**Human Rights and Persons with Disabilities**

**Alternative Report of Greece 2019 (final version)
and responses to the *List of Issues* and *Recommendations***

**For the 22 Session
(August 26 – September 20)**

**by the**

**National Confederation of Disabled People of Greece (NCDP)**

For the attention of the UN Secretariat of the Committee on the Rights of Persons with Disabilities

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# **Abbreviations**

|  |  |
| --- | --- |
| CRPD | Convention on the Rights of Persons with Disabilities |
| EDF | European Disability Forum |
| EFKA | National Social Security Entity |
| EKKE | National Centre of Social Research |
| EOPYY | National Organization for the Provision of Health Services |
| EPPPA | Single Table for the Disability Percentage Determination |
| ESR | Greek National Council for Radio and Television |
| IAPR | Independent Authority for Public Revenue |
| GNCHR | Greek National Commission for Human Rights |
| GSTHR | General Secretariat for Transparency and Human Rights  |
| HDIKA | E-Governance of Social Insurance SA |
| NCDP | National Confederation of Disabled People  |
| OAED | Hellenic Manpower Employment Organization |
| OPEKA | Organization of Welfare Benefits and Social Solidarity |
| OpenGov | The Greek Open Government Initiative |
| POSGAmeA | Pan-Hellenic Federation of Parents and Guardians of Persons with Disabilities |
| SEPE | Labor Inspectorate |
| UN | United Nations |

# **Background Information about NCDP**

This Alternative Report has been drafted by the Observatory on Disability Issues**[[1]](#footnote-1)** of the National Confederation of Disabled People of Greece (NCDP). NCDP is an umbrella organization founded and established in 1989. Its founding members were federations and associations representing various disabilities, chronic diseases, and family members. It is a democratically run and structured organization. Only persons with disabilities, persons with chronic diseases and family members have the right to vote and be elected in all organs of the Confederation; as delegates to the National Congress, as members of its Board and as members of the Confederation’s Executive Secretariat.

The NCDP’s vision and mission are to protect the interests of persons with disabilities, promote their rights and monitor the law and policy-making of the Greek State on issues concerning themselves and their families. In order to achieve this, the NCDP, from the very first day of its existence, has systematically set out to be recognized as the representative umbrella organization of the Greek disability movement by the State. This has been mainly achieved, and the Confederation actively participates and is involved in the decision-making process at all levels of the organization of the Greek State. The motto “Nothing about persons with disabilities without persons with disabilities” is a guiding principle in the NCDP’s work to make disability rights fully visible and respected. The Confederation is a founding member of the European Disability Forum (EDF), and the NCDP’s President is also the President of EDF. The NCDP has been very active in EDF’s work and through EDF in the work of the International Disability Alliance (IDA). The NCDP took actively part in the negotiations for the UN Convention of the Rights of Persons with Disabilities (CRPD) and thereafter for its implementation both in Greece and at the EU level through EDF.

The NCDP is a member of the Greek National Commission for Human Rights, of the Greek Economic and Social Committee and the European Economic and Social Committee.

# **Executive Summary**

The present report focuses on the issues that are of primary concern for persons with disabilities and their families in Greece. The report includes the views of the national disability movement, which is represented by the NCDP, and draws conclusions from what is foreseen in the legal framework, what is implemented and from statistical and other data collected through scientific studies. The report is the product of the consultation with the NCDP member–organizations. While all articles of the Convention have their own specific importance, below we would like to highlight those issues that they constitute the core of the Convention to us. These issues are related to the following articles:

**Article 33 – National Implementation and Monitoring**

We consider Article 33 as ‘the alpha and omega’ of the Convention. The continuous involvement of the Greek disability movement, from the early negotiation process until the enactment of the legal framework of the articles 59 – 74 of Law 4488/2017 by the Greek Parliament, had as a result the development of a legal framework that it is in accordance with the provisions of the Convention.  Nevertheless, its proper implementation has not been achieved. For instance, it is not clear how the local and regional focal points are going to function and communicate with the main focal point, who is going to staff the main focal point, how the monitoring mechanism functions and which are the expectations, and the actions that the Greek state will take for disability mainstreaming into public policies.

 In addition, the recent change of government in Greece (because of the election on July 7th) is another reason that we consider issues related to the proper implementation and monitoring of the Convention as a top priority at this stage.

**Article 12 – Equal recognition before the Law**

The 'revolutionary' character of Article 12 and the 'paradigm shift' from the substitute decision-making to supported decision-making is of absolute priority for the national disability movement. Unfortunately, because of the existed system of substituted decision-making, persons with intellectual and psychosocial disabilities cannot fully exercise all their rights, as foreseen by the Convention. For instance, they cannot exercise their right to vote and to stand as a candidate in elections, they cannot marry and create their own family, they do not have the right to live independently, and decide for their own health matters as well.

**Article 5 – Equality and non-discrimination**

Issues that fall into Article 5 are of particular importance for the national disability movement. In Greece, there was a delay on the part of the Greek state to expand the application of the "principle of equal treatment" and to other policy fields, e.g., social protection and health, beyond the employment and occupation field, as it exists in the current legislation. As a consequence, persons with disabilities are not fully protected in all areas of their life. Also, the concept of 'reasonable accommodation' is another point that NCDP would like to stress since in the current legislation this concept is very broad and subject to diverse interpretation.

**Article 31 – Statistics and Data Collection**

Statistics are essential in order to understand disability-related issues, to uncover social inequalities and discriminations, and to examine the barriers that people with disabilities face while they try to exercise fundamental rights. In Greece, as in the whole of Europe, until recently, the collection of statistical data regarding disability was very poor and strictly limited to the field of health research. Nowadays there are some positive initiatives in Europe for the integration of disability aspect in European social surveys; however, there is much work to do for the proper implementation of the “human -right” approach to disability in national surveys and statistics.

# **Methodology**

The material that this report was relied upon for its production were: i) Greek legislation, e.g., the Constitution of Greece, Laws, Ministerial Decisions, Presidential Decrees, ii) relevant publications from national and international bodies, iii) online newspaper articles, iv) weblog posts, v) articles from the academic society. Also, an essential role for the shaping of this report has the study that the National Confederation of Disabled People in Greece conducted in collaboration with *The Centre for European Constitutional Law – Themistocles and Dimitris Tsatsos Foundation (CECL)* from 2009 to 2012. Specifically, the *aim of this study was* threefold: first, to record the existed legislation (until January 2012); second, to illustrate the compatibility of the existed legislation with the provisions of the Convention, and, third, to proceed with substantiated proposals for the legislation restructuring.

# **Articles 1-4: Purpose, Definitions, General Principles, General Obligations**

The Greek State ratified the UN CRPD in 2012 (Law 4074) while the specific details on the implementation of the CRPD were introduced in 2017 (Law 4488) (Government Gazette 2012c; 2017a). After the enactment of the Law 4488/2017, the mandate of the coordination mechanism within the government has been assigned to the Minister of State under the Prime Minister. The focal point was first assigned to the Directorate of International Relations of the Ministry of Labor, Social Security and Social Solidarity that also prepared the Greek report and later in 2017 this mandate was assigned to the General Secretariat of Transparency and Human Rights under the Ministry of Justice, Transparency and Human Rights (Government Gazette 2017a).

Although there is a Constitutional provision (art. 21, par.6) pointing to the human rights approach and the social model of disability, there is no universally applied definition on disability, and thus the medical approach to disability prevails in many areas, e.g., in the field of disability assessment. The reality is that the Greek legal framework is in a transitional phase. On the one hand, the human rights approach to disability as prescribed by the CRPD gains more and more ground; on the other, one could say that the medical approach to disability is still dominant.**[[2]](#footnote-2)**

Regarding article 4.3, it should be noted that the NCDP was only consulted at the beginning and not throughout the process of drafting the State report.

## **NCDP’s response to the CRPD Committee List of Issues**

*1. Please explain the approach to disability in the legislation of the State party, particularly in article 21, paragraph 6, of the Constitution, Law No. 3304/2005 and Law 4488/2017, and the measures taken to ensure that it is in line with the human rights concept of disability enshrined in the Convention. Please explain how the three branches of government have developed and applied the approach to disability.*

1. To begin with the Constitution, and in particular Article 21 para. 6, the approach to disability that has been adopted is a human rights approach, and, thus, it is in line with the Convention. Similarly, the Law 3304/2005 had adopted a human rights approach to disability, however, because of some limitations to the application of the principle of equality, e.g., it did not state anything about the associated, intersectional, and/or multiple discrimination, and for that reason, in 2016 the Law 4443/2016 was enacted for covering the gap, in terms of provisions, that the Law 3304/2005 had left. As a consequent, the Law 4443 is also inspired and developed following a human rights approach to disability. Last, regarding the Law 4488/2017, which concerns the implementation and monitoring of the Convention, the human rights approach to disability has been adopted. So, all of the abovementioned Laws are in line with the Convention.

However, as it has been reported by Hauben et al. (2013) on behalf of the European Foundation Center, many Member States, because of the economic crisis, have developed and implemented more mechanical and standardized schemes for the disability assessment in order to provide persons with disabilities with disability benefits, hereby taking a medical approach to disability. The same applies to Greece since the system for certifying disability reformed at the beginning of the 2010s was designed following the medical approach to disability. Therefore, while the Laws mentioned above are in line with the Convention and the human-rights approach to disability, the legislation regarding access to healthcare, social protection, and rehabilitation is inspired by the medical model.

Moreover, by using the medical and social/human rights approach to disability simultaneously creates confusion on who finally is a person with a disability. For instance, in private life insurances as well as at the data collection on disability, disability is, very often if not all of the time, interpreted as a disease.

## **Recommendations**

* To evaluate and adapt the national legislation as to its compatibility with the CRPD and codify the legislation concerning disability and accessibility.
* To develop a regulation that defines the methodology of disability mainstreaming to all public policies, administrative procedures, actions, measures, and programs and adopt concrete quantitative and qualitative indicators for the evaluation and measurement of the disability mainstreaming to them.
* To include in the Impact Analysis - accompanying any draft law/ addendum/ amendment, as well as regulatory decisions of major economic or social importance - a specific module to document the compatibility of the proposed arrangements with the Convention and the specific consequences of the proposed arrangements on persons with disabilities.
* To ensure the existence of social dialogue with the participation of the National Confederation of Disabled People (NCDP), the umbrella organization of the disability movement in Greece, members of NCDP, and members associations of disability federations as the representative organizations of the disability movement in Greek society, as foreseen in Article 4.3 of the Convention and the General comment No 7, on article 4.3 and 33.3 of the Committee of the Convention on the Rights of Persons with Disabilities.
* To ensure the financial independence of the representative disability organizations, members of the disability movement.

# **Article 5 - Equality and Non-Discrimination**

The Greek State, through its Constitution, recognizes the principle of equal rights to all citizens by stating that all citizens are equal before the law [article 4, paragraph 1; see also articles 21, 251, 116] (Government Gazette 2008b). Until the middle of the 2000s, however, there was no specific legislation concerning the prohibition of discrimination. Following the EU directives 2000/43/EC (EU Directive 2000a) and 2000/78/EC (EU Directive 2000b), in 2005 the Greek government enacted the Law 3304 adopting a legal framework against discrimination in employment and occupation (Government Gazette 2005a). Despite this effort, Law 3304 did not cover all forms of discrimination. For instance, regarding disability issues, while it referred to the prohibition of any direct or indirect discrimination, nothing was stated about the associated, intersectional, and/or multiple discrimination.

Therefore, in 2016 the Law 4443 was enacted revising the pre-existing law 3304/2005 and thus providing an updated legal framework on the prohibition of discrimination based again on the EU directives 2000/43/EC and 2000/78/EC (Government Gazette 2016c). Also, as it was mentioned in article 24 of the same Law, a Presidential Decree would be enacted in order to promote the application of the principle of non-discrimination beyond the employment and occupation, e.g., social security and healthcare. While, the Presidential Decree, as mentioned in the Law 4443 should be enacted in twelve months after its publication, is still not enacted. Consequently, there is a gap in the current legislation as it does not protect persons with disabilities in all areas of life.

As for the definition, concept, and implementation of reasonable accommodation in the Greek legal framework, it is very broad and subject to diverse interpretation, e.g., it can be translated differently depending on each individual case. Specifically, the first time the concept of ‘reasonable accommodation’ was introduced in the Greek legal context was in 2005 after the enactment of the Law 3304 and concerned only issues that had to do with the field of employment and occupation (Government Gazette 2005a). More recently, in 2016, the enactment of the Law 4443 revised the concept of reasonable accommodation, but its point of reference has remained again in the field of employment and occupation (Government Gazette 2016c). In other words, there seems to be a lack of implementing reasonable accommodation on a horizontal basis and to other policy fields beyond those of employment and vocational training.

The Greek State, through its Constitution, also recognizes to everyone in the Greek territory the right to enjoy the absolute protection of his/her life, honor and freedom, without discrimination due to nationality, race, language and religious or political beliefs [article 5, paragraph 2] (Government Gazette 2008b). According to the Convention (Article 1) in order to provide protection to persons with disabilities living in Greece who do not have Greek nationality or citizenship (e.g. refugees, asylum seekers and migrants with disabilities, etc.), the paragraph 2 has to be completed and to include both “dignity” among fields to be protected and “disability” among reasons of non-discrimination.

## **NCDP’s response to the CRPD Committee List of Issues**

*2. Please inform the Committee about provisions in the State party’s legislation implementing European Union Directives 2000/43/EC and 2000/78/EC covering the protection of persons with disabilities from discrimination, including provisions on reasonable accommodation, in accordance with the Committee’s general comment No. 6 (2018) on equality and non-discrimination, and explain:*

*2a. How the provisions on reasonable accommodation are implemented in the private and public spheres, particularly in schools;*

2a. According to the existing legislative framework, provisions of reasonable accommodation are obligatory in employment and vocational training. In order to facilitate the work of the Labor Inspectors, the NCDP since 2012 has created a “Handbook on Discrimination issues and Reasonable Accommodations for employees with disabilities.” Unfortunately, since then, there is no feedback on its use during inspections, no relevant inspections’ results have been published/disseminated, nor relevant complaints from employees with disabilities have been submitted to NCDP.

*2b. The specific measures taken to protect migrants and asylum seekers with disabilities from discrimination.*

2b. Echoing Article 3, para. 1 of the Law 4443/2016, the principle of equal treatment applies to all persons that live in Greece regardless of their age, race, color, ethnicity, disability, or chronic disease. The current legal framework, however, covers only the fields of employment and occupation as well as vocational guidance and vocational training. Further, the same article of the Law 4443/2016 describes also the terms and conditions in regard to employment and trade-union membership.

Moving to para. 2 of the same article (3), discrimination on the bases of race, color, ethnicity and ethnic origin, and generations are prohibited in the areas of social protection, access to social benefits, education. Refugees and migrants with disabilities are therefore not protected against discrimination on the bases of their disability in these areas of life. This is the gap that the enactment of the Presidential Decree, as it referred to the Laws 4443/2016 and 4488/2017, aims to complete. However, its enactment is still pending.

## **Recommendations**

* To complete article 5, paragraph 2 of the Greek Constitution as follows (see text in bold): “[...] 2. All those living in the Greek territory enjoy the absolute protection of their life, honor, freedom, and **dignity**, without discrimination due to nationality, race, language, **disability** and religious or political beliefs. […]".
* To enact non-discrimination measures on the grounds of disability also in other areas apart from employment and occupation, such as social protection, social benefits, education, and so on, for all persons with disabilities who live in Greece, including migrants, refugees and asylum seekers with disabilities.
* To take concrete legislative measures to recognize that the denial of reasonable accommodation constitutes direct discrimination on disability grounds, to specialize the terms of "reasonable accommodation" and "disproportionate burden" and to implement measures to provide reasonable accommodation. Also, discrimination by association on the ground of disability should be legally recognized as well. In addition, the Greek State should take legal and effective measures to address and combat multiple and intersectional discrimination on all grounds.

# **Article 6 – Women with Disabilities**

A recent study by the National Centre of Social Research (EKKE) regarding the multiple discrimination faced by women and girls in Greece states that “*they [women with disabilities] have many more difficulties than men to face, and they [women with disabilities] are not accepted by society. I know many women who had been abandoned by their husbands when they were in a state of disability or who have never been able to find a job*” (Balourdos and Sarris 2018, p. 173).

A Greek Ombudsman’s (2018) report on the principle of equal treatment states that the highest number of discrimination cases reported is regarding gender and disability. However, there is no information on discrimination faced by women with disabilities. There are no official data regarding women with disabilities and what it means to be a woman with a disability in Greek society. There is no protection under the current legal framework of the rights of women and girls with disabilities.

The National Action Plan on Gender Equality 2016-2020 (General Secretariat for Gender Equality 2017) recognizes that women in Greece are in a more vulnerable situation comparing to men in regard to multiple discrimination and introduces several measures for their social inclusion and equal treatment. The action plan does not foresee any action for women and girls with disabilities, however. The reference to mothers of persons with disabilities does not exist. There is no horizontal inclusion and mainstreaming of the perspectives of women and girls with disability in the designing of social policies. Any reference to forced sterilization and forced abortion is missing, in the policies on combatting gender-based violence.

## **Recommendations**

* To enact laws and policies for tackling the issue of multiple and intersectional discrimination that girls and women with disabilities, as well as mothers of children with disabilities, face and mainstream their perspectives both in gender equality and disability policies. Also, to include the perspective of women and girls with a disability in the National Action Plan of Gender Equality, and the follow-up action plan post-2020.
* To take measures for collecting statistical data regarding girls and women with disabilities, disaggregated by age and disability.

# **Article 7 – Children with Disabilities**

The current legal framework does not contain the perspectives of children with disabilities. The State has not announced any action and/or strategy on how it plans to ‘empower’ the engagement of children with disabilities to issues that concern their own lives, e.g., their involvement in decision-making processes, participation in policy development, and so on. Furthermore, representative organizations of children with disabilities do not exist; instead, it is the families of children with disabilities, through their associations/organizations, that have a role in defending the rights of children with disabilities. In other words, there is a lack of a specific legal framework through which children (not only children with disabilities) in Greece will have the right to share their opinion on matters that concern them.

The Pan-Hellenic Federation of Parents and Guardians of Persons with Disabilities (POSGAmeA) has a strong presence in claiming the rights of children as equal members of society. In the Greek report, the State claims that “*the parental movement functions complementarily with the public sector*.” This statement, however, does not fit well with the spirit of the Convention as the State party is obliged to involve and consult with children with disabilities in all decisions that concern them.

## **NCDP’s response to the CRPD Committee List of Issues**

*4. Please describe the safeguards in place to ensure that children with disabilities can express their opinion in all official procedures concerning them.*

4. In Greece, unfortunately, children do not have the right to express their opinion. This applies both to children with and without disabilities. Instead, it is the parents and guardians of children with or without disabilities that make decisions for them. Perhaps children can express their opinion on matters that concern them to their parents and/or guardians, but this is something that has to do with the family and the relationship or the bonds between the parents and/or guardians with the children.

## **Recommendation**

* To take actions for reinforcing the rights of children with disabilities.

# **Article 8 – Awareness-raising**

The Greek state has made very few efforts to raise awareness and promote respect and dignity for the rights of persons with disabilities. The Greek disability movement, since the 1980s, has had an essential role in introducing the human rights-based approach to disability in Greek society. While Greek society, certainly, has made essential steps towards the acceptance of disability, stigma, stereotypes, and prejudices regarding disability still exist.

In what follows, there is a short presentation of the State’s efforts to raise awareness and promote the rights of persons with disabilities.

* Establishment of the National Council against Racism and Intolerance, with the participation of NCDP.
* A National Action Plan against Racism and Intolerance is being drafted.
* A "Cooperation Agreement for Combating Racist Crimes in Greece" was signed, as part of a European Commission program.
* Establishment of the National Supervisory Mechanism to implement the judgments of the European Human Rights Court.
* Enactment of the Law 4443/2016 regarding the principle of equal treatment.
* Enactment of the Law 4488/2017, which concerns the monitoring and proper implementation of the United Nations Convention on the Rights of Persons with Disabilities.
* Through the Law 4488/2017, the Greek sign language has been recognized as equivalent to the Greek language, and Greek Braille as the official way of writing of Greek blind citizens.
* Enactment of the Law 4491/2017 (Government Gazette 2017b) regarding the legal recognition of gender identity.
* Ratification of the Istanbul Convention, through the Law 4531/2018 (Government Gazette 2018a).

