**Reply to a request by the OHCHR for inputs to HRC resolution 48/3**

***Answers were provided by the Ministry of Justice and the Ministry of Health of the Hellenic Republic***

Τhe Greek Constitution, as well as a series of national Laws (see below), guarantee directly or indirectly the rights of older persons. In particular, the Greek Constitution safeguards respect and protection of personal freedom (art. 2 par. 1); equality before the law (article 4, par. 1); the right to full protection of life, honor and liberty irrespective of nationality, race, language, religious or political beliefs of all people living within the Greek territory (article 5, par. 2); the right of every person to legal protection afforded by Courts (article 20, par. 1); the rights of the individual as a member of society and the principle of the welfare state, the rule of law as well as the protection of fundamental rights (article 25, par. 1 and 2). Furthermore, article 21 par. 3 of the Greek Constitution explicitly guarantees protection and respect, inter alia, of older and disabled persons’ rights: “The State shall care for the health of citizens and shall adopt special measures for the protection of youth, old age, disability and for the relief of persons in need; it shall care for the health of citizens and adopt special measures for the protection of youth, old age, disability and for the relief of persons in need.”.

The Code of Ethics of the Greek Parliament (articles 2 and 8 par.1) provides for the prevention of hate speech against persons on the grounds of their racial or ethnic origin, religious or political belief, sex, age, disability or sexual orientation (Government Gazette, A67/18.4.2016).

Law 4443/2016 on non-discrimination, which replaced Law 3304/2005, extends the grounds of discrimination to include race, color, national or ethnic origin, descent, religion or belief, disability or chronic condition (illness), age, marital or social status, sexual orientation, gender identity or characteristics. This Law incorporated in the Greek national legislation: a) Directive 2000/43/EC on the application of the principle of equal treatment of persons irrespective of racial or ethnic origin, b) Directive 2000/78/EC on the establishment of a general framework for equal treatment in employment and occupation; and c) Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers. According to article 14 par. 1, the Ombudsman is designated as the monitoring body to promote the implementation of equal treatment in the private, public and wider public sector.

Furthermore, article 2 of this Law provides protection in the following contexts: a) ‘discrimination by association' means the least favorable treatment of a person due to his or her close relationship with a person or persons with specific characteristics of race, color, national or ethnic origin, descent, religious or other beliefs, disability or chronic condition, age, family or social status, sexual orientation, identity or gender characteristics; b) 'discrimination by assumption' means the least favorable treatment of a person alleged to possess specific characteristics of race, color, national or ethnic origin, descent, religious or other beliefs, disability or chronic condition, age, family or social status, sexual orientation, identity or gender characteristics.

According to its article 11 (“Sanctions”), anyone who violates free access of the public to goods and services, including discrimination on grounds of race, color, national or ethnic origin, descent, religious or other beliefs, disability or chronic condition, age, family or social status, sexual orientation, identity or gender characteristics shall be punished with imprisonment of six months up to three years and with a penalty of one thousand to five thousand Euros. The crimes provided for in this paragraph are prosecuted ex officio.

Law 4478/2017 (on the transposition of Directive 2012/29/EU on the establishment of minimum standards relating to rights, support and protection of victims of crime and for the replacement of Council Framework Decision 2001/220/JHA) guarantees that victims of crime are properly informed, supported and protected in order to participate in the criminal proceedings. Victims are recognized and treated with respect, sensitivity, individuality, professional and non-discriminatory approach irrespective of race, color, national or ethnic origin, language, religion, social status, political or other opinion, property status, age, gender, sexual orientation, gender identity or characteristics, disability or any other situation.

In addition, Law 3500/2006 addressing domestic violence, as amended by Law 4531/2018, which ratified the Istanbul Convention of the Council of Europe, provides for protection to each and every family member. Given the increased prevalence of disabilities with age, Law 4488/2017 on the rights of persons with disabilities should also be mentioned.

Furthermore, last July (2021), following the conclusion of the work of the Legislative Draft Committee established for this purpose, the Minister of Justice and the Deputy Minister of Justice presented to the Cabinet the draft law related to the ratification of The Hague Convention of 13 January 2000 on the International Protection of Adults. The ratification of The Hague Convention on the International Protection of Adults by the Hellenic Parliament is expected to take place soon, promoting international legal standards and strengthening the national legal framework on the protection of vulnerability, including age-related vulnerabilities.

