post-junta era) the content of the NGCAs was not merely financial. More specifically, it included minimum standards of work also for people with disabilities, such as provisions on telework (NGCA 2006-2007, art 4), accessibility, user-friendliness and training in new technologies for working people with disabilities (NGCA 2008-2009 art 14,15) and social dialogue initiatives for combating discrimination (NGCA 2014, art 1). The “safety net” provided through NGCAs has traditionally affected the provisions included in all types of collective agreements (sectoral, business, professional). Indeed, after the exclusion of minimum wage from the content of NGCA, as this competence was unilaterally undertaken by the State (art 103 Law 4172/2013), both the remaining potential content and the existing provisions of NGCA are under continuous threat. Most certainly, this

¹⁵² [GNCHR Annual Report 2013](#)

has a significant impact on the setting of universally binding minimum standards of work, especially affecting persons with disabilities.

Recommendations

The GNCHR calls for the State:

- to take more targeted measures for the implementation of the principle of equal treatment in employment of persons with disabilities and to measure their effectiveness through the use of concrete benchmarks and indicators. It also calls for the State to keep diversified statistical data on persons with disabilities with additional vulnerability, namely women, children, elder persons, migrants etc.
- to intensify its efforts to achieve better results regarding the transition of persons with disabilities from sheltered workshops to the open labour market, and the introduction of new forms of social cooperative enterprise guaranteeing the right to work for persons with disabilities.
- to take measures in order to mainstream the dimension of disability into OAED's (Manpower Employment Organization) policy design.
- to re-establish the procedure for concluding national general collective agreements (NGCAs) and of their full content, scope and binding force with a view to maintain the NGCA as the key institutional instrument guaranteeing the general interest and the interest of workers.

Adequate standard of living and social protection (art. 28)

Question 24

The GNCHR appreciates the fact, that in Greece most measures and structures providing services targeted to persons with disabilities apply regardless of race, color, national or ethnic origin. Programs, such as the electronic disability platform operating in the framework of the national Organisation for Welfare Benefits and Social Solidarity (hereinafter OPECA)¹⁵³, the “De-institutional Program for People with Disabilities”, designed by the Ministry of Labour and Social Solidarity in 2017¹⁵⁴, tax exemptions, free travel pass, reduced or free of charge participation in medicines etc. could be considered as additional safeguards of adequate living standards to people with disabilities without discriminations.

¹⁵³ <https://opeka.gr/>

¹⁵⁴ [GNCHR Annual Report 2017 – Contribution of the Greek Ministry of Labour](#)

Bearing in mind the above mentioned, the GNCHR emphasises the fact that the cumulative effect of financial measures such as several cuts in benefits and social rights¹⁵⁵, undermine the living standards¹⁵⁶, especially in case of persons with disabilities¹⁵⁷. In this respect, the GNCHR is highly concerned with two recent legislative developments (evaluation of the type and rate of disability by a doctor of unrelated specialty and abolition of disability tax exemptions), both resulting in ill treatment of persons with disabilities and/or chronic disease¹⁵⁸.

(b) According to the proposals of the new government, the Minister of Labour mentioned that the Minimum Guaranteed Income will replace the Guaranteed Social Income, while it will include more beneficiaries and increase the currently amount in 2020¹⁵⁹. However, the GNCHR stresses that administrative weaknesses were still in place during a pilot implementation of the Guaranteed Social Income programme¹⁶⁰. Moreover, it has to be observed that there was very limited participation of disabled people in the programme¹⁶¹. In this regard, the GNCHR notes with particular concern that the proper implementation of the programme is necessary in order to combat poverty and social exclusion.

Recommendations

- The competent State authorities should further support and develop policies and measures such as the establishment of OPECA and the “Guaranteed Social Income” integrated in a framework of public, free-of-charge welfare services which shall be steadily provided and funded mainly by the State budget. In fact, a coherent and reliable legal framework, applicable

¹⁵⁵ [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)

¹⁵⁶ [GNCHR Statement on the impact of the continuing austerity measures on human rights protection](#) and GNCHR [Written Submission](#) Humanitarian emergency (24.2.2016)

¹⁵⁷ See footnote 155

¹⁵⁸ - The first problem issue is the medical evaluation regarding the type and rate of disability of the person concerned. More specifically, according to a Circular issued in 2016 there is no need of relation among the specialty of the doctor responsible for the disability evaluation with the type of disability of the person concerned, which illustrates the ineffective way, in which this procedure takes place. See: Ministerial Decision Φ.10035/25885/1152 (OGG 1931/B 29.12.2006), which amended the Ministerial Decision Nr. Φ7 / Prot. Nr. 909 / 3.7.1981 (B'414), and appointment of the Freelancer's Insurance Organisation (OAEE) recently replaced by the Unified Social Security Fund (EFKA) as provided by art. 42 (1) of law 1140/1981. See also the recent judgment (838/2015) of the national Court of Appeal. A similar problem to report is in case of medical evaluation regarding the type and rate of disability of children, where there is no requirement by law of the presence of a pediatrician during the procedure.