## **Recommendations**

* To further raise awareness in the society, focusing on the pupils/students’ community, regarding the human rights-based approach to disability and the Convention, as well as to take measures to promote the respect of the rights and dignity of persons with disabilities.
* To combat negative stereotypes, prejudices, as well as harmful practices relating to persons with disabilities, including those based on gender and age, in all areas of life. – Especially, combat the negative stereotypical perception which is still expressed today by politicians, journalists, and others.
* To promote awareness on the potential capabilities and contribution of persons with disabilities to the economy and development, especially in areas such as technology, tourism, industry, investments, etc.
* To promote respect towards the rights of persons with disabilities at all levels of the education system, beginning from children at an early age.
* To encourage the media to portray/depict persons with disabilities in a manner consistent with the purpose of the Convention. - Convert the National Broadcasting Company (ERT) to a model means accessible to all and an essential tool for the promotion of the perception that disability is part of the human diversity.
* To develop training regarding disability and persons with disabilities for further diffuse the rights of persons with disabilities within the Greek society. – Include, in the curricula of all universities and professional schools, education modules on the rights and the equal treatment of persons with disabilities aiming to ensure professionals, as well as public staff and executives, possess the human rights perception of disability - For the same purpose, a cross-curricular postgraduate study program has to be developed to produce executives specialized in the implementation of the Convention.

# **Article 9 – Accessibility**

In Greece, though a legal framework on buildings and transport accessibility already exists, little interventions are taken to complete and/or update it. To give some examples: i) Guidelines concerning the design of accessible services/policies and guidelines for the evacuation in situations of emergency, as well as the update of national accessibility guidelines “Designing for All*”,* are still needed; ii) accessibility standards -when they exist- have to be referenced in any law. At the moment, only the standard EN 81-70 *-* Part 70 is referenced in the Law 4067/2012, article 26 (Government Gazette 2012b). Also, while there is the national standard ELOT 1439:2013 “Organization friendly to citizens with disabilities - Requirements and recommendations” (Hellenic Organization for Standardization 2013), which concerns the holistic approach of the organizations’ accessibility (such as accessibility of infrastructure, services provided, products, policies, training of staff) to persons with disabilities, it can be applied voluntarily. The main problem, however, concerns the absence of a national plan on the implementation of accessibility in all domains, e.g., built environment, transport, buildings and facilities, as well as information and communications technologies.

Although the Law 4067/2012 -the “New Building Code”- imposes the accessibility in existing buildings of a wide range of uses by 2020 (Government Gazette 2012b), there are no budget allocations or intermediate benchmarks to allow for monitoring the progress. Most of the buildings housing public services are still inaccessible.

The same law also imposes the accessibility of all new buildings. The Law 4030/2011 (Government Gazette 2011b) regulates the issue of building permits and imposes the preparation of an accessibility study in order to get the building permit. However, this law is not effective yet as the enactment of the Presidential Decree (as foreseen in the abovementioned law) concerning the content of that accessibility study is still pending (ibid.). What is more, though the Law 4030/2011 has already been reviewed by the Law 4495 in 2017 (Government Gazette 2017c), the Presidential Decree is still pending.

Concerning transport accessibility, there is a significant difference in inaccessibility between Athens and the rest Regions of the country. The new public transport systems (metro and tram) of Athens and, shortly, of Thessaloniki, are accessible at a satisfactory level, but the regional cities do not have such systems as Athens and Thessaloniki and have many accessibility problems. There are no accessible long-distance buses or trains, and there are very few accessible taxis in the whole country.

The recent Law 4488/2017 (Government Gazette 2017a) states that Media and communication services providers, including the Internet providers, are required to use new technologies, such as spoken web pages, subtitling, audio description, sign language interpretation. The relevant Decision of the Minister of Digital Policy, Telecommunications and Information, mentioned in article 67 of the above law, was issued just recently, in December 2018, through the Joint Ministerial Decision 3586/2018 (Government Gazette 2018f). Since the enactment of the abovementioned Decision is recent, and its implementation has not been put in place yet, the accessibility of the media is still pending. Consequently, media, as well as communication and information means (including public sites and sites of public use), are still inaccessible in their majority.

The staff of public authorities, providers of public services, engineers, designers, and so on, lacks knowledge regarding the support needs of persons with disabilities. The State does not provide any training on disability and accessibility issues, and there is not any educational structure responsible for providing training on these matters.

## **NCDP’s response to the CRPD Committee List of Issues**

*5. Please inform the Committee about:*

*5a. The number and percentage of buildings and other infrastructure facilities that have been rendered accessible, in particular as a result of the implementation of Law No. 4067/2012 (art. 26);*

5a. No census on accessible buildings has been made ever. The Hellenic Statistical Authority used to make buildings census (the last one refers to 2011) but has not included questions in regard to accessibility.

Additionally, the General Building Code of 1975 had provided for the installation of an accessible lift in all buildings over 3 floors. The reviewed General Building Code of 2000 (Law 2831/2000) imposes the accessibility of all new buildings housing public services, as well as legal entities governed by public or private law, community-based organizations and local or regional authorities or buildings of particular uses as education, health and social care, offices and trade, as well as car parks. The newest Building Code imposes accessibility for every building built after 2012, including residencies. But our experience shows that accessibility still does not exist!

*5b. The specific legal framework to ensure accessibility of goods and services;*

5b. Although a good legal framework to ensure the accessibility of the built environment already exists, the legal framework concerning accessibility of services and goods is limited to very generic and vague references included in the following:

* Law 4488/2017-article 63 “*Universal design of administrative products, environments and services, reasonable adjustments*”, providing for the inclusion of the principles of the universal design of Article 2 of the Convention by the administrative bodies and authorities when designing public policies, services and goods, processes, environments and organizational structures that can be used to the fullest extent possible, without the need for particular adaptations or specialized planning.
* Law 4074/2012 “*Ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities*”

*5c. Measures taken to make public transport outside of Athens, such as long-distance buses, accessible, disaggregating the information by urban and rural area;*

5c. Neither accessible long-distance buses nor accessible taxis of common use exist in the whole country. Few accessible taxis are operated by organizations of persons with disabilities or even fewer private operators, especially in more touristic cities/areas.

*5d. The current status of accessibility to electronically transmitted information, media and communication services, in accordance with European Union Directive 2016/2102 and Law 4488/2017.*

5d. Only very few websites of public authorities are accessible despite the existing relevant legal framework. Private organizations usually do not take care of the accessibility of their information and communication services or provide very basic accessibility services in their websites, such as fluctuation of font size and change of background contrast.

## **Recommendations**

* To establish an Independent National Accessibility Authority (Access Board) -with obligatory participation of NCDP in its Board of Directors- responsible for the development, continuous updating and monitoring of designing criteria for the natural and built environment, transportation, ICT, etc. as foreseen by the Convention. The Accessibility Authority will also provide technical assistance and training on Design for All/Universal Design and will submit proposals to the State to ensure universal accessibility to persons with disabilities.
* To include the buildings’ accessibility as an additional parameter to be examined by the Hellenic Statistical Authority in the frame of Buildings Censuses.
* To update and complete the New Building Code and the technical legislation/guidelines etc. concerning accessibility issues, incorporate national and European standards on accessibility and activate the Accessibility Committees (Central and Regional) already foreseen in Law 4495/2017 (Government Gazette 167 Α/2017).
* To include the topic of accessibility and Design for All/Universal Design in the initial training programs of engineers, architects and urban planners.
* To develop a National Accessibility Certification Scheme and establish a National Accessibility Label with the participation, in the whole procedure, of NCDP that is the most representative organization of persons with disabilities.
* To impose the compliance of public procurement (buildings, services, and goods) to the national standard ELOT 1439:2013 “Organization friendly to citizens with disabilities - Requirements and recommendations” and the European relevant ones, as well as to the Directive (EU) 2019/882.
* To promote research into new technologies -including information and communication technologies - aiming to create new tools (devices and assistive technologies) to support the autonomy of persons with disabilities. - Take measures on the compliance of the research into new products and technologies with the Directive (EE) 2019/882. – Establish the institutional representation of the NCDP at the National Council for Research and Technology.

# **Article 11 – Situations of Humanitarian Risk and Emergency**

There are no specific regulations for persons with disabilities in situations of humanitarian risk and emergencies. While the State report refers to additional regulations and guidelines on the planning and implementation based on the Emergency Planning Policy Plans of the Ministries and the General Civil Protection Plan, there is an information gap regarding the protection and safety of persons with disabilities. The Geneva Convention (International Committee of the Red Cross 1949), was ratified by the Greek State through the Law 3481/1955 (Government Gazette 1955). However, the State has not taken any specific measures to ensure the protection of persons with disabilities not only during the war but in a general situation of risk. The General Civil Protection Plan “Xenokratis” contains measures for crisis prevention, mitigation, intervention, response, and recovery; however, there are no specific provisions for persons with disabilities in its revised operational plans. The National Centre for Social Solidarity established by article 6 of the Law 3106/2003 (Government Gazette 2003) does not draw up an official crisis management plan to fulfill its institutional role and to ensure the rights of persons with disabilities.

Article 26 of the New Building Code (Government Gazette 2012b) states that it is obligatory for one or two (depending on floor population) fire-protected waiting areas per floor to be accessible, as well as areas of refuge for persons with disabilities in case of emergency. This measure is not yet implemented though it is in force since 2012.

A new circular by the Ministry of Mercantile Marine (Ministry of Mercantile Marine 2018) obliges all ships to have onboard a special evacuation chair as well as to train their crews on disability issues. Positive measures in that domain are the outcome of the good collaboration between the Ministry of Mercantile Marine and the national disability movement.

Since 2015, many refugees and asylum seekers (or people on the move) with disabilities have been accommodated in tents and other non-accessible structures without access to their basic needs. Despite the existing legislation and regulations in the report on cases of emergency, such as the refugee crisis, the Greek state has not guaranteed the protection of refugees and asylum seekers with disabilities.

## **NCDP’s response to the CRPD Committee List of Issues**

*6. Please inform the Committee about the specific legal framework for the protection of refugees and asylum seekers with disabilities in situations of risk and humanitarian emergencies, and about its implementation. Please describe the measures in place or planned to identify asylum seekers and refugees in need of specific protection, particularly those who are women and children with disabilities.*

6. There are gaps regarding the protection and safety of asylum seekers and refugees with disabilities in situations of risk and humanitarian emergencies. There are no legal arrangements on specific protection for women and children with disabilities under the status of refugees or asylum seekers. According to the Law 4375/2016, refugees and migrants, after their entry in Greece, are transferred to the Reception and Identification Centers (R.Ι.C.) for starting their reception and identification process. It is during the identification or subsequent process, according to article 20 of the law 4540/2018, that the ‘vulnerability’ of refugees and asylum seekers is assessed. However, this assessment is done without a specific procedure to identify the support needs of persons with visible and/or invisible disabilities. As a result, a significant number of refugees with disabilities are not identified as a person with disability, and moreover, they are deprived of the favorable arrangements, as described in Law 4540. Furthermore, even if they are classified as persons or refugees with disabilities, they are deprived of their rights because of the long waiting time before their reception, registration, and identification is completed.

The reception and accommodation conditions for asylum seekers, in line with the Law 4540/2018, do not have specific accessibility arrangements. Also, the Law 4375/2016, which describes the establishment of separated spaces for third- vulnerable country nationals and stateless persons, lacks to include accessibility for persons with disabilities. As a result, refugees and asylum seekers with disabilities live in harmful and risky conditions both for their physical and mental health.

Due to the many tents -at least, until the day that this report was drafted- as well as the inaccessible reception and accommodation structures, the lives of refugees and asylum seekers with disabilities are in jeopardy in case of emergent evacuation, e.g., they are in a high risk to be trapped. No evacuations plan nor light, sound, and visual signals exist. This is, however, the obligation of the Ministry of National Defense under Law 4368/2016. The management support (SMS) is in case of an emergency an essential initiative. However, it usually sets the meeting point inside the structure without taking into account the limitations/barriers for refugees and asylum seekers with disabilities. There are no escorts for unaccompanied refugees and asylum seekers with disabilities in case of emergency. As a result, persons with disabilities face higher risks than others without disabilities.

NCDP has received a significant number of requests from the staff of the centers to transfer refugees and/or asylum seekers with disabilities in a safer and accessible structure. These gaps do not only show the inability of the Greek state to include the disability dimension in its strategy to face the refugee crisis; rather, the influx of refugees and asylum seekers is a European issue, and the European Union should fully harmonize its directives and regulations with the provisions of the Convention.

## **Recommendations**

* To introduce legislation and operational plans, tailored to the type of each disability, on the protection and safety of persons with disabilities in situations of risk and humanitarian emergencies, and mainstream the perspectives of persons with disabilities in all humanitarian actions, policies, and programs, including the National Strategy for the Refugees.
* To establish accessible reception, identification and accommodation structures. Provide accessible information regarding the protection and rescue system for all persons with disabilities, including refugees and asylum seekers with disabilities.
* To include the specific support needs of the women and children with disabilities during the refugee crisis and any other humanitarian emergency.
* To improve the accessibility of the European Emergency Call Number 112 to persons with disabilities.
* To ensure that persons with disabilities are actively engaged in the design and implementation of strategies for evacuation.
* To elaborate on any complete and coordinated plans that meet the minimum standards according to the international guidelines and best practices, so as the persons with disabilities, including refugees with disabilities, are protected in all stages of a crisis (e.g., evacuation, temporary secure accessible accommodation, hygiene measures, accessible latrines, water supply, and so on). See, for example, The National Institute for Occupational Safety and Health (2019).

# **Article 12 – Equal Recognition Before the Law**

According to article 4, paragraph 1 of the Greek Constitution, “all Greeks are equal before the law” (Government Gazette 2008b). Article 1666 of the Civil Code states that “an adult shall be assisted in judicial support, when, due to his/her mental, intellectual or physical disability cannot take care of his/her affairs [...] a minor who is under parental care or guardianship, may be subjected to ‘judicial support’, if the conditions are met, during the last year of his/her childhood” (ibid.). The ‘judicial support’ is a form of guardianship (Government Gazette 1984).

## **NCDP’s response to the CRPD Committee List of Issues**

*7. Please inform the Committee about:*

*7a. The outcome of the six subprojects of the State party’s project aimed at the enhancement of the collective expression of and advocacy for people with mental disabilities (CRPD/C/GRC/1 and Corr.1 para. 131);*

*7a.* The aim of the project “Enhancement of the Collective Expression and Advocacy of People with Mental Disability” was to enhance and support persons with psychosocial disabilities and their families by stressing their rights on self-identification, education, mutual support, as well as for defending their right against social stigma.

The most important outcome of this project was the development of the training seminars. Through the implementation of them, it succeeded gradually to motivate the mobilization of persons with psychosocial disabilities and the creation of self-organization groups. Also, the studies regarding Articles 12 “Equal Recognition Before the Law” and 13 “Access to Justice” (subproject 3) and the study for the establishment and the role of the movement of (Self)-Advocacy in other countries (subproject 5), beyond their educational and informative content, are valuable elements or tools, both for the groups of persons with psychosocial disabilities and the disability movement, in the shaping of a policy and a strategy as well as to support the actions of the disability movement.

Having in mind the fieldwork that was done, this project had an essential role to the enhancement of the rights of persons with psychosocial disabilities on self-identification, education, mutual support as well as on the defense of their right against social stigma, since they had the opportunity to participate in a program which had as an aim to train them on their rights. Also, the duration of educators training, as well as the simplification of the training material for the persons with disabilities, are some other elements that have been emerged from the implementation of this project.

Despite the fact that this project did not succeed to reverse the marginalization and social exclusion and to overcome the stereotypes and prejudices against persons with psychosocial disabilities, which are still the critical barriers that persons with psychosocial disabilities (which was also the target group of this project) have to deal with, the research, discussion, and dissemination of new perceptions about psychosocial disability enhance its role within the society. What is more, it has the potential to create opportunities for persons with psychosocial disabilities for their integration in society and to work environment in particular*.*

*7b. Steps taken to repeal legal provisions that restrict the legal capacity of persons with disabilities, particularly persons with intellectual or psychosocial disabilities, and to enact a legislative framework based on supported decision-making in accordance with the Committee’s general comment No. 1 (2014) on equal recognition before the law.*

7b. Nothing has been done yet. The legal scheme of the substitute decision-making is still existed by depriving the right of persons with disabilities to make decisions or have a say on matters that they concern them. No measures have been taken or any announcement made by the Greek state expressing its intention to replace the substitute decision-making system with the supported decision-making system, and thus to be in line with the Convention.

## **Recommendation**

* To take all necessary reform measures to repeal all legal provisions that create barriers to persons with disabilities to enjoy full recognition before the law on equal basis with others. To this end, the guardianship system (substitute decision-making) should be replaced by the supported decision-making system. The Greek state should absolutely ensure that all persons with disabilities living in Greece are rights holders and equal before the law in full compliance with the CRPD provisions.

# **Article 13 – Access to Justice**

The Greek Constitution foresees that all citizens in Greek territory have the right to access justice (Article 20, para. 1) (Government Gazette 2008b). Nevertheless, this does not apply to all persons with disabilities, since some persons with disabilities are excluded as litigant or witnesses because of their disability. For example, persons with intellectual or psychosocial disabilities who have lost their legal capacity cannot participate before and during the proceedings of a trial since it is up to their guardian to decide if they can participate in a lawsuit (Code of Civil Procedure, Article 63, Presidential Decree 503, Government Gazette 1985). Also, there are specific provisions for deaf and persons with hard of hearing regarding their participation before and during the proceedings of a trial. However, there is differentiation on these provisions from one Code to another (e.g., between the Code of Civil Justice and the Code of Criminal Procedure) regarding their communication with the judicial authorities (See, for example, Article 253 of the Code of Civil Justice and Article 227 of the Code of Criminal Procedure).

Similarly, there are specific provisions whether persons with psychosocial disabilities can participate as witnesses at the trial proceedings with the responsible person for the interrogation or the judicial authorities to have the option not to include them as witnesses (Article 210 of the Code of Criminal Procedure). Apart from the provisions of the current Code of Criminal Procedure that exclude persons with psychosocial disabilities as witnesses because of their disabilities, the language that has been used to refer to persons with psychosocial disabilities is anachronistic and racist. Terms such as ‘insane’ and ‘stupid’ (Article 210 of the Code of Criminal Procedure) for referring to persons with psychosocial disabilities do not, indeed, comply at all with the provisions of the Convention.

Based on the existing legislation, there is no specific measure or provisions regarding the right of accessibility for persons with disabilities to access justice. By that is meant that the material environment is also a barrier for persons with disabilities to exercise their right to access justice.

Although there is no official survey to depict the accessibility of the buildings of the justice administration, the majority of them are not accessible. In Athens, for example, some courts have ramps but not all of them and the elevators are not always accessible to persons with disabilities (e.g., not big enough for wheelchair users, rarely elements/figures of floor announcements as well as of buttons in Braille). It is doubtful if there are: i) accessible WC for the public, ii) signage in Braille for blind and partially sighted persons, and, iii) live assistants for blind and partially sighted persons, wheelchair users, to name but a few. The lack of accessible buildings is worse in the region of Greece due to the courts are housed in old buildings.

The barriers to the access to the material environment of justice are not only limited to the buildings, since the legislation is neither available in Braille nor other alternative formats, e.g., as to easy-to-read text. Also, the courts and/or the justice authorities do not provide sign language interpreters for facilitating the communication with deaf and persons with hard of hearing. In other words, the provision of reasonable accommodations to persons with disabilities for equally exercising their right to access justice, like the rest of the citizens, though it is essential for them it is absent at the existing legal framework.

The right of persons with disabilities to report or complain to the Greek Ombudsman when they face barriers with their access to justice as well as to the Special Committee on the Protection of the Rights of Persons with Psychosocial Disabilities are positive measures for protecting and promoting the rights of persons with disabilities to have equal access to justice. What is missing is to raise further awareness regarding the right of persons with disabilities to look for support to the abovementioned bodies.

## **NCDP’s response to the CRPD Committee List of Issues**

*8. Please inform the Committee about:*

*8a. The implementation of European Union Directives 2013/48/EU and 2011/99/EU, in particular in relation to persons who are blind or deaf;*

*8a.* The Directive 2013/48/EU was transposed into the Greek legal framework through the Law 4478/2017. While all Directive’s 2013/48/EU articles have been added to the Code of Criminal Procedure, none of them mention something specific for persons with disabilities, and particularly for blind and deaf. Article 13 of the Directive, which concerns “the particular needs of vulnerable suspects and vulnerable accused persons”, has been added as Article 99B of the Code of Criminal Procedure. The subject of Article 99 of the Code of Criminal Procedure is about the rights of litigants. This addition, based on the Directive, refers only to the persons that are either juvenile or foreigners, by describing their right to inform one person of their choice regarding the deprivation of their liberty. There is no reference to the deaf and blind.

Similarly with Directive 2013/48/EU, the Directive 2011/99/EU was transposed into the Greek legal framework through the Law 4360/2016. However, there is no reference to persons with disabilities in general, and to blind and deaf in particular, regarding specific provisions because of this Directive.