On the issue of older persons unhindered access to healthcare services, it should be noted that the Primary Health Care Directorate of the Hellenic Ministry of Health, responsible for matters related to information, awareness, prevention and health education, participates in the formulation of policies and the promotion of institutional arrangements for the rights of older people, as well as their access to Health Services, the monitoring and implementation of actions in line with EU and International Organizations guidelines and declarations (United Nations Organization & World Health Organization) such as: healthy-aging issues, raising awareness on the special health needs of the elderly, ensuring their functionality, raising awareness and appreciation on the role of healthcare professionals, maintaining and improving the health of the elderly, understanding the impact of the Covid-19 pandemic on older people and its impact on healthcare policies and planning etc.

In accordance with the Strategic Planning of the Hellenic Ministry of Health for the period of 2021-2023, objectives and actions related to the rights and unimpeded access of older people to healthcare services were included in the operational planning of the Primary Health Care Directorate.

Specifically, Strategic Objective 1 of the Ministry of Health (Upgrading the National Health System with emphasis on achieving universal access to quality healthcare services, taking into account the increased social needs and the proper distribution of human and financial resources) is focused on actions involving the elderly population as well. For example:

* Development of the network of Primary Health Care structures and services (including Public Health and Mental Health).
* Development and services delivery within the structures of Primary Health Care for the prevention and treatment of patients with chronic diseases.
* Development and improvement of Day Care Units institutions.
* Modernization of the operating framework of Day Care Units.
* Development of the institution of Primary Health Care Mobile Teams.
* Development of Local Health Teams.
* Development of citizen and patient self-care assistance interventions and patient self-care groups.
* Training interventions and support of patient’s caregivers.
* Upgrading and expanding the institution of home-based care in Primary Health Care and in the community.
* Development of chronic disease management services within Primary Health Care structures.
* Organizing patient follow-up programs in the community (home-care – palliative care).

In addition, Strategic Objective 2 (Health and Well-being for all, at all ages) is focusing on the following actions:

* Development of screening interventions in collaboration with Public Health Directorates (prevention of virulent types of cancer, cardiovascular disease, diabetes etc).
* Development of services and interventions for the prevention of chronic diseases at an advanced age and the promotion of health and well-being of the elderly.
* Development of interventions for oral health.
* Organizating interventions on information and prevention to promote the health of the elderly.

Strategic Objective 3 (Designing Strategies to strengthen the preparedness of the Ministry of Health and of the National Health System for the most effective response to emergencies which pose a threat to Public Health) is focused on the following operational actions (also applicable to the elderly):

* Activation of Primary Health Care structures in clinical examination and testing for Covid-19 and ensuring proper operation of Primary Health Care structures during crises.
* Organization and implementation of the operational plan for the vaccination of the population.
* Digitalization of the operation of Primary Health Care structures and of services provided to patients etc.

The current institutional framework that regulates the issue of protection of the rights of older people in the field of Health can be found below:

According to provisions of Law 4486/2017 “Reform of Primary Health Care, urgent regulations of the Ministry of Health and other provisions”, the said reform promotes the organization and development of relevant processes for the development and provision of healthcare with a focus on community health development, whilst emphasizing on prevention and health education focused on citizens, families, vulnerable groups and more generally the protection of public health.

Law 4690/2020 on the “Ratification of the Legislative Act concerning Corona-virus/ re-opening of Courts” provides the conditions of obtaining a nursing specialty and specialization on geriatric nursing, in order for the nursing staff to be theoretically and clinically trained in the care of geriatric patients treated in hospital departments, intensive care units, emergency departments, and in primary health care structures (home-based healthcare and health centers).

Finally and in order to broaden the current institutional framework to cover more broadly the rights of older people to Health Services and Primary Health Care, it is proposed to promote specialized institutional regulations with reference to the provision of healthcare in the community and at home, in order to avoid phenomena of neglect, malpractices, exploitation etc.