- The second issue is a recent abolition of the provision of art. 18 of law 4172/2013 (Tax Code) providing for tax exemptions in case of medical treatment of disability or chronic disease.

¹⁵⁹ <https://www.dikaiologitika.gr/eidhseis/asfalish/262440/to-kea-ginetai-kai-pali-elaxisto-eggyimeno-eisodima-oi-allages-pou-erxontai>

¹⁶⁰ [Hellenic Social Policy Association - Social Policy: The implementation of the Social Solidarity Income](#), Kostas Dimoulas, Professor in Panteion Univesrity

¹⁶¹ See footnote 160

to all persons with disabilities, with special attention, among others, to children and the elderly, would better ensure their rights in all aspects - political, civil, economic, social and cultural rights - on an equal basis.

- The GNCHR recognizing that the debt crisis has further political, legal, social and moral dimensions and that it has caused a serious impact on the social fabric, urges the Greek government and the authorities to establish mechanisms and procedures that would restore and ensure the minimum protection of welfare rights.

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

Question 26

The GNCHR notes with particular concern, that the Hellenic Statistical Authority, being responsible for the collection and dissemination of the country's official statistical data, does not collect on a regular basis data with special reference to people with disabilities. In fact, there is a lack of a unified data-collection system allowing an assessment of the extent to which all persons with disabilities are exercising their human rights. According to law 4488/2017 (art. 68)¹⁶², the Hellenic Statistical Authority as well as the agencies and bodies of the Greek Statistical System should develop, produce and disseminate official statistics regarding the barriers faced by persons with disabilities, when exercising their rights¹⁶³. For this purpose they should consult with the Observatory on Disability Issues of the NCDP, which has, *inter alia*, an important role in the development of statistics regarding disability issues¹⁶⁴. Until recently, several of restricted extend data about persons with disabilities are included in health and employment surveys¹⁶⁵.

Recommendations

The GNCHR recommends to the Greek government to further enhance the capacity of the Hellenic Statistical Authority in order to play an important role, in synergy with the

¹⁶² Law 4488/2017 “Public sector pensions and other social security matters, strengthening the protection of workers, rights of persons with disabilities and other provisions (OGG 137/A, 13.9.2017)

¹⁶³ Law 4488/2017 “Public sector pensions and other social security matters, strengthening the protection of workers, rights of persons with disabilities and other provisions (OGG 137/A, 13.9.2017)

¹⁶⁴ <https://www.paratiritirioanapirias.gr/el/#main-content>

¹⁶⁵ A Special Survey on the Employment of People with Health Problems has been carried out in 2011 and an Income and Living Conditions Survey regarding persons with disabilities in 2016. The latter has been conducted in the framework of the Hellenic Statistical Authority in cooperation with Eurostat in a sample of 18,255 households including 44,094 members of those households, of which 37,850 people are over 16 years of age. See also [2nd Bulletin of the Disability Observatory](#) 2018

Observatory on Disability Issues of the NCDP, towards the development of national disability statistics under a rights-based approach to disability.

National implementation and monitoring (art. 33)

Question 28

The GNCHR notes with satisfaction that both the Ministerial Office of the Greek Minister of State as the Co-ordination Mechanism for the rights of Persons with Disabilities and the General Secretariat for Human Rights of the Ministry of Justice as the Central Focal Point have already been designated, thus fulfilling the requirement of par. 1 of art. 33 of the CRPD. However, the General Secretariat for Human Rights of the Ministry of Justice has been abolished by the recent Presidential Decree 84/17.7.2019. The question raised is whether the new General Secretariat for Justice and Human Rights in the same Ministry, will also be responsible for monitoring the implementation of the CRPD.

With regard to the implementation of par. 3 of art. 33 of the CRPD, the GNCHR reiterates the importance of the effective monitoring of the CRPD¹⁶⁶ and calls for measures to raise awareness and challenge stereotypes and harmful practices relating to persons with disabilities. In this context, the State is obliged to ensure the active involvement and close consultation with representative organizations of persons with disabilities, which will fully participate in the monitoring process. In this context, the Greek State should strengthen the consultation with the NCDP, which is designated, *inter alia*, as the Framework for the Promotion of the Implementation of the Convention, thus fulfilling the requirement of par. 2 of art. 33 of the CRPD.

Recommendation

The GNCHR recommends to the competent State authorities to closely consult with and actively involve persons with disabilities through their representative organizations, in order to ensure the adequate legislative compliance with the CRPD.

¹⁶⁶ [International Convention on the Rights of Persons with Disabilities: Problems regarding its implementation \(9.10.2014\)](#)