*8b. The procedural safeguards in place and the training provided to judges, lawyers, and other judicial and administrative staff to secure the rights of persons with disabilities in civil, criminal and administrative proceedings.*

8b.The National School of Judges in its curriculum offers courses related to human rights to the forthcoming judges and prosecutors. It also provides seminars within the field of human rights aiming to educate judges regarding issues that concern persons with disabilities’ rights, migrants, and refugees’ rights, hate crimes, juvenile’s rights. Although the training of judges and prosecutors on issues related to the rights of persons that belong to specific social groups, it is unclear if this kind of training is available to other judicial and administrative staff, as well as to the police, for securing that the rights of persons with disabilities will be protected and promoted.

## **Recommendations**

* To take concrete actions for reforming all the legal Codes immediately to be in line with the provisions of the Convention. Concepts such as “stupid” and “insane,” as included in the Code of Criminal Procedure enact negative stereotypes in Greek society for persons with psychosocial disabilities.
* To repeal the legal provisions that exclude persons with disabilities as witnesses during the criminal proceedings because of their disability (direct discrimination). These provisions are not in line with Article 5 of the Convention and the principle of non-discrimination.
* To provide continuing education and training to all the relevant actors of the judiciary system in Greece (lawyers, judges, police officers) on the rights of persons with disabilities, as introduced by the Convention.
* To extend and implement the provision of reasonable accommodations into the field of justice to persons with disabilities to be able to exercise their right to access justice fully.

# **Article 14 – Liberty and Security of Person**

The medico-legal scheme of “involuntary or compulsory hospitalization” for persons with psychosocial disabilities is a crucial issue that falls under the provisions of Article 14. While Article 14 stresses that “*the existence of a disability shall in no case justify a deprivation of liberty*,” in the Greek context, this provision has not been applied yet. More specifically, the Law 2071/1992 (Government Gazette 1992) sets the legal framework for the proper implementation of the “involuntary hospitalization” by emphasizing that the person with a psychosocial disability should be treated with respect during all steps of his/her treatment as well as by stressing that the choice of compulsory hospitalization should be the last option and its duration should not exceed 6 months in total.

However, Law 2071/1992 has not been adequately implemented. Studies that have been conducted in the past by the Greek Ombudsman (2007) as well as by some Greek experts of the field (Stylianidis et al. 2016; 2017, Douzenis et al. 2010) show the weakness of the “liber, innovative and protective nature of the Law 2071/1992” to be implemented, by violating the right of persons with psychosocial disabilities to liberty.

## **NCDP’s response to the CRPD Committee List of Issues**

*9. Please provide data on the number of persons with disabilities deprived of liberty, disaggregated by gender, age, type of impairment, and grounds for the deprivation of liberty.*

9. We do not know if this type of data exists.

*10. Please inform the Committee about:*

*10a. Measures to repeal all laws that allow the deprivation of liberty of persons with disabilities based on perceived or actual impairment, or perceived dangerousness to themselves or society, and about measures to prevent such practices;*

10a. In May 2019, the Ministry of Health launched for consultation a draft law regarding the involuntary hospitalization. According to the content of this draft law, it did not suggest the abolition of the “involuntary hospitalization”; rather, it proposed a similar scheme with the existing one. Since the completion of the consultation nothing has been announced regarding this draft law and considering the recent results of the national elections (July 2019), where the New Democracy party succeeds the SYRIZA party (former government), there is no any clue about the intentions of the new government on how it will proceed with this issue.

## **Recommendation**

* To repeal all relevant legislation in order to prevent compulsory hospitalization of persons with intellectual and/or psychosocial disabilities and to increase the availability of community-based mental health services.

# **Article 15 – Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment**

In the previous article, Article 14, there is a reference to the “forced hospitalization”. Article 15 turns its emphasis on the procedure through which a person with psychosocial disabilities will be transferred to Mental Health Units, in the context of “forced hospitalization”. More specifically, the authority which is responsible for transferring persons with disabilities to Mental Health Units is the Greek Police instead of the National Emergency Centre (EKAB). This choice, however, brings to mind old stereotypes and prejudices for persons with psychosocial disabilities and raises questions as well, on the choice of this method. To be treated based on their dangerousness (Douzenis et al. 2010) or as criminals is certainly against the provisions of Article 15. What is more, as Douzenis et al. argue, it is unclear if and/or how the appearance of police officers further affects the health status of persons with psychosocial disabilities (ibid.).

The economic crisis and the austerity-driven measures and policies that the Greek government has implemented since 2010 have had a negative impact on families of children with disabilities. According to the Greek National Commission for Human Rights (GNCHR) and its statement about the **impact of the economic crisis** to the citizens (Greek National Commission for Human Rights 2015), **many human rights have been violated**, such as the right to health and social security. In case of children with disabilities, an issue that emerged late in 2014 and attracted much attention by the media - both nationally and internationally (see, for example, BBC 2014; Cossé 2014; Hadjimatheou 2014; The Hellenic League for Human Rights 2014; Greek Minister announces plans... 2016; European Association of Service providers for Persons with Disabilities 2014; Tsiropoulou 2017) - and is closely connected with the consequences of the economic crisis, are the inhuman and terrible living conditions of children with disabilities in care centers, as for example the Lechaina Care Center.**[[3]](#footnote-3)** While, as described in the reports of the National Preventive Mechanism Against Torture and Ill-Treatment (The Greek Ombudsman 2015a; 2016; 2017a) the living conditions currently are better than in 2015, this case raises questions for the operation of these structures and, certainly, for the rights of children with disabilities as right-holders.

## **NCDP’s response to the CRPD Committee List of Issues**

*11. Please inform the Committee about*

*11a. Measures in place to ensure that a person with a disability has given full and informed consent before taking part in any scientific or medical experiment or treatment;*

*11a.* According to the existing legal framework, to give informed consent is a prerequisite before any medical practice, even in the case that there is no intention to hurt somebody. Thus, the consensus of each person is the starting point before each medical practice, either it concerns health-related issues and the right to life or issues that are related to the right of physical or psychosocial integrity. The Law 2619/1998 was enacted, and it concerns the ratification of the European Council Convention for the Protection of Human Rights and Dignity of the Human Being in the field of biomedicine. Also, the importance of patient’s consensus is also mentioned in the Code of Mental Ethics (Law 3418/2005). According to the Code, every doctor is obliged to ask and accept the consensus, partnership, and cooperation of his/her patient before s/he starts any interventions to his/her body.

As for the participation of persons with disabilities in any kind of scientific and/or medical experiment, there is no specific law about this. Instead, the Code of Mental Ethics defines the cases and ways, as well, on how these types of practices can take place for all citizens of the Greek territory. The complete information of the patient, and the ability of the patient to give his/her consensus freely and without pressure, are the necessary prerequisites for his/her participation in the medical practices.

## **Recommendations**

* To take measures to eliminate the use of restraint methods in medical facilities that may amount to torture, cruel, inhuman, or degrading treatment or punishment.

# **Article 16 – Freedom from Exploitation, Violence, Abuse**

Media has reported cases where women and children (boys and girls) with disabilities have been raped or abused by others. Official data are lacking to illustrate the real dimension of this phenomenon.

The Greek police keep a database which records all the incidents of domestic violence; however, it does not include the dimension of disability (persons with disabilities either as offenders or victims) to its classification system, missing essential data regarding the intersection of domestic violence and disability.

The ratification of the Council of Europe’s Istanbul Convention on preventing and combating violence against women and domestic violence by the Greek state and its transposition in the Law 4531/2018 (Government Gazette 2018a), and the partially integration of the Directive 2011/93/EU, regarding sexual abuse and children pornography in the Law 4267/2014 (Government Gazette 2014), are positive steps for protecting children and women with disabilities from exploitation, violence, and abuse.

## **NCDP’s response to the CRPD Committee List of Issues**

*12. Please inform the Committee about:*

*12a. The current status of the implementation of European Union Directive 2011/93/EU with respect to children with disabilities;*

12a. The Directive 2011/93/EU has been transposed into the Greek legal framework through the Law 4267/2014. However, as someone can notice, not all Directive’s articles have been transposed into the Greek legal framework. Notably, Article 3, para. 5ii and Article 9, para. A, where they explicitly refer to children with disabilities, have not been included in the abovementioned Law and, consequently, in the Greek legal framework.

*12b. Measures taken to combat violence against women with disabilities, including sexual abuse and exploitation, in domestic and institutional settings.*

12b. According to the National Action Plan on Gender Equality (2017), the measures that have been planned by the General Secretariat of Gender Equality concern: i) the education of girls and women with disabilities, their families and their carers regarding the ways for preventing, recognizing, reporting events of sexual abuse, violence and exploitation against women with disabilities, as well as the information regarding the existing supportive structures and legal and policy schemes, and, ii) improvement of the already existing services for women and girls with disabilities who are victims of gender-based violence.

## **Recommendations**

* To fully transpose the Directive 2011/93/EU to the existing legal framework so as to safeguard children with disabilities’ rights against violence, abuse, and exploitation.
* To raise awareness in regard to the Istanbul Convention on preventing and combating violence against women.
* To collect and publish data on violence, abuse, exploitation, trafficking, and multiple and/or intersectional discrimination towards women and children with disabilities.
* To enact a strategy to prevent all forms of violence, abuse, and exploitation, both in public and private domains, against persons with disabilities, and particularly children and women with disabilities.
* To ensure the accessibility of all supportive structures and services for women - victims of violence, abuse, exploitation, trafficking, etc. and their children, and the training of all relevant staff on disability issues.

# **Article 17 – Protecting the Integrity of the Person**

Forced sterilization and forced abortion are not practices that are allowed by the Greek legal framework. Regarding abortions, the legal framework defines when an abortion is possible and stresses that the consensus of a pregnant girl or a woman is a precondition for terminating the pregnancy.**[[4]](#footnote-4)** As for forced sterilization, in contrast to other countries that forced sterilization still exists as a practice (see, for example, the report that was released by the EDF and the Fundación Cermi Mujeres in 2017), in Greece, it is not allowed.

## **NCDP’s response to the CRPD Committee List of Issues**

*13. Please describe measures taken to protect persons with disabilities, in particular women and girls with intellectual and psychosocial disabilities, against forced medical intervention, forced sterilization, and forced abortion.*

13. There are no specific measures for protecting persons with disabilities, and particularly girls and women with disabilities, against forced medical intervention, sterilization, and abortion. The Greek legal framework does not allow forced sterilization and abortion. There is a gap, however, in the existing legislation on what happens in the case that either a girl or a woman with an intellectual or psychosocial disability cannot give her consensus to terminate her pregnancy due to the provisions of the substituted decision-making system.

Also, while official data does not existregarding events of forced sterilization and forced abortion, this does not necessarily mean that these practices do not happen. Having in mind, on the one hand, the recent report released by the EDF and the Fundación Cermi Mujeres (2017) and, on the other hand, the negative stereotypes and stigma that are associated with persons with intellectual and psychosocial disabilities, it is not clear what takes place within the core of very conservative family environments as well as in institutions where girls and women with disabilities are living throughout the Greek territory (see, for example, The Greek Ombudsman 2015b).

Considering the general lack of data related to disability, the lack of data in regard to forced sterilizations and forced abortions should not be interpreted as that these practices do not happen or exist in Greece. Instead, it should problematize Greek society on whether such practices do exist. They are matters that demand the Greek state to consider them both in the designing of policies against gender-based violence and for raising awareness on the rights that girls and women with disabilities, and let alone with intellectual and psychosocial disabilities, have.

The recent ratification of the Council of Europe’s Istanbul Convention on preventing and combating violence against women and domestic violence in 2018 (Law 4531/2018) is a positive step for further protecting and promoting the rights of women and girls with intellectual and psychosocial disabilities.

## **Recommendations**

* To ensure that in practice persons with disabilities are not subjected to forced sterilization, especially women and girls, and in particular persons with psychosocial and/or intellectual disabilities, including those deprived of their legal capacity.

# **Article 18 – Liberty of Movement and Nationality**

Topics regarding Greek nationality are regulated by the Code of Greek Nationality which was entered into force through the Law 3284 in 2004 (Government Gazette 2004), and it was updated since then several times with the more recent to be in 2019. Echoing Article 31, para. 1 of the Law 4531/2018 (Government Gazette 2018a), a child can acquire the Greek nationality if his/her birth takes place within the Greek territory and s/he has attended a Greek school or other types of school in Greece which was part of the Greek compulsory education program.

No specific arrangements are mentioned in this article regarding the acquisition of the Greek nationality by foreign children, in general, and foreign children with disabilities, in particular. For foreign children with disabilities, access to the Greek educational system is difficult because of socio-economic and environmental barriers, as well as because of the barriers that the Greek special education system sets as such. While the recent revision of the Code of the Greek Nationality (Government Gazette 2019b) has modified articles 1A and 1B by creating some favorable provisions for foreign children, their application is unclear until today. Although the Ministry of Interior supports that the recent revision of the Code has modified/amended the provisions of Articles 2 para. 1 and 31 for being in line with the provisions of the Convention, the articles mentioned above do not cover all foreign children with disabilities. For example, it is said in the Code of the Greek Nationality that foreign children with disabilities who have been classified with more than 80% disability percentage would be benefited, but there is no clue regarding what type of “benefit” they will receive since the enactment of Implementing Decisions by the Minister of Interior(Government Gazette 2019d) is necessary.Also, foreign children with disabilities and/or chronic diseases who have been classified with more than 67% and less than 80% disability percentage do not fall into any beneficial policy and, thus, they do not have access to social protection and welfare support.

As for the acquisition of Greek nationality for the foreign adults through naturalization procedure, it has been formulated by the arrangement of the Article 5A of the Code of Greek Nationality and Article 32, Law 4604/2019 (Government Gazette 2019b). Based on the articles mentioned above, foreign adults who have been classified with more than 67% disability percentage and have psychosocial disabilities are exempted, totally or partly, from the precondition to have a good knowledge of Greek language. In cases of foreign adults who have been classified with more than 67% disability percentage and have physical disabilities, they will be exempted by the precondition of the good knowledge of the Greek language only if they also have psychosocial disabilities.

As emerges, foreign persons with disabilities and chronic diseases face many barriers (e.g., socio-economic, environmental) for their integration into the Greek society since the absence of specific provisions prevents them from their right to acquire the Greek nationality as well as from being eligible for welfare benefits.

## **NCDP’s response to the CRPD Committee List of Issues**

*14. Please inform the Committee about:*

*14a. Measures taken to safeguard the rights of persons with disabilities, in particular women and children with disabilities, in all stages of asylum and immigration proceedings, including the provision of appropriate support and individualized accommodation;*

14a. When addressing this issue, we need to take into account the International Convention, the European Legislation, the Greek Legislation as well as the guidelines and the methodology promoted and practiced by all relevant State, European and international authorities, including UNHCR. In NCDP’s opinion, despite the progress achieved at all levels, reforms need to take place to meet the standards and provisions of the CRPD. To this end, the Greek state needs to reform its legal framework and its service provision system to safeguard more effectively the rights of persons with disabilities, in particular women and children with disabilities, in all stages of asylum and migration proceedings, including the provision of the appropriate support and individualized accommodation. To be fair to the Greek state and the Greek authorities, this is not only a Greek problem. It is European as well as international problem. It requires concerted and coordinated actions at all levels by all involved. NCDP and Greeks with disabilities are in full and unquestionable solidarity with all men/women, girls, and boys, refugees, and migrants, etc. Furthermore, article 18 of CRPD deals with the liberty of movement and nationality of all persons with disabilities including children. NCDP strongly believes that the Greek legislation needs to be reformed, taking away all discriminatory aspects on the bases of disability and other grounds, and to address the situation of children of foreign nationals born and living in Greece.

*14b. The number and percentage of persons with disabilities whose claims have been processed annually by the State party in asylum and immigration proceedings since 2012, disaggregated by sex, age, and type of impairment;*

14b.We do not have knowledge regarding this data.

*14c. International cooperation, including with the European Union, in all processes involving refugees and asylum seekers with disabilities, particularly women and children with disabilities.*

14c. We do not know if there is an (explicit) international cooperation between the Greek state and other Countries/Nations and/or International Bodies for taking measures regarding the protection of refugees and asylum seekers with disabilities, and particularly women with disabilities.

## **Recommendations**

* To take specific measures to address the situation of children of foreign nationals born and living in Greece and allow them to receive the Greek nationality and enjoy their rights in full compliance with the CRPD provisions.
* To harmonize the Greek legal framework on the liberty of movement and nationality with the provisions of the Convention.
* To take measure to harmonize legal framework on the liberty of movement and nationality in order for foreign nationals with disabilities living in Greece to have access to this legal framework without facing any discrimination on the basis of their disability, nationality, etc. Positive measures should be appropriately considered.
* To establish general regulations for ensuring the acquisition of nationality without any discrimination.

# **Article 19 – Living Independently and Being Included in the Community**

The establishment and implementation of Supported Living Homes are the effort to move from the institutional structures to more community-based structures. In the beginning, Supported Living Homes concerned only persons with intellectual disabilities. For example, according to a study that was conducted by the ESF Actions Coordination and Monitoring Authority (EYSEKT) in 2017, there were 42 Supported Living Homes in Greek territory with the number of individuals who resided in them to be 267 (EYSEKT 2017). However, in June 2018, according to our data, the number of Supported Living Homes was increased to 62, and nowadays the number of them has been further increased and ranges between 82 and 100.

A fertile ground for further increasing the development of more Supported Living Houses was the release of the Joint Ministerial Decision Δ12/ΓΠοικ.13107/283 in April 2019, where NCDP and its member POSGAmeA were actively involved in the consultation process with the Greek state. According to this Ministerial Decision, the Supported Living Homes concern, from now on, all persons with physical, psychosocial, intellectual and/or sensory disabilities that they cannot stand alone without proper support (Government Gazette 2019c). Further, there was a revision to the context through which these structures can be established not only by the private law entities but also by public law ones; a revision that could be interpreted as a means to promote the establishment of more Supported Living Homes.

There is no national deinstitutionalization strategy. The only thing that exists is a pilot deinstitutionalization program, which started late in 2017 and at the beginning of 2018 in the areas of Attica (Skaramangas) and Western Greece (Lechaina), and it is still running.  According to the Joint Ministerial Decision oik.60135/1579 “Program: ‘Deinstitutionalization of persons with disabilities’” (Government Gazette 2017d), the main aim of this pilot project is to relocate all persons with disabilities from the closed-oriented structures to daycare structures that are more community and/or family-oriented, as well as to the return of some of these persons to their family environment with their parallel support. The choice of Western Greece and Attica to implement this pilot project should not be considered as it occurred randomly. Instead, both Lechaina and Skaramangas, and, specifically, the inhuman living conditions of the persons that were residing in these structures have attracted the attention of the mass media - both at the national and international context - raising several issues regarding the living conditions of them. Considering that this pilot project will be finished by the end of 2019, it is unclear about its results and if the Greek state is willing to implement this pilot deinstitutionalized project throughout Greece.

The ‘personal assistant’ service is absent from the Greek social policy. The social service program of “Help at home” -which was established in the late 1990s and it is still in use- while it has not had as a target group persons with disabilities  has helped many citizens who belonged to the social groups of the older and persons with physical disabilities [with the priority to be given to those citizens that: i) live alone, ii) they do not have the full support by their families, or iii) their monthly or annual income is not sufficient for having a good quality of life]. Its operation, however, is limited to specific hours throughout the day (not in 24/7 base) and to specific categories of persons who need this kind of support.

Without a doubt, the long-lasting economic crisis and the accompanying austerity measures were critical factors that have affected the development and implementation of any policy scheme for the promotion of the right to independent living for persons with disabilities.

## **NCDP’s response to the CRPD Committee List of Issues**

*15. Please inform the Committee about:*

*15α. The availability of support services, including personal assistance, to promote living independently and being included in the community, specifying whether they are free, subsidized or require any additional personal expenses;*

15a. In Greece, the personal assistance service is not available as well as there is no promotion of living independently.  A good practice is the social service program, "Help at Home." Even though its target is not solely persons with disabilities, but all persons that have been classified or labeled as vulnerable persons, persons with motor impairments -and who meet the selection criteria to be eligible for the services of "Help at Home"- have been helped by this program. This program, however, is offered only to specific hours every day and it is not run in 24/7 base, as it happens with the personal assistance service.

The transport disability allowance is a finance support service that embeds elements for promoting the independent living of persons with disabilities. Nonetheless, only persons with disabilities who are paraplegic, quadriplegic, or amputated and have been classified with more than 80% disability percentage are eligible for receiving it.

*16. Please inform the Committee about measures taken, including any strategy or binding action plan adopted, to end the institutionalization of children with disabilities, and update it on:*

*16a. The number and proportion of children with disabilities who have been placed in institutions, disaggregated by type of impairment and the type of institution, since 2012;*

16a. Since there is a general lack of official data regarding various areas concerning disability, the only data that we are aware of regarding the number of children placed in institutions comes from the Greek Ombudsman. According to its special report “The rights of children who reside in institutions” (Greek Ombudsman 2015b), 3000 children reside in childcare institutions where 1000 of them they reside in childcare institutions that belong to the public sector. However, this data refers to all children, and, consequently, there is no reference to the number of children with disabilities. As the Greek Ombudsman report stresses, the responsible Minister of Labor, Social Protection and Welfare does not have explicit data for all these children because the Child Protection Register, which will have the responsibility for collecting and registering data regarding children at the National Center for Social Solidarity, was not activated until the time that the Greek Ombudsman prepared and released its report (ibid.).

Also, the Lumos NGO in its report “Mapping institutional and residential care for children in Greece” has published some similar data with the Greek Ombudsman regarding the number of children that reside in institutions throughout the Greek territory. Having as reference year the year 2014, according to Lumos estimations, 2825 children and young people where under institutional care while only 309 people reside in foster care (Roots Research Center 2015). But, this study, it does not mention anything about the number of children with disabilities, the type of disability, and so on.

## **Recommendations**

* To establish the legal scheme of Independent Living and Supported Independent Living
* To design and implement a national program of deinstitutionalization through the parallel development of Independent Living Centers for persons with disabilities and Supported Independent Living Centers
* To subsidy for implementing accessibility improvements of the residence of persons with disabilities
* To establish the legal scheme of ‘personal assistant’ for persons with severe physical disabilities or other types of disability
* To take concrete actions for the deinstitutionalization of children with disabilities and to create community-based support services for them

# **Article 20 – Personal Mobility**

Independent and autonomous mobility of persons with disabilities is not a reality in Greece due to the inaccessibility of the built environment and the transport system, as well as of the usually non-friendly behavior of the professional service providers. The support that persons with disabilities receive is mainly financial aids and allowances according to their disability category.

On the one hand, the national insurance system usually covers a part of the cost of the basic technology devices for assisting the mobility of persons with disabilities. But, on the other hand, this amount is very limited and mostly not enough for covering the cost of newer technology devices. No provision currently exists concerning the compensation of a personal assistant.

The "Single Health Benefits Regulation (EKPY) of the National Organization for the Provision of Healthcare Services (EOPYY)" (Government Gazette 2018e), which concerns technical devices granting conditions, relevant compensations and replacement times, needs to be revised to be adapted to modern trends. In the meantime, the issue of an Annex with technical specifications for technical devices for each category of disability is still pending.

Specific training programs for persons with disabilities in relation to mobility skills, as well as for the specialized staff working with them, have not been designed and provided systematically and continuously yet. Such programs are currently based on a private initiative or provided by private bodies at a high cost.

Article 16 of Law 1798/88 (Government Gazette 1988) and Article 23 of Law 1882/90 (Government Gazette 1990a) define the categories of persons with disabilities aged from 4 to 70 who have the right to duty-free importation of a passenger car. It also defines the extent of the custom duties discount and the characteristics that the car shall have.

The Presidential Decree 241/2005 (Government Gazette 2005c) integrates into the Greek legal framework the EU Council Recommendation of 4 June 1998 on a parking card for persons with disabilities and regulates the categories of persons with disabilities who have the right to obtain the European Parking Card. Unfortunately, in Greek cities, there are only a few public parking areas dedicated to persons with disabilities.

According to the current legislative frame, persons with disabilities are entitled to:

* a special parking space where their home is located;
* free travel tickets with urban transport and a reduced 50% fare for moving within the interurban KTEL, although KTEL is not accessible to persons with physical disabilities (wheelchair users etc.).

## **NCDP’s response to the CRPD Committee List of Issues**

*17. Please inform the Committee about:*

*17a. Individual services available for persons with disabilities within the public transport system, with reference to all forms of disabilities;*

17a. Only in Athens and Thessaloniki, a special door to door service of accessible mini-busses, operated by the local transport organizations, is available upon request. However, this service does neither operate 24 hours/day nor seven days/week.

*17b. Availability and cost of, and access to, individual technical devices to assist mobility for persons with disabilities in urban and rural areas;*

17b. The EOPYY is the responsible authority for covering part of the cost of technical aids and assistive devices. Specifically, EOPYY covers 75% of the total cost for obtaining a technical aid or assistive device while the EOPYY’s Circular 3112/2012 contains details regarding the procedure that an insured need to follow in order to buy a technical aid or an assistive device. For persons with disabilities who are paraplegic, quadriplegic, and amputated and receive the non-institutional disability allowance, EOPYY covers the full cost.

In this Circular there is also a table which contains those technical aids and assistive devices (which are not always in line with the latest technology) that EOPYY covers and the specific time period that someone has to use them before s/he requests their replacement. This table, however, is outdated since the last time that was revised was in 2012, despite the fact that it was announced that it would be revised in 2018. In cases where an insured with disabilities wants to buy a technical aid or an assistive device that is not in the table, e.g., because s/he wants something better than these included into the table, then EOPYY will not compensate him/her. In other words, all the devices must meet the requirements as described in EOPYY's table.

Lastly, it should be added here that there is equal access to all these devices, but it concerns only the insured with disabilities. By that is meant that the region or the island, for example, where someone resides, theoretically, is not a barrier for obtaining any technical aids or assistive devices, unless there is no provider of those devices in the near proximity, an event that usually occurs in smaller islands and/or rural areas. In this case, even for the simple act of maintenance of his/her assistive devices, the insured has to travel to a bigger island or city in order to arrange his/her issue.

*17c. The implementation of Commission Regulation (EU) No. 1300/2014 of 18 November 2014.*

17c. A National Plan for the implementation of accessibility of the Greek railway system for persons with disabilities and persons with reduced mobility, according to the provisions of Regulation (EU) 1300/2014, has already been prepared in consultation with NCDP and submitted to the European Commission in 2018.**[[5]](#footnote-5)** Since then, no other information has been provided to NCDP, but problems concerning the accessibility of the existing train system to persons with disabilities still remain.

## **Recommendations**

* To incorporate the disability dimension into all policies and programs on mobility and urban mobility as well as on road safety.
* To provide a concrete timetable and budget that will allow full access of persons with disabilities and reduced mobility to all means of public transport and related infrastructure, including, among others, trains, long-distance/interurban buses, and taxis. Development of a special public transport service to support individual cases of persons with disabilities (e.g., families with more than one member with disabilities, persons with severe disabilities, etc.), running 7 days/ week and 24 hours/day.
* To reform the driving licenses framework for drivers with disabilities – Establish new centers for the examination of candidate drivers with disabilities in the region of the country.
* To set up a permanent Accessibility Committee at the Ministry of Transport with the participation of NCDP in order to monitor and follow the implementation of the accessibility of the whole transport system.
* To facilitate access to quality mobility aids, assistive equipment, devices, and technologies at an affordable cost for all persons with disabilities, and to provide the necessary funds to enable persons with disabilities to afford them.
* To ensure the access of uninsured persons with disabilities to mobility aids, assistive equipment, devices and quality technologies from the National Organization for Providing Healthcare Services (EOPYY) through the funding of the Organization of Welfare Benefits and Social Solidarity (OPEKA).
* To facilitate and subsidy the acquisition, training, and maintenance of service dogs.

# **Article 21 – Freedom of Expression and Opinion, and Access to Information**

The right to freedom of expression and opinion has been established or secured through a combination of national and international legal frameworks that the Greek state has ratified. Specifically, these legal frameworks are: The Constitution of Greece (Article 14, para. 1), the International Covenant on Civil and Political Rights of the UN (Article 19), and the European Convention on Human Rights (Article 10) which foresee the right to freedom of expression and opinion (Government Gazette 2008b; Government Gazette 1997; and Government Gazette 1974). As for the right to access to information, the Greek Constitution, in Article 5a, paragraphs 1 and 2, foresees this right to the citizens of Greece (Government Gazette 2008b). Just recently a few new laws have been enacted by the Greek Parliament related to the provisions of Article 21 of the Convention for further promoting the rights of persons with disabilities. The law 4488/2017, which concerns the implementation and monitoring of the Convention, states that the media should take measures in order for persons with disabilities not to be discriminated against in their access to information (Government Gazette 2017a). The Joint Ministerial Decision 3586/2018 describes the actions that media should take in order to secure that persons with disabilities have access to information as provided by them (Government Gazette 2018f). Last, regarding the accessibility of the websites and mobile applications of public sector organizations, these are defined both by the existing Ministerial Decision Φ.40.4/1/989 (Government Gazette 2012d), as well as by the recent Law 4591/2019, which transposes the EU directive 2016/2012 on the accessibility of websites and mobile applications of public sector bodies (Government Gazette 2019a).

Despite the legal framework, barriers in access to information in daily communications (either physical or digital) with the public authorities/services of the Greek state still exist. The Law 4591/2019 defines the necessary timeframe by when the websites of public organizations will need to be harmonized with the provisions of the Law. In a quick search that we did,**[[6]](#footnote-6)** we noticed that the majority of them are not accessible to persons with disabilities.**[[7]](#footnote-7)** The ministries’ and hospital’ websites, websites that belong to agencies such as the Hellenic Manpower Employment Organization ([OAED](http://www.oaed.gr/))**[[8]](#footnote-8)**, the Greek Open Government Initiative**[[9]](#footnote-9)** ([OpenGov](http://www.opengov.gr/home/)), the E-Governance in Social Insurance SA ([HDIKA](https://www.idika.gr/))**[[10]](#footnote-10)** and the [National Printing House](http://www.et.gr/)**[[11]](#footnote-11)**, the majority of the websites of municipalities and regions are not accessible to persons with disabilities. These websites do not comply with the WCAG 2.0 standards, as defined by the national and EU legislation, and pretty often they have significant accessibility problems for users with disabilities and users of technical devices.**[[12]](#footnote-12)** Many websites such as the National Social Security Entity ([EFKA](https://www.efka.gov.gr/)), the Organization of Welfare Benefits and Social Solidarity ([OPEKA](https://opeka.gr/)), the [Diavgeia Program](https://diavgeia.gov.gr/), and the [Hellenic Parliament](https://www.hellenicparliament.gr/) seem accessible, as disability icons appear at the top of their websites showing that there is an option for persons with disabilities to adjust them to their needs. However, the results of a test on the compliance with the WCAG 2.0 standards were negative.**[[13]](#footnote-13)**

Besides, another issue that emerges here concerns the material –e.g., .doc documents, pdf files, and so on- that have been uploaded to the websites of the public sector and whether they are meeting the criteria to be accessible to persons with disabilities.

The Joint Ministerial Decision describes what kind of measures the media needs to adopt to ensure accessibility for persons with disabilities and in particular for the deaf, hard of hearing, blind and partially sighted persons. Although a few cases were reported to the presson the in-accessibility of the media, it seems that overall the media complies with the Joint Ministerial Decision.**[[14]](#footnote-14)**

The Greek National Council for Radio and Television (ESR) lacks the staff and resources to check the compliance of media with the accessibility obligations under the Greek law.

The Law 4488/2017 recognizes the Greek sign language as equal to the Greek language (Government Gazette 2017a). The law also obliges the Greek state to ensure that deaf and hard of hearing persons achieve full and equal access as hearing people. In 2003, the Greek state, after the enactment of the Law 3106, funded the Hellenic Federation of the Deaf “for the development and implementation of actions/programs for the provision of interpretation in sign language for deaf persons during their transactions with the public, judicial and other authorities” (Government Gazette 2003). Because of the austerity measures, the annual budget for these actions has been significantly reduced. As a result, sign language interpretation can only be covered for three months every year. On the other hand, as discussed above, media, communication, and internet providers have started to provide interpretation from and to sign language, use subtitles and any form of the written text in the whole range of goods and services, e.g., education, information, public services, conferences, and so on. Another barrier that deaf and hard of hearing persons face is their access to higher education is the inability of Greek universities to offer sign language interpretation to their deaf students and/or hard of hearing students.

The Greek state, in the Law 4488/2017 recognizes the Greek Braille as the written system for blind persons (Government Gazette 2017a). Nevertheless, the Marrakesh Treaty, which will further promote the rights of blind persons within Greek society, has not yet been ratified by the Greek state.

As for the physical barriers that persons with disabilities face in their daily access to information when they visit public authorities and/or services of the Greek state, these are: i) lack of sign language interpreters for deaf and hard of hearing persons**[[15]](#footnote-15)** , ii) lack of escorts for blind and partially sighted persons as well as for persons with reduced mobility, iii) lack of readers for blind and partially sighted persons, iv) lack of documents in accessible formats including easy-to-read format for persons with intellectual disabilities, v) limitations to direct communication (either through telephone, SMS or email) with the competent authorities; usually a significant number of civil servants are not responding to citizens’ requests**[[16]](#footnote-16)**, and so on. As emerged, the above issues depict the restrictions that persons with disabilities face in their daily life and are not in line with the provisions of the Convention.

## **NCDP’s response to the CRPD Committee List of Issues**

*18. Please inform the Committee about:*

*18a. The implementation of national standards and norms on the access of persons with disabilities to audiovisual media services and the Internet, particularly regarding information on accessible essential services, with reference to European Union Directive 2016/2102;*

18a. Through the Law 4591/2019, the Greek legislation incorporates the EU directive 2016/2102 regarding the accessibility of public sector websites and applications for mobile devices so as to make them more accessible to users and especially to persons with disabilities. However, this Law does not concern: i) the websites and applications for portable devices of the public services broadcasters and their subsidiaries as well as other entities or their subsidiaries which perform a public broadcasting service, and, ii) the websites and applications for portable devices of the non-governmental organizations (NGOs) that do not provide services which are basic for the public or services that are specialized to meet the needs of persons with disabilities or they are services that are intended for them.

Also, another exception is when public sector bodies may refrain from compliance to accessibility requirements of Article 4 if the application of the latter creates an undue burden on them.

A positive measure that is introduced by the Law 4591/2019 is the establishment of the Public Webpages and Applications Register, with the help of NCDP Greece. Public sector organizations should post on their site complete information on the compliance status of their websites and their mobile apps. Public sector should also raise awareness among its employees about the accessibility matters.

None of the above, however, has even started. The Ministry of Digital Policy, Telecommunications and Information (now called Ministry of Digital Governance), which is responsible for the implementation of the law 4591/2019, does not even mention one of the above measures in its own website, which also is not accessible!

*18b. Measures taken to ensure and facilitate the use of sign language, Braille, Easy Read, augmentative and other alternative communication in public procedures in accordance with the Committee’s general comment No. 2 (2014) on accessibility.*

18b. No measure has been taken so far regarding the use of Braille, easy-to-read, augmentative, and any other alternative communication formats in public procedures. Regarding the use of sign language, a Ministerial Decision was signed in December 2018 on the access of persons with disabilities to the television, as well as the obligations for the TV stations.

The enactment of this Ministerial Decision had already been announced by the Law 4488/2017, which is the Law that concerns the monitoring and proper implementation of the Convention. According to the Ministerial Decision, the private TV stations should between 17.00 and 23.00:

* Broadcast the news in Greek sign language and with subtitles, for at least seven minutes a day.
* Broadcast informative and entertainment shows, Greek series, documentaries, etc., with subtitles, for at least four hours a week.
* Transmitting public announcements of exceptional political significance to the Greek sign language, with subtitles at the same time (e.g., the speech of the President of the Republic).
* Broadcasting announcements of extraordinary events, such as natural disasters, in the Greek Sign Language and with subtitles.

The Hellenic Broadcasting Corporation (ERT) has increased obligations to broadcast a program accessible to persons with disabilities, such as a daily 14-minute news program in Greek sign language, with subtitling and the broadcasting of an informative and entertainment program for 12 hours a week with subtitles.

Compliance with the resulting obligations will be monitored by the National Council for Radio and Television (ESR).

## **Recommendations**

* To ensure that all media (traditional, digital, social media, etc.) should plan and offer services and products that are fully accessible to all persons with disabilities, in compliance with the provisions of the Convention.
* To make all public websites accessible to all persons with disabilities.
* To take measures to improve the accessibility of content in private media of public use.
* To enforce and reinforce the implementation of the existing legislative framework concerning access to information and communication systems in order to achieve fully accessible websites of public use.
* To extend the scope of Law 4591/2019 (Government Gazette 19 Α/2019) concerning the transposing of the Directive (EU) 2016/2102 into the Greek legislation, in order to include the websites and applications for mobile devices of the private sector and the public service broadcasters.
* To ratify the Marrakesh Treaty.
* To take measures for providing information and communication in accessible formats, including Easy-to-read and plain language formats.
* To ensure the full access of persons with disabilities, both as citizens and as employees, to the public administration and digital governance at all levels. - Ensure the information and communication in all accessible formats as well as the provision of live assistance and intermediaries.

# **Article 23 – Respect for Home and the Family**

In Greece, the right to marriage does not apply to all citizens, since persons who are deprived of their legal capacity do not have the right to get married. Specifically, the persons who are under:

* *full judicial support*, they do not have a right at all to get married,
* *partial judicial support*, it depends if the right to marriage is included under the judicial supporter’s responsibilities, and,
* *subsidiary judicial support*, it is necessary for the judicial supporter to consent. If s/he disagrees then the case ends in the court where there is ‘investigation’ on what is better -to get married or not- for the person who is under the judicial support.

For the cases of persons with psychosocial or intellectual disabilities that are not under the legal scheme of judicial support, again their right to marriage is not obvious, since a marriage can be revoked by arguing that the person that committed the marriage was not conscious of his/her actions or his/her psychological or intellectual condition was such that has affected the free expression of his/her will. In other words, the rights of persons with psychosocial and/or intellectual disabilities to marriage, family, fatherhood, motherhood, and to build personal relationships are affected because of the deprivation of legal capacity.

According to the Greek legal framework, to bring up a child is a right and a responsibility of parents. The child and his/her interests are at the core of the legal framework. By that it is meant that if parents are not in the position or they cannot take care of their child, then the Civil Code contains provisions for removing the parental care from them through specific procedures. It should be underlined here that this measure refers to all parents, and there is no specific reference if parents are persons with disabilities. In other words, the primary aim of the legal framework is to enact such measures for ensuring that the child will grow up in a secure and healthy family environment and the choice of an institution is the last choice. But, when these circumstances are not met, then the child receives out-of-home care.

In Greece, there is no option of alternative care into the broader family or the community. Placement in an institution is almost the only choice and, for unlimited period of time (The Greek Ombudsman 2015b). Specifically, this measure applies to all children, but as it is stressed at the Special Report by the Greek Ombudsman, this situation is worse for persons with disabilities since once they will go to the institution, then the chances of coming out after their adulthood are little (ibid.).

While the current legal framework seems to support the right of children to express their opinion when necessary (Greek Ombudsman 2015b), this does not apply to children with intellectual and psychosocial disabilities. Their parents or court staff are not properly educated on how to communicate with these children. The child is not asked his or her opinion for placement in an institution.

There is also an essential gap in the existing legal framework regarding the lack of support for single-parent families of children with disabilities. For example, in cases of emergencies, such as a health issue of the parent, there is no structure or a provision to leave his/her child for a temporary period of time.

A positive step regarding the foster care and adoption of children with disabilities is the enactment of the Law 4538/2018 that deals with the measures for the promotion of the legal and policy schemes of foster care and adoption (Government Gazette 2018b). According to this Law, the adoption and foster care of children with disabilities are put forward, which is a step that complies with the content of the Convention. Also, the abovementioned law introduces the setting up of the new scheme of professional foster care of children with disabilities, which could be considered as a ‘paradigm shift’ for the deinstitutionalization of children with disabilities. Also, there is a gap in the existing legal framework about whether persons with disabilities can adopt a child.

## **Recommendations**

* To adopt legislative measures in order to abolish all legislation and practices that discriminate against persons with disabilities placed under guardianship to get married and have children.
* To raise awareness and provide increased opportunities for foster care, adoption, and professional foster care of children with disabilities.
* To motivate the citizens for getting involved in foster care, adoption, and professional fosterage of children with disabilities.
* To ensure accessible and inclusive community support services to assist with the demands of parenthood available to persons with disabilities that are necessary to them, in particular to women with disabilities who are mothers and to mothers of children with disabilities.

# **Article 24 – Education**

In the field of education, the Law 3699/2008, which sets the institutional framework concerning the Special Education of individuals with disabilities or special educational needs (Government Gazette 2008c), remains up to now a separate legislation concerning the education of persons with disabilities. According to the abovementioned law, pupils and students with disabilities have the opportunity to attend mainstream classes with or without parallel support from a teacher providing special education, inclusion classes that operate within the general education system, or special schools depending on the type and the severity of their disability and special educational needs. Based on the estimation of the Observatory on Disability Issues, retrieving data from the Ministry of Education, students’ population with disabilities or/and special educational needs (with an official decision of special educational needs [SEN]), is 90743 students for the school year 2017-2018, which is the 6.3% of the total students’ population of the country. The vast majority of them (88%) are students in mainstream schools both in primary and secondary level of education.

However, despite the general trend towards the inclusion of students with disabilities in mainstream schools, several students with disabilities still receive education in special school units. It needs to be highlighted here that the students’ population of special schools have been increased the recent years. More analytically, the number of children with disabilities attending special schools for the school year 2017-2018 was 10.809, with the majority of them being children with severe disabilities who are also more exposure to social exclusion. To be more specific, the vast majority of them are students with intellectual disabilities (36,3%), autism (29,9%) and multiple disabilities (13,7%). It should be, also, noted that the number of pupils in special pre-schools and primary schools have sharply increased during the years 2007-2016 (114,4% & 27,5% respectively) (Center for the Development of Educational Policy/General Confederation of Greek Workers and National Confederation of Disabled People 2018b).

Most of the students with disabilities and/or SEN who are attending general schools (57.3%), do not receive any specialized support. Instead, they are solely being supported by the teacher of the mainstream class. What is more, the number of students who receive specialized support is being limited through the transition from the primary to the lower secondary, and let alone to the upper-secondary education, where the percentage of the students who do not receive any specialized support is something more than 90%.

A large proportion of students with disabilities and/or SEN is enrolled at inclusion classes that exist within the mainstream schools, and according to the current legal framework, do not meet the criterion of definition of “inclusive setting", as was agreed among the ministerial representatives of *European Agency for Special Needs and Inclusive Education* member countries[[17]](#footnote-17).

The “inclusion classes” encounter many issues which are linked with the lack of adequate number of staff and a large number of students. From 2011 to 2016 (Center for the Development of Educational Policy/General Confederation of Greek Workers and National Confederation of Disabled People 2018b), there was a sharp increase to the average size of “inclusion classes.” In 2016, the average number of students in secondary education special classes was 14.6, whereas the maximum number of students as defined by the law is 12. Additionally, questionable is the synthesis of the “inclusion classes” since the latter usually consists of students with different types of disability and severity levels as well as and by students who might have a poor school performance or face other issues and for whom there is no known reason why they place them into these classes. Notably, in the school year 2017-2018, 35% percent of the students who attended the “inclusion classes,” they did not bring an official decision for disability or SEN.

As for the students that attend mainstreaming classes, the Greek Ombudsman, to its Annual Report for the year 2017 (The Greek Ombudsman 2017b), highlights that the major issue is the lack of available financial resources to adequately meet the needs of all students.

In regard to the provision of parallel support, due to the lack of financial resources, some students are given priority over others (only the 7% of the students with disability or SEN in the school year 2017-2018 were provided with parallel support), while the majority of students who finally are supported enjoy support only on a partial basis. At the same time, there are students who while have been qualified with parallel support, in the end, either they do not receive it, or they receive it with a delay.

In regard to the general support within mainstream schools (psychologists, social workers, occupational therapists, and so on), although progress has been made during the last years, general support is still very limited due to lack of staff, (for instance, in secondary education in 2014 there were in total just 263 specialists for 1794 school units). Many children with care and medical needs are facing a violation of their right to inclusive education due to the lack of school nurses and special support staff. Pupils and students with diabetes who face plenty of difficulties, either due to the lack of nurses or due to the insufficiently trained staff, is a representative example here.

Until recently, the evaluations of the educational needs of students with disabilities and/or SEN, as well as the provision of the relevant support, were based exclusively in the medical model of disability. The recent adopted Law 4547/2018 “Reorganizing supportive structures in primary and secondary education and other provisions” (Government Gazette 2018d), attempts to reform the diagnostic and supportive services system with an orientation towards a more inclusive educational system, taking into account the social dimensions and barriers in education. However, and in this case, the lack of both financial resources and infrastructures is a barrier for the proper staffing and operation of the newly established supportive structures (KESY).

As far as the physical accessibility of school buildings is concerned, the Ministry of Education has recently made an investigation (2017) which reveals, according to the Minister of Education (as cited in Lampridi 2018), that a large proportion of school buildings do not even meet the minimum standards of physical accessibility, which actually means lack of ramps and elevators.

The educational material, services and equipment, the electronic environment, and the information provided to students remain at a great extent inaccessible. Students with visual impairments face several problems concerning the accessibility of educational material. Many schoolbooks either have not been printed in Braille yet or they have been wrongly printed -without making use of the available contemporary technologies.

Another essential weakness of the Greek educational system is the very limited access to early intervention and pre-school services for children with disabilities, services that in fact, are provided by a few non-governmental agencies. The development of public early intervention structures as foreseen by the Law 3699/2008 has not been released yet (Government Gazette 2008c).

Due to the inferior/low quality primary and secondary education they have been provided, persons with disabilities in Greece have very limited access to tertiary education. In line with the data of the European Health and Social Integration Ad hoc- Survey (EHSIS), with 2012 to be the reference year, only 5.4% of the population of persons with disabilities in Greece had a university degree (ISCED 5‐6) (Center for the Development of Educational Policy/General Confederation of Greek Workers and National Confederation of Disabled People 2018a).

According to the Greek National Commission of Human Rights, in Greece, the special education system is still regarded as inferior to the general education system (Greek National Commission for Human Rights 2017). The unequal treatment of the education of students with disabilities is apparent when funding issues are concerned. As the Greek state initial report shows, the majority of teachers of special education as well as the supportive services for children with disabilities, are almost exclusively funded by the National Strategic Reference Framework (NSRF). As a result, special education in Greece is mainly provided by temporary staff as in special schools the 80% of the teaching staff is changing every year.

The Ministry of Education has recently undertaken a positive initiative in order to hire 4500 permanent teachers in special education. Moreover, new legislation that is being adopted by the Greek parliament introduces a new evaluation system for the recruitment of teachers in primary and secondary education, which gives priority to the teachers with disabilities.

The collection of statistical data for the students with disabilities and/or SEN in Greece is at an early stage. Keeping this in mind, it is a positive step that in 2018, for the first time ever, it was possible to retrieve some data concerning students with disabilities and/or SEN attended at mainstream Schools (data from the informational system of the Ministry of Education: My School). However, a considerable data gap still exists. For example, the available data could not be disaggregated by the type of disability or special educational needs; there is lack of data regarding reasonable accommodation in schools as well as the dropout rate, and so on.

## **NCDP’s response to the CRPD Committee List of Issues**

*19. Please inform the Committee about:*

*19a. Measures taken to ensure the right to inclusive education for persons with disabilities and to develop a fully inclusive education system;*

19a. Although the Law 3699/2008 establishes a national framework in order for students with disabilities to attend mainstream schools as well as to receive support on matters related to their support needs, unfortunately, the above Law has several deficiencies. For example, it still maintains separate legislation concerning the education of students with disabilities. What in practice takes place is that many students with disabilities still receive education in special school units. Moreover, due to the lack of available financial resources for meeting the needs of all students adequately, the majority of students with disabilities and/or special educational needs do not receive any specialized support within the school.**[[18]](#footnote-18)**

Though the recent Law 4547/2018 has introduced a series of new supportive structures to the educational community, as well as it has broadened the scope and responsibilities of the already existed Centres for Differential Diagnosis and Support (which through the above law have been renamed as Centres of Educational and Counselling Support) towards the direction of the promotion of inclusive education, the NCDP has not received yet any clear feedback on its implementation.

*19b. Measures taken to ensure full accessibility of school facilities, educational materials, services, and equipment to students with disabilities;*

19b. According to Article 2, para. 5 of Law 3699/2008, mainstream schools should be accessible to all students with disabilities. Also, echoing the Law 3699/2008, the Ministry of Education is obliged to establish two advisory/consultative committees. The first committee should be responsible for monitoring issues related to the physical accessibility of the educational and administrative structures, while, the second committee should monitor the electronic accessibility both of the educational material and websites. The above Law also foresees that the representatives of the NCDP participate in these committees, but to our knowledge, these advisory/consultative committees have not been established yet.

In regard to the physical accessibility of school buildings, the Ministry of Education has recently conducted -for the first time ever- an investigation (2017) which reveals that a large proportion of school buildings do not even meet the minimum standards of physical accessibility.

Following the findings of this investigation, the Ministry of Education has recently invited the municipalities to submit proposals in order to receive funding by the program “Philodemos II’’, which among other actions, will allocate € 35 million for the construction of ramps and accessible sanitary facilities in schools.

*19c. The number of children with disabilities enrolled in mainstream schools and in special schools or segregated school units, at various levels of education, as a proportion of the total number of children with disabilities enrolled in school, disaggregated by sex and national or ethnic origin;*

19c. Until recently, there was a total lack of official data regarding students with disabilities who attend mainstream schools with those that attend special classes within the mainstream educational system to be taken into account. Consequently, the overall number children with disabilities in mainstream educational mostly remain unknown. Quite recently, the Greek Ministry submitted some data to the “European Agency for Special Needs and Inclusive Education” but only for the school year 2016-2017 and without offering data for all indicators that were requested.**[[19]](#footnote-19)**

Regarding the school dropout rates, the Observatory on School Dropouts has not integrated yet in its methodology the disability aspect in the investigation of drop-out rates. In other words, the Greek state does not have any official data on drop-out rates.

Based on the data from the Observatory on Disability Issues (Source of Data: My-school, Ministry of Education), for the school year 2017-18, the vast majority of students with disabilities attended mainstream schools of all educational levels (88.5%) either general or integrational classes.

To be more precise, concerning the students with disabilities and/or special educational needs in mainstream schools,

* the 31% attended integrational classes which combine both general and specialized curricula,
* the 7% of students receive individual support (parallel support) which is mainly provided to students in preschool and primary level of education
* the 57,3% did not receive any specialized support, but only they were supported by the general class teacher.

*19e. The status, scope and results of implementation of the programmes on specialized educational support for the inclusion of students with disabilities and/or special educational needs and on the development of accessible educational and instructional materials for students with disabilities (CRPD/C/GRC/1 and Corr.1, paras. 189–191), and whether they are in line with the Convention.*

19e. Regarding the parallel support, it should be noted that there are some critical issues with its proper implementation. More specifically, because of the lack of adequate financial resources, there are serious delays at the hiring procedure of teachers, which, then, is translated as a barrier to students with disabilities since although they have been granted access to parallel support, they do not get it in time, e.g., not in September, at the beginning of the school year, but later. Furthermore, because of the limited budget, the number of teachers who will be hired is not sufficient and, consequently, the parallel support is often provided only for limited hours per student.

As for the accessibility of the school buildings, in line with the Ministry’s data, out of 14.000 of school buildings, the 7.361 do not have ramps and more than 9.917 do not have accessible sanitary infrastructures.**[[20]](#footnote-20)**

## **Recommendations**

* To elaborate and implement a holistic plan for the inclusion of students with disabilities in the primary and secondary education, technical education and vocational training as well as in tertiary and postgraduate education, including a strategy or action plan for the transition of learners with disabilities from special to mainstream schools.
* To ensure the universal accessibility of the education system including infrastructure and equipment, educational material, teaching methods, and procedures as well as the provision of reasonable accommodation (including the transport of pupils) if needed.
* To support the education of students with disabilities and/or special educational needs with permanent funding schemes from the state’s budget.
* To revise the school books and the teaching material in all levels of the educational system to be compliant with the CRPD provisions so that pupils and students with or without disabilities are educated according to the rights-based approach to disability. Ensure the education and training of teachers so that they can respond to the diversified needs of all students, especially of those with disabilities.
* To ensure early identification of children with disabilities and establish affordable public services for early intervention and education for all children who have special educational needs.
* To establish a timely and accessible mechanism for redress when students with disabilities and their families have not been adequately supported or have experienced discrimination.
* To develop targeted lifelong learning programs with particular emphasis on persons facing multiple discrimination (e.g., young people/ women/ migrants and refugees with disabilities, etc.).
* To establish the institutional representation of the NCDP to the Board of Directors of the National Organization for the Certification of Qualifications and Vocational Guidance (EOPPEP) and the Institute for Educational Policy (IEP).
* To develop an action plan for the expanding and the improvement of the collection of statistical data for the monitoring of Article 24.

# **Article 25 – Health**

Undoubtedly, the long-lasting economic crisis has tremendously affected the operation of health and mental care system. For example, between 2009 and 2015, the financing of public hospitals has been decreased to half, the diagnostic and prevention services have been reduced by 20%, while the expenditure for the public health is at the 5,2% of the GDP, while the European average is 7.5% of the GDP (see, for example: Stylianidis and Souliotis 2019; Hauben et al. 2012).

Moreover, the deep cuts in the public sector wages, the abolition of the 13th and 14th wage in the public sector and the decrease in the private sector wages led the majority of Greek citizens, and, particularly, those who belonged to vulnerable social groups, to seek healthcare services in the public sector. The high demand on public healthcare services, on the one hand, and the severe cuts to the budget of public hospitals, e.g., a decrease of 26% the period between 2009 and 2011 (Hauben et al. 2012), on the other, affected the proper operation of the hospitals. Also, the reduction of the medical staff, the increase to the waiting time for someone to book an appointment with a physician, the lack of necessary medical supplies to hospitals and mostly to regional hospitals, as well as the cuts to the municipalities’ public health services, have emerged as crucial barriers for persons with disabilities and their access to healthcare services (Rotarou and Sakellariou 2017). To put it differently, there is an essential increase in the unmet support needs of persons with disabilities (ibid.).

The reform of the system for assessing and certifying disability by adopting stricter criteria**[[21]](#footnote-21)** -compared to the former system, and the necessary disability reassessment of all disability benefits recipients in order to continue receiving disability benefits- has also affected the access of persons with disabilities to healthcare services. By that is meant that there are cases that persons with disabilities who had been classified as having a disability by the previous system, suddenly either they were reclassified in another disability category, or they lost their disability status at all. Thus, for those that there was a change to their disability status -not because their health was improved but because of the stricter assessment criteria (Pavli 2017)- this change is translated that the provisions granted to them in the past, based on the severity of their disability, no longer existed.

Apart from the barriers mentioned above, the cost that persons with disabilities must pay from their “pocket” for receiving healthcare services has significantly increased. More specifically, persons with disabilities have to pay themselves a 25% contribution for buying their prescribed medication. If the medication is associated with the disease or impairment of persons with disabilities, then their contribution is either a 0% or 10% (Government Gazette 2012e). An issue, however, emerges here and concerns the choice of the contribution percentage. For example, in the case of a person with bipolar disorder, his/her contribution to antipsychotic medication is up to 10%, while for the anti-depression medication, the contribution is 25%. So, the question that arises here concerns the criteria to classify which medication falls into the 0%-10% category and which into the 25% category.

Similarly, persons with disabilities must pay a 15% contribution for diagnostic examination at private diagnostic centers which have a contract with the National Organization for the Provision of Healthcare Services (EOPYY). Persons who have been classified with more than 80% of disability percentage and have either thalassemia, chronic kidney failure, kidney transplantation, cystic fibrosis, diabetes type-I, or those who are amputated and receive the non-institutional care benefit they do not pay any contribution.

As said previously, the cuts to the budget for public health have had severe consequences to the operation of the hospitals and let alone to regional hospitals. For that reason, persons with disabilities have to travel far away from their permanent residency for receiving healthcare services. In other words, persons with disabilities have been transformed into “internal migrants,” looking for healthcare treatment. Considering the already increased cost for persons with disabilities in receiving healthcare services, this extra cost for visiting a physician and/or a hospital far from their permanent residency is one more challenge in their vested right to healthcare.

OECD, in its report, *Sickness, Disability, and Work: Breaking the Barriers* (2009, p. 10), supports that “mental health problems is an unresolved challenge.” While in the OECD report the emphasis is on the increase of the rate of persons with psychosocial disabilities in Europe and their access to welfare services, in Greece both the mental healthcare system and mental health constitute “unresolved challenges”. On the one hand, due to the impact of the economic crisis on citizens of Greece and, let alone, the radical changes in the structure of the Greek society, e.g., increase in social inequalities and socio-economic uncertainty, many citizens suddenly face serious mental health problems. For example, the fear of unemployment, uncertainty for tomorrow, income drop and fear that they would not be able to cover their personal and/or their families’ daily needs, have as a result an increase to the rates of people who suffer from mental related problems, e.g., depression, panic attacks, suicides. On the other hand, as referred previously, the austerity measures that have been imposed by the troika to the Greek state have severely affected the public healthcare system. But, if the public healthcare system has been severely affected, then the situation for the already ‘wounded’ mental healthcare system is even worse. In other words, while the rates of citizens with mental health problems rapidly increase, the provisions and the operation of the mental healthcare system is very weak.

To be more specific, the cuts to the budget of the mental healthcare system “has been 20% between 2010 and 2011, and by additional 55% between 2011 and 2012 (as cited to Stylianidis and Souliotis 2019, p. 17). These cuts to mental health services are translated to i) degradation of mental health services, ii) lack of staff at the Mental Care Units and burnout of existing staff, iii) use of restrictive technologies and measures for limiting the free movement of persons with psychosocial disabilities, and, iv) lack of sufficient units for providing mental health services to persons with psychosocial disabilities (Council of Europe 2018).

Many citizens in Greece do not have access to healthcare services due to their unemployment status. The 2016 Law 4368 (Government Gazette 2016d) was enacted foreseeing that uninsured and former holders of the “poverty booklets” have equal access to the public healthcare system and that includes nursing, diagnostic and pharmaceutical coverage.

According to the Medical Ethics Code (Government Gazette 2005b), all physicians should treat all patients with respect and trust irrespective of race, gender, disability, ethnicity, age, etc. There are cases, however, that persons with disabilities have faced discrimination by the physicians they have visited. Either during their visit to a physician for their health issue or during their disability assessment by the disability medical committees, persons with disabilities have reported that physicians have not treated them equally with other non-disabled patients.

The barriers, however, that persons with disabilities have to deal with in regard to their access to health are not only limited to issues that are related to affordability. Instead, the access to hospitals and the accessibility of hospital buildings as well as of medical technologies and medical imaging technologies, e.g., mammogram, are challenges that persons with disabilities face daily when they visit hospitals, either as patients or as assistants or visitors to other patients. To be more specific, i) hospital rooms and patients WC are not adapted in such a way for being accessible to persons with disabilities, ii) there are rarely accessible WCs for the public, iii) medical equipment, technologies, and medical imaging technologies have not been adapted to the needs of persons with disabilities, iv) there is not any signage in Braille for blind or partially sighted persons, v) there is no any planning on how persons with disabilities will evacuate the building in case of emergency. While ramps already existed, their use is mostly for the stretchers for moving patients by nursing staff. Similarly, while the elevators are big enough either for accommodating stretchers and/or for transferring simultaneously many persons, there are rarely elements/figures of floor announcements as well as of buttons in Braille.

Besides, there are neither provisions for deaf and hard of hearing persons to communicate with physicians and nurses in sign language, nor any publication in Braille exists for blind and partially sighted persons. For example, in regard to medical record, while it is a document, either physical or digital, that contains sensitive personal information of the patient, there is no specific provision that foresees its printing into Braille.

## **NCDP’s response to the CRPD Committee List of Issues**

*20. Please inform the Committee about:*

*20a. Access of persons with disabilities to health services, providing data disaggregated by sex, age, and type of impairment, and about measures taken to mitigate the impact of the economic crisis on access to health care;*

20a. We do not know if such data are currently available. A positive measure that aimed to mitigate the impact of the economic crisis on persons with disabilities regarding their access to healthcare was the enactment of the Law 4368 and the Joint Ministerial Decision Α3(γ)/ΓΠ/οικ.25132/4-4-2016 in 2016. Because of the economic crisis and the increase in unemployment rates, many citizens of Greece did not have access to healthcare services. Thus, the Greek state, almost seven years after the outbreak of the economic crisis, enacted the Law 4368 and the Joint Ministerial Decision Α3(γ)/ΓΠ/οικ.25132/4-4-2016 through which it recognizes the right to free access to healthcare both to uninsured and vulnerable social groups. What this law achieved is insured, uninsured and former holders of the “poverty booklets” to have equal access to the public health system. The access to healthcare services includes nursing, diagnostic and pharmaceutical coverage, which is undoubtedly an essential measure since the healthcare services exclude none.

*20b. The current status, scope, and results of implementation of the “Kallikratis” program (CRPD/C/GRC/1 and Corr.1, para. 202);*

20b. The Kallikratis Program, following article 75 of the Law 3852/2010 and what it describes as the protection of persons with disabilities are not implemented. Some of the services that are mentioned in the Law, perhaps they have been implemented, but they are not specific for persons with disabilities, since they concern all citizens. Also, regarding the services which concern persons with disabilities they have not been implemented. There are a few municipalities that have implemented some health programs for persons with disabilities, but this has happened after their own initiative. Although the Kallikratis Program foresaw that the municipalities would be responsible for providing persons with disabilities with disability benefits, this provision does not exist anymore. Instead, according to the Law 4520/2018, the Organization of Welfare Benefits and Social Solidarity (OPEKA) is responsible for providing persons with disabilities with disability allowances.

*20c. Measures taken to ensure accessible sexual and reproductive health services for persons with disabilities, particularly women and girls with disabilities, on an equal basis with others;*

20c. There are no specific measures for ensuring accessible sexual and reproductive health services for persons with disabilities in general, and women and girls with disabilities in particular.

*20d. The effects of the Integrated Health Care Regulation on older persons with disabilities.*

20d. There are no specific measures on the “Integrated Health Care Regulation” towards older persons with disabilities. Thus, we cannot find data about the effects of the “Integrated Health Care Regulation.”

## **Recommendations**

* To mainstream disability policies into all public health policies for ensuring the right to accessible health care and services for all persons with disabilities through the public system of healthcare.
* To adopt measures to ensure that all hospitals and other health facilities are physically accessible to all persons with disabilities in all regions of the state party, including rural and island areas, and that quality health care is made available to all persons with disabilities and their families, including women and girls, as well as migrant workers. Develop a targeted, measurable and financed plan of action aiming at the elimination of all kinds of barriers faced by persons with disabilities, in particular for persons with psychosocial disabilities.
* To conduct training to ensure that health-care practitioners are aware of the rights of persons with disabilities under the Convention and have the tools to provide appropriate advice for persons with disabilities, including women with disabilities.
* To ensure the provision of information in accessible formats for persons with disabilities, including Braille, sign language and Easy-to-Read, regarding services and educational programs available to persons with disabilities.
* T0 ensure and modernize the public character of the National Healthcare System. - Make institutional interventions such as:
	+ The participation of the NCDP and its member organizations in all Health Policy Planning and Implementation Bodies.
	+ Creation of a framework for the institutional establishment and development of integrated health services at home and integration of the Personal Electronic Health File and the Electronic Health Card of the Citizen.

# **Article 26 – Habilitation and Rehabilitation**

The Greek National Health Service Organization (EOPYY) is responsible for providing habilitation and rehabilitation services to persons with disabilities through the Integrated Health Care Regulation of EOPYY. Examples of the services that EOPYY provides its insured are: i) access to hospitals rehabilitation departments, ii) rehabilitation services either in closed care structures or in daycare centers, iii) day-care services and stay in Day Care Services for persons with disabilities, and, vi) covering the needs of physiotherapies, speech therapies, occupational therapies, and psychotherapies. However, EOPYY’s provisions to insured people have suffered severe cuts.   For example, regarding the rehabilitation services in the field of special education, the budget for the year 2019 is approximately at around 65 million euro, while in 2015 it was 106 million euro (*I Kathimerini*, 19 June 2019). Similar cuts have been applied and to the physical medicine and rehabilitation services (*I Kathimerini,* 6 July 2018).

Moreover, there is an essential lack of rehabilitation services in the sectors of ‘after’ and out-of-hospital care. Specifically, there are only a few structures available for recovery and rehabilitation that belong to the public sector having as a result of the needs to these services to be covered by structures that belong to the private sector. Also, according to the severity of each case, there is the option the individual to be transported to a rehabilitation structure abroad.

## **NCDP’s response to the CRPD Committee List of Issues**

*21. Please provide, with respect to the institutions mentioned in paragraphs 208–214 of the initial report:*

*21a. Information on financial resources available to the new social welfare centers and the number of persons with disabilities having received services from the centers, disaggregated by sex, age, and type of impairment, including as a percentage of the total number of persons who require those services;*

21a.We do not know if such data exist.

*21b. Information on measures taken in the field of habilitation and rehabilitation by the national institute for persons who are deaf and the Centre for Education and Rehabilitation for the Blind;*

21b. Regarding the National Institute for the Deaf People, the measures that have been taken for the habilitation and rehabilitation of deaf and persons who are hard of hearing are: i) the provision of free sign language courses, and ii) services of advisory and psychological support both for deaf and persons with hard of hearing as well as to members of their families that they can hear, with the principle of confidentiality to be considered.

As for the Centre for Education and Rehabilitation for the Blind and the services that it offers to blind or partially sighted students, these are training: i) in Mobility-Orientation skills, and, ii) in Daily Living Skills.

*21c. The number of persons with disabilities who have received services from the recovery and rehabilitation centers, as a percentage of all requests for such services;*

21c. We do not know if such data exists as well as we do not know if this kind of data exists at all.

## **Recommendations**

* To adopt a National Action Plan on habilitation and rehabilitation of persons with disabilities so as to be in line with the provisions of the Convention.
* To establish a Rehabilitation Department at the Ministry of Health as well as a Network of Rehabilitation Units; upgrade their services and modernize the existing National Rehabilitation Center.
* To take appropriate legislative measures to secure access for persons with disabilities, including children with disabilities, to free and/or affordable health-related habilitation and rehabilitation services.
* To take measures to provide early intervention services to all children with disabilities.

# **Article 27 – Work and Employment**

Based on the findings of a recent study conducted by the Observatory on Disability Issues of the NCDP (NCDP Observatory on Disability Issues 2018b)**[[22]](#footnote-22)** the **access of persons with disabilities to the existing labor market is limited**.

The study shows that:

i) the employment rate of “persons with severe disabilities”**[[23]](#footnote-23)** aged 20 to 64 stands at 24,2%, which is 33,4 percentage points lower than the rate of persons without disabilities (57,6%) and 46 percentage points lower than the national goal of the “Europe 2020” strategy;

ii) the unemployment rate of “persons with severe disabilities” stands at almost 39%**.** The highest unemployment rate of persons with severe disabilities between the 25-29 years old group is 58,2%, while the corresponding rate of persons without disabilities aged 25-29 is 40,9%;

iii) the 60,4% of “persons with severe disabilities” and the 39,2% of persons with moderate activity limitations belong to the non-working population, while the corresponding rate in the population of persons without disabilities is 23,7% (NCDP Observatory on Disability Issues 2018b). Also, the analysis of the non-working population shows that in all age groups of persons with severe disabilities: the percentage stands at over 40%;

iv) within the population of “persons with severe disabilities”, the 83% of persons between 20-24 years old, the 72% of persons between 25-29 years old, and the 55,5% of persons between 30-34 years old, they do not have any working experience; and,

v) the 84% of workers with disabilities state that employers have failed to provide them reasonable accommodations (ibid.).

Although the State has made efforts to increase the employment rate of persons with disabilities through the adoption of legislative measures, the enactment of the Law 2643/1998 (Government Gazette 1998) that revised the preexisting Law 1648/1986 (Government Gazette 1986) has had a limited impact on the employment rate of persons with disabilities in the public sector and almost no impact in the private sector.

The enactment of the Law 4440/2016 has already created a new legal environment for the recruitment of persons with disabilities and their family members in the public sector, increasing vastly the number of those working in the public sector in the two years of implementation of the Law (Government Gazette 2016b).**[[24]](#footnote-24)** Specifically, this Law foresees that 10% and 5% of the positions to be filled by regular personnel and personnel with non-fixed private law contracts in the public sector -including legal persons governed by public law and organizations of local authorities- should be covered by persons with disabilities with a certified disability percentage of at least 50% and by relatives of persons with disabilities with a certified disability percentage of at least 67% respectively (ibid.). This Law, however, concerns vacant positions only in the public sector and not in the private one. In other words, what is missing is more measures to be taken for improving the placement of persons with disabilities in the open labor market.**[[25]](#footnote-25)**

According to the data presented by the Greek Ombudsman’s (2018) “Equal treatment - Special report 2017”, the number of received complaints pertaining to discrimination on the grounds of disability or chronic diseases are deficient, compared with the above-mentioned data (please, see point (v) on the previous page) where **84% of workers with disabilities state that employers have failed to provide them reasonable accommodations**. Most of the complaints are against the public sector, which means that the fear of dismissal in the private sector is a critical barrier for persons with disabilities to make use of the provisions of the Law 4443/2016 (see, for example, Government Gazette 2016c).

Another barrier that persons with disabilities face as jobseekers concerns their transaction with the Manpower Employment Organization (OAED), which is the central management structure of active employment policies. Since there are no representatives of the disability movement in the Board of OAED, the perspectives of persons with disabilities are not mainstreamed into OAED’s policy design. The OAED’s website is not accessible to persons with disabilities, the programs for the creation of new jobs by subsidizing the labor costs and the social security contributions for the benefited persons for a specific period of time addressed to private-sector employers do not provide more incentives for the recruitment of persons with disabilities.

## **NCDP’s response to the CRPD Committee List of Issues**

*23. Please inform the Committee about:*

*23a. Current statistics on infringements of the principle of equal treatment in employment and work of persons with disabilities, enshrined in Law No. 3304/2005 (CRPD/C/GRC/1 and Corr.1 para. 312);*

23a. According to the Greek Ombudsman Special Report for equal treatment which was released in 2018 (The Greek Ombudsman 2018), the Greek Ombudsman received 738 reports, of which 77% were reports that fall under its responsibilities and thus further investigated. Of the 77% reports, 52% were well-founded and for that reason the Greek Ombudsman intervened for removing the violations that were related to the principle of equal treatment. Following the Special Report, 19% of the reports concerned discriminatory treatment because of chronic disease or disability, which was also the second highest rate. The majority of the reports concern gender discrimination (40%). It is worth noting that 62% of the discrimination cases reported are against the public sector, while 38% against the private sector.

*23b. Measures taken as a part of, and results achieved through the transition from sheltered workshops to the open labor market, and the introduction of new forms of social cooperative enterprise guaranteeing the right to work for persons with disabilities;*

23b. After the enactment of the Law 2646/1998, and mainly through the article 17, specific programs were established for persons with “intellectual disabilities, autism, severe psychosocial disabilities and multiple disabilities” in regard to the single criteria that persons with disabilities should meet in order to be provided with services, funding, and evaluation. The main aims of these programs were social inclusion, participation in the production process, professional employment, whether in the open labor market or alternative forms of employment. Law 2646/1998 mentions the enactment of a Presidential Decree for regulating the legal form, organization, operation, employment and financing conditions of the Sheltered Workshops as well as for defining issues related to the employment relationship, the way of wage calculation of the persons involved and the process of the promotion of their own products. The enactment of this Presidential Decree is still pending. Because of the absence of the Presidential Decree, persons with disabilities who are employed within these frames do not have social insurance rights. Additionally, there is no legal scheme for supported employment, which could facilitate the transition from the Sheltered Workshops employment into Open Labor Market.

According to article 14 of the Law 4430/2016, which replaced the Law 4019/2011, persons with disabilities and chronic diseases can participate as members and employees in the “Social Cooperative Enterprises for the Integration of Vulnerable Groups.” Also, according to article 14, para. 2 of the Law 4430/2016, the Social Cooperatives of Limited Liability were ex officio included at the Social Cooperative Enterprises for the Integration. The legal scheme of Social Cooperatives of Limited Liability was introduced in Greece in the context of the development and modernization of Mental Health Services (see article 12, of the Law 2716/1999). The aim of this legal scheme, which combines elements both of protective employment and social entrepreneurship, is twofold: on the one hand, to support persons with psychosocial disabilities, and on the other hand, to integrate them in a social, economic, and occupational context. Persons with disabilities who are employed in these enterprises continue to receive disability benefits. Following an intervention by NCDP, the Greek state, in order to facilitate the integration of persons with disabilities in the Social Cooperative Enterprises, has established the continuation of disability benefits, in case that the persons with disabilities will be employed in these Enterprises (for example, see: article 34, para. 2, of the Law 4430/2016).

Nevertheless, many barriers should be overcome in order to increase the participation of persons with disabilities in the Social and Solidarity Economy. Specifically, the barriers that should be overcome are: i) the lack of work experience in general, e.g., how will a person with a disability be a corporate member in a Social Cooperative Enterprise, when s/he does not have any work experience? ii) the lack of disability mainstreaming in all types of Social Cooperative Enterprise; this means that the building facilities must be accessible as well as their physical and digital services and their products must take into account the needs both of clients with disabilities and their employees with disabilities. In this way, persons with disabilities, on the one hand, can work in all Social Cooperative Enterprises, and, on the other hand, be benefited by the provided services; iii) the non-maximum possible activation of the institution of School Cooperatives in special education schools, which significantly contribute to the cultivation of the idea of “association” in the population of persons with disabilities as well as to their parents and guardians; and, iv) the existing legal scheme of substitute decision-making system, which does not allow persons with disabilities who are under guardianship to be members of a Social Cooperative Enterprises because of their lack of legal capacity.

*23c. Measures taken and planned to reduce unemployment among persons with disabilities, particularly women.*

23c. Law 4440/2016 and specifically article 25, facilitates the recruitment of persons with disabilities in job positions both in the public and broader public sector. During the current programming period of the European Structural and Investment Funds (ESIF) 2014-2020: a) there was an increase, after the intervention of NCDP, in the bonus points for persons with disabilities who have been classified and certified with 50% disability percentage or more in order to facilitate their participation in employment programs of community service**[[26]](#footnote-26)**, and, (b) a program was implemented for the reconciliation of family and professional life**[[27]](#footnote-27)** with the aim of increasing and maintaining mothers of persons with disabilities in job positions. However, no employment program targeting women with disabilities has been implemented in the course of the current programming period either by the ESIF or by national funds. Besides, OAED, since 2017, has implemented with the support of national resources a program to support employers for the recruitment and employment of 2000 unemployed persons with disabilities, former dependent of addictive substances, ex-prisoners, young delinquents or young people who are at social risk.**[[28]](#footnote-28)** This program subsidizes the employment of these people first for twelve (12) months, with the possibility of two more extensions of the total twenty-four months (twelve months plus twelve months). The program is addressed to private business, cooperatives, bodies of social and solidarity economy, and generally to private sector employers who regularly engage in economic activity, as well as to local and second-level Local Government enterprises. As representative organizations of persons with disabilities are not considered to be engaged in any economic activity, they are not allowed to participate in the program by hiring persons with disabilities. Additionally, the beneficiary bodies that will hire persons with disabilities can be included in a program for the ergonomic workplace arrangement of their workplaces. OAED contributes 90% of the total cost of the expenditure for the ergonomic workplace adjustments. This program concerns 50 job positions.

## **Recommendations**

* To mainstream the disability dimension into all employment and training policies, measures and programs and improve the accessibility of OAED's physical and electronic services to persons with disabilities.
* To establish the institutional representation of NCDP in the Board of Directors of OAED -Reinstate the National Employment Committee.
* To reform and modernize the positive action measures that the Greek State has put in place to facilitate the access of persons with disabilities to the employment, which have in practice become inactive (e.g., reforming the national quota system of Law 2643/1996 Government) and introduce new ones (e.g. supported employment).
* To remove all disincentives that prevent persons with disabilities from participating in employment (e.g. complete disconnection of the allowance policy from employment) and establish a modern incentive system (e.g. grants, tax exemptions to employers etc.) facilitating persons with disabilities’ access to paid employment in the private sector, self-employment, entrepreneurship and social entrepreneurship.
* To enhance the role of the Labor Inspectorate to fully respect the principle of non-discrimination due to disability and the implementation of reasonable accommodations.

# **Article 28 – Adequate Standard of Living and Social Protection**

According to the Constitution of Greece -Article 21, para. 3- the Greek state is responsible for “the health of its citizens, and it takes specific measures for the protection of youth, old age, disability, and the care of needy’’ (Government Gazette 2008b). Particularly, for persons with disabilities, it states -Article 21, para. 6- that “persons with disabilities have the right to enjoy measures which ensure their autonomy, their occupational integration, and their participation in the social, economic, and political life of the Country” (ibid.). This legal framework is poorly implemented, which has certainly been affected by the economic crisis.

The main feature of the Greek disability policy is to support persons with disabilities by giving various types of benefits, e.g., benefits-in-cash, benefits-in-kind, beneficial treatments, and discounts.**[[29]](#footnote-29)** While all the benefits are undoubtedly essential for persons with disabilities, the support through benefits-in-cash, either disability pensions**[[30]](#footnote-30)** or disability allowances**[[31]](#footnote-31)**, by the state is the key element in the Greek disability policy.**[[32]](#footnote-32)** Echoing the words of the chairperson of the European Central Bank (ECB), back in the fall of 2009, that “You cannot give allowances when you do not have the funds to pay pensions” (as cited to Pavli 2017, p. 188; also, see: *To Vima*, November 11, 2009), someone would expect that after the enactment of austerity-driven policies the benefits-in-cash scheme would also be a victim of the economic crisis, as it has already happened to other countries such as the UK (e.g., Hauben et al. 2013). In the case of Greece, however, this “logical” assumption does not fully apply. Specifically, while there was a cut to disability pensions because of the horizontal cuts to all pensions, disability allowances were not affected; instead, they are still the same as it was before the outbreak of the crisis (see, for example, Government Gazette 2008a). This success needs to be attributed to the Greek disability movement and its struggle since the beginning of the crisis in 2009 for protecting their vested rights.

Despite the stability in the disability allowances amount, the criteria for someone to be classified as eligible or not for receiving disability benefits have been changed. Almost simultaneously with the outbreak of the economic crisis, the Greek state, and under the pressure of the tripartite committee consisting of representatives from the European Commission (EC), the European Central Bank (ECB), and the International Monetary Fund (IMF), was obliged to reform the system for assessing and certifying disability to disability claimants. Thus, a new system was developed and started to operate in 2012 and which is still in use. The new system is inspired by the oldish, medicalized, and, at the same time, prevalent, classification system of Baremas method.**[[33]](#footnote-33)** The key feature of Baremas method is the translation of body/ability loss, because of an impairment or a disease into a disability percentage (Pavli 2017). However, as previous studies have already shown (Council of Europe 2002), this translation into a disability percentage is not the same to each country; rather, there are differentiations. By that is meant what disability is to one country, it is not the same to another.

The use of Baremas method or the disability percentage table for assessing and classifying disability is not a new method that the Greek state used during the development of the current disability classification system since the same philosophy was followed and for the former disability classification system (for example, see Pavli 2017, pp. 79-111). During the development of the current disability classification system, however, there was a revision to the old disability percentage table.

Even though the current system for awarding disability benefits is stricter than in the past, as well as the continuous and stricter revisions of disability percentages**[[34]](#footnote-34)** -which has as a consequence either to reclassify persons with disabilities to another disability category**[[35]](#footnote-35)** or to declassify them from their disability status- the access to the disability allowances can be characterized as “confusing”. For example, while there are attempts on behalf of the government to limit the fragmentation of disability benefits, which has its roots to the ‘southern model of welfare’**[[36]](#footnote-36)** and it was one of the measures that troika demanded by the Greek state in the context of the radical structural reform to welfare state, many persons with disabilities seem not to be well informed on the rights they are entitled to. Beyond this, the lack of communication among the relevant authorities within the public sector that have been involved for awarding the various disability benefits has emerged as another barrier that persons with disabilities have to deal with.**[[37]](#footnote-37)**

Moreover, focusing on the current state of the Greek society and how it has been shaped after the long-lasting severe socio-economic crisis, which goes back in 2009, the lives of persons with disabilities have been severely affected. According to a statistical survey conducted by the Hellenic Statistical Authority and Eurostat in 2016 regarding “Poverty and social exclusion of persons with disabilities,” the economic crisis has had a high impact on the lives of persons with disabilities (NCDP Observatory on Disability Issues 2018a). After a further analysis of the above-mentioned data, as collected by the Hellenic Statistical Authority and Eurostat and analyzed by the Observatory on Disability Issues of NCDP, the risk of poverty or exclusion is higher for the population of persons with disabilities compared to the total population in all age groups, with this rate difference to be very high for those aged up to 54 years old, e.g., twenty percentage point (ibid.). What is more, regarding the spectrum of poverty and exclusion on ages between 16 and 64, there are 6 out of 10 citizens with severe disability, while 5 out of 10 with moderate activity limitations.

Summarizing, by taking together the timeless high unemployment rates of persons with disabilities, the impact of the economic crisis on them and mainly regarding the risk of poverty as well as the barriers that they have to deal with in order to have access and claim their rights within the Greek welfare state, challenge what the Greek Constitution foresees for the role of the State and, particularly, for its responsibility to protect persons with disabilities.

## **NCDP’s response to the CRPD Committee List of Issues**

*24. Please inform the Committee about:*

*24a. Measures taken or planned to monitor and alleviate the impact of the economic crisis on the decline in the living standard of persons with disabilities of all ethnic origins;*

24a. As stated earlier in this report, the amount of disability allowances was not affected during the long-lasting period of the economic crisis in Greece. While disability pensions were affected because of the horizontal cuts to all pensions in the context of pension system reform, disability allowances remain the same because of the intense mobilization of the disability movement.

Another measure which perhaps might be considered as an ‘alleviation measure’ on the consequences of the economic crisis in financial terms, concerns the release of the table containing these diseases whose conditions are permanent and irreversible. Starting with 43 permanent and irreversible diseases and containing currently almost 140, the purpose of this table was to protect claimants with disability from the frequent disability assessments since their health condition was such that it was difficult to have an improvement (Φ. 80100/οικ. 17630/943 – Government Gazette 1560 B/08.05.2018). For persons with disabilities, this measure has been considered as a positive measure offering them a safety net that they will continue to receive their disability benefits.

Also, earlier in summer 2019, the Greek Parliament enacted the Law 4611/2019, which foresees that the ‘income’ that comes from disability allowances and is provided by the Organization of Welfare Benefits and Social Solidarity, will not be taxed as it happened before. An issue that had grabbed the attention of the disability movement and through a direct communication with the Ministry of Labor and Social Solidarity demanded not to include the income from disability allowances in the annual income, since then they were not entitled to receive other social benefits because they did not meet the income criteria in order to receive it. Due to that it is a very new Law, and its application will start next year since it concerns the tax declarations for the year 2019, it remains to see if it will be implemented.

After the enactment of the Law 4387/2016, which concerns issues related to the establishment of a single system of social insurance as well as the reform of the pension system, not only disability pension recipients noticed the reduction to their pensions, but also they noticed up to 50% percent reductions on their supplementary pensions based on their disability category, which is, obviously, a measure that cannot be characterized as an ‘alleviation measure’.

Additionally, following the finding of the Ministry of Labor regarding pension system, there has not been yet a legislative initiative for the standardization of retirement rules and disability benefits, in order to put in force uniform retirement’s rules and the granting of insurance benefits because of disability. The enactment of this system after the standardization of retirement rules and disability benefits would be beneficial for persons with disabilities and particularly in regard to the abolition of the beneficial provisions of the Laws 4334/2015 and 4336/2015 of the 2015 that concerned the retirement of parents/spouses/siblings who have under their care persons with severe disabilities.

*24b. The current status, scope, and results of the implementation of the pilot guaranteed minimum income program (CRPD/C/GRC/1 and Corr.1 para. 265) with respect to persons with disabilities.*

24b. The Guaranteed Social Income or the Social Income of Solidarity, as it is now called, is a welfare program for tackling poverty and social exclusion with the households living in extreme poverty to be its target.

This program aims at: i) income support; ii) interconnection of these households with social inclusion services; and, iii) interconnection with the services that are responsible for integrating or reintegrating the beneficiaries both into the labor market and the society.

The Social Income of Solidarity program does not concern only persons with disabilities but all these households that are living in extreme poverty. The Social Income of Solidarity allowance is tax-free, is not subject to any reservation, neither confiscated nor offset against already proven debts to the State, private enterprises or financial institutions, and it is not added to the annual income.

## **Recommendations**

* To design and implement a fair pension system, to improve living conditions and preserve the dignity of persons with disabilities.
* To design and implement a tax system that will support and strengthen the income of persons with disabilities, taking into account the additional costs needed to meet the needs of disability.
* To increase the disability allowances, given that they have not been increased since the beginning of the economic crisis, and expand them to all categories of disability.
* To ensure a community-based services delivery system, through which there will be adequate funding for the operation of social care services and adequate staffing.
* To promote the Municipalities as the primary providers of supporting services -at a community level- for persons with disabilities through the operation of social structures. - Strengthen the institution of sheltered life support and ensure smooth financing.
* To evaluate and update the disability certification system (KEPA).
* To take targeted measures and policies to strengthen Mental HealthCare structures and services.
* To develop targeted actions to strengthen persons with disabilities as general and special consumers.

# **Article 29 – Participation in Political and Public Life**

While the right to vote for citizens with disabilities is legally regulated by the Law 4074/2012 (Government Gazette 2012c; Ministry of Interior and Administrative Reconstruction 2015), in practice, it is not guaranteed. Election campaign programs and electoral printed material are not available in accessible formats such as sign language, Braille/large characters, or easy-to-read forms. Further, in the course of TV political debates and interviews by the representatives of the political parties, there has been no use of sign language interpretation and subtitling.

At the voting centers, the infrastructure is usually inaccessible to persons with physical disabilities and, particularly, to wheelchair users. Also, the voting material in alternative formats and sign language interpreters are not available in voting centers. The secrecy of voting for them is not provided. Quite often, wheelchair users are exercising their right to vote, for example, in the street, in a car, in a toilet. Blind persons are never sure of the final destination of their ballot. Deaf persons must guess which the right ballot box is, especially, in cases of simultaneous multiple voting procedures.

Elected officers with disabilities of municipalities are indeed supported by the increment of the fees paid to the elected officers (Government Gazette 2010), and a blind Vice Mayor can hire a special assistant (Law 3979/2011, Government Gazette 2011a). These measures, however, are restricted to those specific/certain categories of elected officers -which means that they are provided only to certain concrete cases- and, therefore, do not cover all categories of elected political personnel.

The recent elections procedure of the 2019 European Parliament elections showed us two more issues that concern persons with disabilities and their right to vote. First, after the enactment of the Law 4604/2019, for the first time this year, persons who have reached the age of 17 years in the election year have the right to vote, in contrast to 18 years old limit that existed until 2018 (Government Gazette 2019b). This new measure creates “a gap,” however, for these persons that have an intellectual or psychosocial disability. More specifically, while when they are 17 years old have the right to vote because they are juvenile, and they are under the protection of their family, but, after the following year when they will fill their 18 years of their age, they will not have this right, because of the legal scheme of judicial support (see also Article 12 of this report). So, a paradox emerges here. When a person with intellectual and psychosocial disability is 17 years old can vote, but when the same person is 18 or elder s/he cannot because of the judicial support scheme!

Second, another barrier that emerged and concerns persons with intellectual disabilities concerns the lack of training of the presiding judge or attorney-at-law who have been appointed to run the elections procedure. There were reports that presiding judges or attorneys-at-law did not allow adult persons with intellectual disabilities to exercise their right to vote because they judged that these people should be under the legal scheme of judicial support. However, if a person with an intellectual disability has not yet been under the judicial support scheme and s/he has not received this decision by the court, then s/he has the right to vote with the help of the presiding judge or the attorney-at-law.

## **NCDP’s response to the CRPD Committee List of Issues**

*25. Please inform the Committee about measures taken to ensure:*

*25a. The full participation of persons with disabilities, particularly persons with intellectual disabilities and those still living in residential institutions, in political and public life;*

25a. According to the Greek Constitution, exercise the right to vote is mandatory. Since 2001, when the revision of the Constitution took place, the provision of a law that will impose criminal penalties to the citizens that would not take part in the elections was abolished. Persons with intellectual disabilities, the majority of whom are under full judicial support and either they live in closed care institutions, or open care structures and family homes as well, automatically lose their right to vote and to stand for election. Also, persons with severe physical disabilities, who have not lost their legal capacity and live in institutions, cannot exercise their right to vote, since these persons cannot be transferred to the polling stations, as the majority of them are not accessible to persons with disabilities, and the ballot is not allowed to move outside of the polling stations.

*25b. The full accessibility of voting procedures, facilities, and materials, including the provision of formats such as Easy Read, Braille, and sign language.*

25b. A Circular 17 (no: 27782/12.04.2019) of the Ministry of Interior concerning “Facilities for the exercise of the right to vote by citizens with disabilities in the municipal elections of 26 May 2019 and their repetitive, as well as the elections for the members of the European Parliament of May 26, 2019” has been sent to the Regions of the country. The only provisions, mentioned in the above Circular, concern the prioritization of persons with disabilities’ voting and the facilitation of persons with physical disabilities to vote when the voting center is not accessible, by taking all the necessary measures for the unimpeded exercise of their right to vote and ensuring secrecy of the vote.

## **Recommendations**

* To take concrete measures to enable the political and public participation of all persons with disabilities, including their right to vote and stand for election, regardless of their disability. – Annul all legal provisions which are removing the legal capacity of persons with disabilities and hence their right to vote. - Reform the substitute decision-making system to supported decision-making system so as all persons with disabilities, particularly persons with intellectual or psychosocial disabilities, to exercise their right to vote.
* To eliminate the accessibility barriers that persons with disabilities have to deal with during the election day, e.g., regarding the voting procedures, facilities, and materials.
* To take measures, such as modification of the electoral code, to adopt alternative methods in order for persons with disabilities to exercise their right to vote.
* To promote and encourage the political participation of persons with disabilities, and particularly women, in political life and public decision-making.

# **Article 30 – Participation in Cultural Life, Recreation, Leisure and Sport**

One of the fundamental principles in the Greek Constitution is the right of citizens to continuously develop and cultivate their personality, which could be enjoyed through the parallel participation in the social, economic or political life (Art. 5, par. 1 and Art. 21, par. 6) (Government Gazette 2008b). As revealed by a study**[[38]](#footnote-38)** of the NCDP’s Observatory on Disability Issues**[[39]](#footnote-39)**, the participation of persons with limited activity and/or disability in socio-cultural activities is very limited compared to the participation of the general population.**[[40]](#footnote-40)**For example,

* only 5.4% of the population of persons with severe disability have visited an archaeological site or museum;
* only 11.5% of the population of persons with a severe disability has attended musical, theatrical, and so on, performances;
* 7% of the population of persons with a severe disability has attended an athletic event,
* only 7,7% of the population of persons with a severe disability has watched a movie at the cinema, and,
* 70% of the population of persons with severe disabilities aged 16 to 64 has not had any kind of hobby in the last 12 months. (NCDP Observatory on Disability Issues 2018c)

On the other hand, the strong bonds with family members and friends seem to be the primary type of socializing for persons with disabilities. However, even these strong bonds with family and friends’ environment are getting more fragile when the disability condition is getting more severe (ibid.).

The lack of access to the digital environment and cultural material (e.g., museums’ exhibitions) is another barrier. Persons with disabilities in Greece are not able to work as artists, creators, and so on. Instead, because of the deeply rooted prejudices and stereotypes regarding disability, the authorities that are involved in the development and diffusion of cultural products approach the social group of persons with disabilities solely as passive recipients of cultural products. Besides, the Greek state, and particularly the cultural bodies responsible for the shaping of cultural strategies, measures, programs, actions, and products, view the participation of persons with disabilities in them as a means of therapy or rehabilitation by ignoring the importance of the active involvement of persons with disabilities in the co-shaping of them.

As mentioned earlier**[[41]](#footnote-41)**, the Law 4488/2017 has recognized the Greek sign language as equal to the Greek language and the State has the responsibility to take measures to promote it (Government Gazette 2017a). Nevertheless, there is a lack of actions in this direction. The Hellenic Federation of the Deaf (OMKE) has requested the establishment of a university department which will offer training in the Greek sign language, history, culture, and anthropology of the deaf community, and, obviously, it will contribute to the promotion of the Greek sign language. This request, however, is still pending.**[[42]](#footnote-42)**

Law 4488/2017 (article 65, para. 3) recognizes the Greek Braille as the written system for the blind (Government Gazette 2017a), and the state is responsible for enacting measures for further promoting it. This does not seem to happen. Blind and partially sighted persons face barriers in their access to written material since publishing houses avoid printing books and/or other written material in Braille system because of copyright issues. As a result, whether the use of books and/or other written material is for their entertainment and/or their education, blind and partially sighted persons are dependent on the help and will of their family and friends’ environment so as to have access in them. The ratification of Marrakesh Treaty by the Greek state will overcome the barrier of copyright issue, as the publishing houses invoke it for avoiding printing books in Braille format.

## **Recommendations**

* To mainstream the disability dimension in every cultural policy, process, action, measure and program to ensure the human right of persons with disabilities and chronic diseases to full and equal participation as public, employees and/or creators-artists in the cultural heritage, sites, material, services as well as in the modern culture (e.g. by taking measures to develop and exploit the creative, artistic and intellectual potential of persons with disabilities and chronic diseases) and in the cultural and creative industries.
* To mainstream the disability dimension in every tourism policy, process, action, measure and program. – Establish a strong legislative framework to apply the "Tourism for All" principles as a basis for planning and developing of all types of tourism policy and activity- Promote a cross-sectoral cooperation (tourism, transport, culture, trade, etc.) to develop synergies to ensure the universal accessibility of the tourism chain.
* To establish systematic registration and continuous updating and promotion of accessible tourism infrastructure and services at a local, regional and national level, in accessible formats.
* To establish the inclusion in the curricula of the Schools of Tourism Professions, at all levels, of a compulsory course for servicing/dealing with persons with disabilities.
* To mainstream the disability dimension in every policy, process, action, measure, and program concerning leisure and sport to promote the full participation of persons with disabilities to them.
* To take measures to ensure both the physical and digital accessibility of persons with disabilities to cultural, tourism and leisure/sports infrastructures and services, including the communication and information systems.
* To support the Greek sign language interpretation service offered by the Hellenic Federation of the Deaf, establish a university department that will offer training in the Greek sign language, the history, civilization, and anthropology of the community of deaf persons.

# **Article 31 – Statistics and Data Collection**

According to article 68 of the recent Law 4488/2017 (Government Gazette 2017a, pp. 2336-2340), the Greek Statistical Authority, as well as the agencies and bodies of the Greek Statistical System, should develop, produce and disseminate official statistics on persons with disabilities and the barriers that the latter face when exercising their rights. For planning purposes of these statistics and the dissemination of the produced data, they should consult with the Observatory on Disability Issues of the NCDP.[[43]](#footnote-43)

The Hellenic Statistical Authority collects data for persons with disabilities in Greece, mainly within the frame of the European Statistical Program. Within this framework the data collection about persons with disabilities had been primarily restricted until recently to health surveys, due to the dominance of the medical model of disability.

Apart from the field of health research, data on persons with disabilities have mostly been collected without regularity, e.g., by carrying out ad hoc surveys such as the “Labor Force Survey -2011” (Eurostat 2012), the “European Health and Social Integration Survey-2012” (Eurostat 2015). As a result, they cannot be used for monitoring, and most of them are out of date, do not allow for disaggregation by category of disability, gender, age and place of residence, ethnicity, they use definitions and terms that are incompatible to the Convention and they apply methodological approaches that are not adapted to the target population.

The only consistent source of social data for persons with disabilities is the annual Survey on Income and Living Conditions of Households (SILC), which collects data on poverty and social exclusion in Europe. Since 2006, however, when the proxy indicator - Gali Index - for disability was included in SILC Survey, the SILC data in Greece have not been analyzed and disseminated by the Hellenic Statistical Authority, taking into account the disability dimension. This activity is now undertaken regularly by the Observatory on Disability Issues of the National Confederation of Disabled People (NCDP), to make these data useful in the monitoring of the implementation and protection of persons with disabilities’ rights, as well as to make them widely known and accessible.

A strategic plan has not yet been drafted for developing a comprehensive data-collection system allowing, thus, for an assessment of the extent to which all persons with disabilities are exercising all their rights under the Convention.

A notable example which confirms the lack of data is that Greece in its “Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development-July 2018” does not present any disaggregated data on the basis of disability (General Secretariat of the Government 2018). But, the major problem in relation to the effective integration of the disability dimension in population and social surveys is not the unwillingness of the competent agencies. Instead, it is the lack of capacity of the Hellenic system in the field of disability research, including issues of adaptability and accessibility of the research process, as well as issues of research design on the basis of the social model and the rights-based approach.

The Hellenic Statistical Authority, considering this gap, is very willing to collaborate and adopt the proposal of the Observatory on Disability Issues of the NCDP. To give an example, currently, the NCDP Observatory on Disability Issues participates in the National Health Research working group for the development of research questionnaires.

## **NCDP’s response to the CRPD Committee List of Issues**

*26. Please inform the Committee about the use of the Washington Group Short Set of Questions on Disability by the State party in discharging its obligations under article 31 of the Convention.*

26. According to the Law 4488/2017, the Hellenic Statistical Authority is obliged to consult with the NCDP’s Observatory on Disability Issues for further developing statistical data on disability. Within this framework, the Hellenic Statistical Authority accepted the NCDP’s Observatory on Disability Issues proposal to permanently integrate the Washington Group Short Set of Questions on Disability in the Greek questionnaire of annual European Union Survey on Income and Living Conditions (EU-SILC).

Before the NCDP’s involvement, in the National Health Survey, which runs every 5 years within the frame of the European Statistical Program, there were some questions from the Washington Group extended set of questions on disability, limited on issues related to seeing, hearing and mobility difficulties, while issues and, consequently, data that were related to memory/cognition and communication disabilities have been ignored.

## **Recommendations**

* To develop a National Action Plan for the production of the necessary data by policy area, in cooperation with the Observatory on Disability Issues of the NCDP.
* To build the capacity of the Hellenic Statistical System in the development, collection and analysis of data for persons with disabilities on the basis of a human rights-based approach to disability. - Establish a specialized department at the Hellenic Statistical Authority as a sub-focal point (article 33 of CRPD) cooperating with the Observatory on Disability Issues of NCDP.
* To monitor the obligation of the administrative bodies and authorities to collect and update disability statistics regarding their areas of responsibility (Law 4488/2017 Government Gazette 137 A, article 62) - Create and continuously update a relevant register in each sub-focal point.

# **Article 32 – International Cooperation**

The International Development Cooperation Department (YDAS) is an independent authority of the Ministry of Foreign Affairs and constitutes both the national development and humanitarian mechanism and the agency for designing and shaping the development strategy. Among other things, YDAS is responsible for: i) managing the state budget allocation for the development aid through the Ministry of Foreign Affairs; ii) making suggestions to the Inter-ministerial Committee on the Organization and Coordination of International Economic Relations regarding Greece’s strategy for development policy, iii) coordinating and promoting actions and programs of humanitarian and development aid in developing countries, iv) representing Greece on issues of development cooperation within the framework of the EU, the Development Assistance Committee (DAC) of the OECD and of other International or Regional Organizations, and so on. YDAS maintains a Special Registry of Non-Governmental Organizations for the implementation of humanitarian and development aid actions and programs. Since 2011, however, the YDAS operation has been suspended. Based on the existing registration criteria that are subsidized by the government disability organizations cannot enter the Special Registry NGOs, since one of the registration preconditions is that "In NGOs Special Registry cannot be registered Organizations that are related to the public, wider public sector or regional/local government organization of any level”.

Concerning the Agenda 2030, the Office of Coordination, Institutional, International and European Affairs (OCIIEA) of the General Secretariat of the Government (GSG) has been designated as the main governmental structure for coordinating and monitoring the Sustainable Development Goals (SDGs) at a national level (Government Gazette 2016b). In July 2018, Greece submitted the «Voluntary National Review on the implementation of the 2030 Agenda for sustainable development».**[[44]](#footnote-44)** The NCDP was not invited directly to participate in the consultation process for the preparation of this review. It was involved, however, as a member of the Economic and Social Committee of Greece (p. 23). The CRPD is mentioned three times in the Voluntary National Report. Also, there is a specific example about the access of students with disabilities and/or special educational needs to the available educational material, software, and infrastructure, which falls into the provisions of Article 24 of the Connection. However, the non-integration of the disability dimension into the indicators for monitoring the implementation of SDGs at a national level[[45]](#footnote-45) constitutes an essential shortcoming. The roots of this issue are that the Hellenic Statistical Authority and the bodies of the Hellenic Statistical System, as well, have not collaborated with the NCDP Observatory on Disability Issues, as foresees article 68, para. 3 of the Law 4488/2017.

Regarding the European Territorial Cooperation programs, which are co-funded by EU and national funds, the principle of non-discrimination based on disability and the criterion of accessibility to persons with disabilities have been mainstreamed into the guiding principles for the selection of programs. In these programs, targeted actions in favor of persons with disabilities have been included because of the close collaboration between the NCDP and the National Coordination Authority of the Partnership Agreement 2014 -2020.

## **NCDP’s response to the CRPD Committee List of Issues**

*27. Please inform the Committee about the measures taken to ensure adherence to the Convention in the national implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.*

27. To begin with, the Greek disability movement participated in the consultation process for the preparation of the “Voluntary National Review on the implementation of the 2030 Agenda for sustainable development” through its umbrella organization (NCDP) as a member of the Economic and Social Committee of Greece. The Voluntary National Review includes three specific references to the CRPR and 11 explicit references to persons/women/children with disabilities under the SDGs 4,5, 7, 8, 11 και 16. The human rights-based approach to disability, however, has not been mainstreamed into the indicators that the Greek government already developed for the monitoring of the implementation of SDGs at a national level.

## **Recommendations**

* To review the existing registration criteria and/or preconditions of the Special Registry of Non-Governmental Organizations of the International Development Cooperation Department (YDAS) so as to -when the Registry starts its operation again- disability organizations can participate in humanitarian and development aid actions and programs.
* The Hellenic Statistical Authority and the bodies of the Greek Statistical System, as well, should collaborate with the NCDP Observatory on Disability Issues for mainstreaming disability and the human rights approach to disability into the monitoring indicators for the implementation of the SDGs at the national level.

# **Article 33 – National Implementation and Monitoring**

With the enactment of Law 4488/2017, the Minister of State has the responsibility as the coordinating mechanism, the General Secretariat of Human Rights has been defined as the main focal point, while there are also sub-focal points at all Ministries of the Greek state as well as at all regions and municipalities of the Greek territory (Government Gazette 2017a). However, it is unclear if and how the focal points -the main focal point and the sub-focal points- are operated or how the sub-focal points communicate or collaborate with the main focal point as well as who works on them. It is not clear if the focal and the sub- focal points have been officially established and what will take to staff them and have them work. Also, the communication between the main focal point, that is, the General Secretariat of Human Rights, and the NCDP is too weak or even non-existed. The same applies to the coordination mechanism and its role for the proper implementation of the Convention, e.g., how the mechanism coordinates and controls the role of the other ministries that also participate in the proper implementation and promotion of the Convention, or how it collaborates with the main focal point and/or other public bodies, and so on. The mechanism appears only as a Minister of State’s partner with a Facebook page. As for the communication between the mechanism and the NCDP, it is sufficient.

The Greek Ombudsman is responsible for the monitoring of the implementation of the Convention in collaboration with the NCDP. Nevertheless, after, approximately, one year and a half since the enactment of this Law (4488/2017), it seems that the whole process runs very slowly. The lack of a specific report and/or any other kind of relevant material -until the day that this report was drafted- on how some (if not all) of the provisions of the Convention have been implemented within the various socio-political areas confirms the slow process for monitoring the implementation of the CRPD. However, it needs to be added here that the Greek Ombudsman used to add information related to disability to almost all the reports, either annually or special reports, that publishes every year.

## **NCDP’s response to the CRPD Committee List of Issues**

*28. Please provide information on the mechanisms in place for the implementation of the Convention and its monitoring, with a detailed description of the bodies involved, their formation, composition, competences, and budgets. Please describe the mechanism in place to ensure the involvement and full participation of persons with disabilities and their representative organizations in the monitoring processes.*

28. According to the Law 4488/2017, the Minister of State is responsible for the coordinating mechanism, the General Secretariat of Human Rights has been defined as the main focal point while there are also sub-focal points at all Ministries of the Greek state as well as at all regions and municipalities of the Greek territory. However, it is unclear if and how the focal points -the main focal point and the sub-focal points- are operated or how the sub-focal points communicate or collaborate with the main focal point as well as who works on them. It is not clear if the focal and the sub-focal points have been officially established and what will take to staff them and have them work. The same vagueness applies as well and for the role of the coordination mechanism and its role for the proper implementation of the Convention. The mechanism appears only as a Minister of State’s partner with a Facebook page. Also, there is no direct communication between the main focal point and the NCDP.

Responsible for the monitoring of the implementation of the Convention in collaboration with the NCDP is the Greek Ombudsman. But there is no specific report and/or any other kind of relevant material -until the day that this report was drafted- on how some (if not all) of the provisions of the Convention have been implemented within the various socio-political areas confirming the slow process for monitoring the implementation of the CRPD. However, it needs to be added here that the Greek Ombudsman used to add information related to disability to almost all the reports, either annual or special reports, that publishes every year.

## **Recommendations**

* To sign a Partnership Agreement between the Government and the NCDP for the implementation and monitoring of the CRPD for removing all barriers that hinder persons with disabilities from enjoying their rights on equal basis with others.
* To reinforce the role and capacity of the appointed main focal point designated for the coordination of the implementation of the Convention across different sectors and at different levels - Establish a Special Service to fulfill this role.
* To establish an Independent Ombudsman's Office or a Deputy Ombudsman for Persons with Disabilities to monitor the implementation of the Convention.
* To amend/complete the Law 4448/2017 (Government Gazette 137 A) as follows:
	+ Definition, in the Government Presidency, of a National Coordinator for monitoring the implementation of the CRPD and of all relevant policies, as well as for coordinating the main focal point and the sub-focal points and drawing up an Organization and Operation Regulation of the Coordinating Mechanism and the Focal Points.
	+ Establishment of a sub-focal point in each Independent Authority.
	+ Include, as equal parts, in the Framework for the promotion of the Convention: a) the Ombudsman, b) the NCDP and c) the National Commission for Human Rights.
	+ Issue of all the regulatory or common regulatory acts provided for in Law 4488/2017.
* To establish the institutional recognition of the Observatory on Disability Issues of NCDP as a research body and as NCDP’s supporting mechanism for the implementation of the CRPD - Ensure funding for its smooth operation.

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1. The ‘Observatory on Disability issues’ is an initiative launched by the National Confederation of Disabled People (NCDP) of Greece which is financed by the European Social Fund and National Funds in the framework of the Operational Program "Human Resources Development, Education and Lifelong Learning 2014-2020". [↑](#footnote-ref-1)
2. After carefully studying the Greek report, and focusing on the language that has been used, it is observed that the influence of the medical model is dominant, which, certainly, is not compliant with the spirit of the Convention. Concepts such as “mental or psychological disease or disorder” (para. 10), “mental retardation” and “intelligent quotient” (para. 70), “diagnosed mental illness” (para. 311), to name but a few, are concepts that belong to a medical model vocabulary and for sure these expressions are not in accordance with the Convention. [↑](#footnote-ref-2)
3. While the Lechaina Care Center has become the ‘point of reference’ of the inhuman living conditions that children, and persons with disabilities as well, face in this type of units of care and treatment, this does not mean that the Lechaina Care Center was the only unit which operated under this way. On the contrary, there have been also and other units in the territory of Greece that have been operating in a similar ‘Medieval’ way. [↑](#footnote-ref-3)
4. In cases where a girl (who is under the age of 18) wishes to terminate her pregnancy, then apart from her consensus, there is a need of a consensus and by a third party, that is, the girl's parents. [↑](#footnote-ref-4)
5. Please, see:<https://ec.europa.eu/transport/sites/transport/files/rail-nip/nip-prm-tsi-greece.pdf>. Retrieved June 22, 2019 [in Greek] [↑](#footnote-ref-5)
6. Until today there is no official survey which describes the status of webpages and applications that belong to the Greek state on whether they have been developed in such a way to be accessible to persons with disabilities. However, this lack seems that perhaps will be solved after the establishment of the Public Webpages and Applications Register (*Μητρώο Δημόσιων Ιστότοπων και Εφαρμογών*), as foreseen by the Law 4591/2019, and the information that will provide regarding the accessibility of public websites and applications. [↑](#footnote-ref-6)
7. For the purpose of this report we chose to test public sector websites that are very important for persons with disabilities in terms of social equality. Specifically, we selected websites that are related with the rights: *to work*, *to healthcare*, *to social protection*, *to political participation*, and access *to information*. [↑](#footnote-ref-7)
8. The Hellenic Manpower Employment Organization (OAED) is a public body being responsible, among other things, for promoting the employment, fighting against unemployment, and strengthening as well as facilitating the integration of the country's human resources into the labor market. Considering the difficulties that persons with disabilities face for their integration into the labor market, the inaccessibility of OAED’s website is one more barrier that prevents them from their right to work and employment. [↑](#footnote-ref-8)
9. According to the Greek Open Government Initiative (OPEN-GOV), its purpose is to “serve the principles of transparency, deliberation, collaboration and accountability, and includes three initiatives: Οpen calls for the recruitment of public administration officials […] Electronic deliberation, and […] Labs OpenGov.'' Particularly, in regard to the third initiative, that is, Labs OpenGov, it has been developed for bringing “together ideas and proposals from citizens, the public and the private sector. Lab OpenGov.gr attempts to release the power of decentralized knowledge and explore new ways to tackle modern public administration problems”, which is, obviously, a progressive initiative by giving the option to citizens to share their opinion and/or knowledge in policymaking. While the purpose of this digital initiative is to be opened to everyone who wishes to participate in policymaking, the website is not accessible to persons with disabilities, preventing, for example, blind or partially sighted persons to have a say during this procedure. [↑](#footnote-ref-9)
10. The aim of the E-Governance in Social Insurance (HDIKA) website/platform is to offer a wide spectrum of ICT services in the areas of Social Insurance and Healthcare, both for supporting the insurance funds and the citizens. Specifically, the HDIKA platform includes services such as e-prescription, application for the social residential tariff, application for personalized discount ATH.ENA card -for the use of means of transportation, like metro, train, bus, within the Attica region-, services related to primary healthcare system, and so on. However, while these services concern also persons with disabilities, the HDIKA platform and the websites that provide the above-mentioned services, are not accessible to them. [↑](#footnote-ref-10)
11. National Printing House is a public service responsible for disseminating the Greek legislation. However, its webpage as well as the material that is uploaded on it -if not all the majority of it- is not accessible to persons with disabilities, creating thus a barrier to their right to access to information. [↑](#footnote-ref-11)
12. Here is the results that we received after testing the websites of **OAED,** i*t does not fully comply with the WCAG 2.0 Level AA standards (several errors)*; **OpenGov**, i*t does not fully comply with the WCAG 2.0 Level AA standards (several errors)*; **HDIKA**, i*t does not fully comply with the WCAG 2.0 Level AA standards (several errors)*; **National Printing House**, *it does not fully comply with the WCAG 2.0 Level AA standards (few errors)*. [↑](#footnote-ref-12)
13. More specifically, the results that we received after testing the accessibility of the websites that we mentioned in our text are the following: **EFKA**, i*t does not fully comply with the WCAG 2.0 Level AA standards (many errors)*; **OPEKA**, *it does not fully comply with the WCAG 2.0 Level AA standards (too many errors)*; **Diavgeia Program**, *it does not fully comply with the WCAG 2.0 Level AA standards (minimal errors)*; **Hellenic Parliament**, *it does not fully comply with the WCAG 2.0 Level AA standards (few errors)*. [↑](#footnote-ref-13)
14. An event that we can add here concerns the news broadcast from the Hellenic Broadcasting Corporation (ERT), which is the state-owned public radio and television broadcaster. After ERT’s initiative, since according to the Joint Ministerial Decision it was not necessary to do so, the main news broadcast was translated in parallel in sign language. However, early in spring 2019, ERT suddenly, and without any notice, postponed some of the daily news broadcaster by broadcasting, instead, sports games. Representatives of deaf and of persons with hard of hearing reacted to this event by asking the representatives of ERT to continue broadcasting news with sign language and Greek subtitles, with the leadership of ERT to be committed that they will continue to broadcast the main news broadcast in sign language, as it happens until today. [↑](#footnote-ref-14)
15. To give an example, deaf and persons with hard of hearing face difficulties during their transactions with the public services, at hospitals, at courts, at educational institutions, and so on, because of the lack of physical presence of sign language interpreters. [↑](#footnote-ref-15)
16. Even though this issue is an issue that all Greek citizens used to face on their daily transactions with the services of the public sector, the problem is getting more serious for persons with disabilities and let alone for persons with mobility disabilities and/or wheelchair users. [↑](#footnote-ref-16)
17. The inclusive setting refers to education where the students with disabilities and/or SEN follow education in mainstream classes alongside their mainstream peers for the largest part – 80% or more-of the school week’ (European Agency). In Greece, according to the legislation, students in “inclusion classes” can receive separate education in those classes up to 15 hours per school week, that is the 50% of the school hours per week. Nevertheless, according to the recent data that the Ministry of Education published at the European Agency for inclusive education and special needs (<https://www.european-agency.org/data/greece/datatable-overview#tab-population_and_enrolment>), in practice the majority of students do not attend “inclusion classes” for more than 6 hours per week. [↑](#footnote-ref-17)
18. According to the NCDP Observatory on Disability Issues and its findings based on the data from the Ministry of Education information system Myschool, for the school year 2017-2018, the 57,3% of pupils with disabilities and/or special educational needs that were studying at the general schools and at all levels, received support only from the class teacher. [↑](#footnote-ref-18)
19. For more information, see: <https://www.european-agency.org/data/greece/datatable-overview#tab-population_and_enrolment> [↑](#footnote-ref-19)
20. «ΦιλόΔημος ΙΙ»: 240 εκατ. ευρώ για δήμους και σχολεία [“FiloDimos II”: 240 million euro for municipalities and schools] (2019, April 23). *To Vima*. Retrieved June 22, 2019 from: <https://www.tovima.gr/2019/04/23/society/filodimos-ii-240-ekat-eyro-gia-dimous-kai-sxoleia/> [in Greek]. [↑](#footnote-ref-20)
21. See also the discussion on Article 28 of this report [↑](#footnote-ref-21)
22. For this study the Observatory on Disability issues of NCDP used the employment variables included in the sample survey Income and Living Conditions (EU-SILC) in 2016 (with reference year 2015) as conducted by the Hellenic Statistical Authority in collaboration with Eurostat. [↑](#footnote-ref-22)
23. Here we want to underline that the concept “persons with severe disabilities” is not a concept that expresses the author’s views. However, since this concept has been used by the Greek official authorities for referring to the issues that we are talking about, we continue to use it, but we put it in brackets in order to show our differentiation. [↑](#footnote-ref-23)
24. The enactment of this Law is the result of the Greek disability movement campaign to remedy the unequal treatment that persons with disabilities are facing in the recruitment in the public sector compared to other social groups, such as families with more than three children. [↑](#footnote-ref-24)
25. To give some examples and/or recommendations, e.g., i) provision of tax and insurance incentives to the private sector employers, ii) implementation of the model of supported employment, iii) adoption of the personal assistant, to name but a few. [↑](#footnote-ref-25)
26. <http://www.oaed.gr/programmata-koinophelous-charaktera> [↑](#footnote-ref-26)
27. <https://www.eetaa.gr/index.php?tag=paidikoi_2019> [↑](#footnote-ref-27)
28. <http://www.oaed.gr/anoikta-programmata/-/asset_publisher/yZKVoEuwB4Rg/content/programma-epichoregeses-epicheireseon-kai-ergodoton-gia-ten-apascholese-2-000-anergon-atomon-me-anaperies-amea-apexartemenon-apo-exartesiogones-ousi-1?redirect=http%3A%2F%2Fwww.oaed.gr%2Fanoikta-programmata%3Fp_p_id%3D101_INSTANCE_yZKVoEuwB4Rg%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-1%26p_p_col_pos%3D2%26p_p_col_count%3D3> [↑](#footnote-ref-28)
29. As already said, there are different types of disability benefits that persons with disabilities are entitled to. More specifically, there are four categories, i) benefits-in-cash, ii) benefits-in-kind, iii) beneficial treatments, iv) discounts as well as other types of benefits which have a more qualitative character. Regarding the types of disability allowance, there is a variety of them, and it is associated with the disability category. For instance, there are specific disability allowances: for the deaf, for people having received transplants, for people having paraplegia-quadriplegia-amputation, for those having the Hansen’s disease, for the blind, for those having AIDS, Hemophilia, and so on. As for the categories of benefits-in-kind, beneficial treatments, and discounts the types of benefits that are included are: parking permit, discounts at the means of transportation (e.g., public transport, bus, train, ferry), exemption from the tax circulation, exemption from the vehicle registration, quota system for being placed at a work position in the public sector, reductions or exemptions for buying medications, which is depended on the type of disability and its severity as well, quota system for its admission at the university departments (5%), discounts on their electricity and telephone bills, and so on. [↑](#footnote-ref-29)
30. The term *disability pension* (*σύνταξη αναπηρίας*) refers to the pension that an insured receives after being assessed and classified as disabled by his/her social insurance fund. Only a direct insured has the right to receive disability pensions from his/her social insurance funds. [↑](#footnote-ref-30)
31. The term *disability allowance* (*προνοιακό επίδομα*) refers to the benefit-in-cash that a person with disability receives from the Welfare state. Eligible for receiving disability allowances are indirect insured and uninsured. Nevertheless, there are some exceptions to this rule. For instance, persons with disabilities that are direct insured, but they do not meet the criteria to receive either a disability pension or an allowance or any other financial support from the social insurance funds they are eligible for disability allowances. [↑](#footnote-ref-31)
32. Following Drake’s (1999, p. 39) taxonomy on the types of disability policies, the Greek state has developed its disability policy by “seeking to integrate disabled people but which offer limited and piecemeal approach to supporting nominated individuals within specified services”. [↑](#footnote-ref-32)
33. As someone can observe at a recent report by the Academic Network for Disability Research, the Baremas system is still very popular to many countries of Europe [see for example:<https://www.disability-europe.net/theme/social-protection>, retrieved June 20, 2019.] [↑](#footnote-ref-33)
34. An update version of the disability percentage table was released in 2018. Comparing the former disability percentage table from the 2012, what is noticed is the reductions to percentages -with the decreases to disability percentages. [↑](#footnote-ref-34)
35. Since 1990, there are three disability categories: i) severe disability (80%-100%), ii) ordinary disability (67% - 79,99%), and iii) partial disability (50%-66-99%) (Government Gazette 1990). [↑](#footnote-ref-35)
36. See, for example,Ferrera, M (1996). The ‘southern model’ of welfare in social Europe*. Journal of European Social Policy*, 6(1), 17-37. [↑](#footnote-ref-36)
37. For example, while a disability allowance is a benefit which has as an aim the support persons with disabilities because of the extra needs that disability creates to them, and there is a specific ministerial decision which foresees that this kind of “income” cannot be added to the total annual income of persons with disabilities (Joint Ministerial Decision Δ12α/Γ.Π.οικ.68856/2202, Government Gazette (FEK) 2018, no 5855, Athens, December 28), this does not seem to work. Instead, when it is the time for all the Greek citizens to submit their tax declarations, and according to a directive from the Independent Authority for Public Revenue (IAPR), persons with disabilities should add the income that comes from the disability allowances into specific categories, which, then, are added to their annual income. As a consequence, many persons with disabilities are not eligible for receiving other types of disability benefits because their annual income is enacted as a barrier to their access to the disability benefits system. It should be highlighted here that the mistake is located on the insufficient communication between the Ministry of Labor and the Independent Authority for Public Revenue, with persons of disabilities to be the victims of this situation. [↑](#footnote-ref-37)
38. The study concerns the analysis of the Ad-Hoc Module special section indicators of the survey “Income and Living Conditions of Households” (EU-SILC), as conducted by the Hellenic Statistical Authority (ELSTAT) for the year 2015. [↑](#footnote-ref-38)
39. The indicators that were selected for this study examine the participation in: i) cultural and athletic events, ii) volunteer social events, and, iii) political actions and social media (NCDP Observatory on Disability Issues 2018c) [↑](#footnote-ref-39)
40. It is worth mentioning that the participation of the general population in socio-cultural activities is rather low. [↑](#footnote-ref-40)
41. See the discussion on Article 21 of this report [↑](#footnote-ref-41)
42. For the deaf community, the establishment of this academic department is fundamental since it will offer not only a certificate of competence and a diploma for the interpretation of the Greek sign language, but it will have the opportunity: to conduct research on the Greek sign language, to create and design teaching curricula on the sign language, to train educators and interpreters on sign language, and to offer education on history, culture and anthropology of deaf and persons with hard of hearing community, and so on. [↑](#footnote-ref-42)
43. The “Observatory on Disability Issues” has established regular communication and cooperation with the agencies of the statistical system. Moreover, the Observatory on Disability Issues had submitted to the Hellenic Statistical Authority a proposal, which has been approved, for the improvement and enrichment of the Greek questionnaire of SILC survey, with an orientation towards the integration of questions concerning social barriers. Additionally, because of this initiative the “Washington Group (WG) Short Set”, which is a set of questions for identifying the most vulnerable and at risk for social exclusion persons with disabilities, has been also included into the Greek questionnaire since 2018, as supplementary to GALI index, following the guidelines of the United Nations Statistical Office and the Eurostat. The Observatory on Disabilities Issues of NCDP has as the primary goal of its research activity to develop an independent monitoring framework of the CRPD, with a great emphasis on the development of disability-rights statistical indicators. [↑](#footnote-ref-43)
44. <https://sustainabledevelopment.un.org/content/documents/19378Greece_VNR_Greece_2018_pdf_FINAL_140618.pdf> [↑](#footnote-ref-44)
45. Regarding the list with the national monitoring indicators for the implementation progress of the Sustain Development Objectives, click [here](http://www.ggk.gov.gr/wp-content/uploads/2019/05/%CE%94%CE%B5%CE%AF%CE%BA%CF%84%CE%B5%CF%82-%CF%80%CE%B1%CF%81%CE%B1%CE%BA%CE%BF%CE%BB%CE%BF%CF%8D%CE%B8%CE%B7%CF%83%CE%B7%CF%82-%CE%B1%CE%BD%CE%B1-%CE%A3%CF%84%CF%8C%CF%87%CE%BF.xlsx). [↑](#footnote-ref-45)