



PERMANENT MISSION OF GREECE
GENEVA

VERY URGENT

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NOTE VERBALE

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and, following the latter's Note Verbale, dated 18 June 2012, on the children's right to health, has the honour to forward relevant information, by the Greek Government (Ministries of Education and Health).

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, September 17 2012

To: **The Office of the High Commissioner for Human Rights**
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Pages attached: 15

OHCHR REGISTRY

17 SEP 2012

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Health education in the Greek educational system does not constitute a separate subject as such. Issues related to prevention and health promotion of students are taught in an either cross-curricular approach, by diffusion in various subjects, or they have been included in Health Education Programmes, so that they are part of school curricula or activities. Health Education Programmes also include Consumer as well as Traffic Education. Teachers attend initial seminar training in order to get acquainted with innovative ways to implement Health Education Programmes, but also to get theoretical and pedagogical support.

The aim of the Health Education programmes is to protect, improve and promote the students' physical and social health by developing their personal and social skills on the one hand, and by upgrading their social and natural environment on the other. They are mainly implemented through project-based learning and rely on new teaching methods which encourage student participation and enhance the development of certain skills, such as decision making, drawing conclusions and evaluating consequences.

The thematic units of Health Education Programmes may vary as follows:

- * Addictive substances (drugs - alcohol - tobacco)
- * Diet and eating habits - Genetically modified products
- * Transgender relationships - Sexual Education
- * Sexually transmitted diseases
- * HIV - Hepatitis B
- * Interpersonal Relations - Mental Health (Racism - Violence - Mourning - Xenophobia)
- * Traffic Education - Accidents
- * Dealing with stress (school - work)
- * Oral Hygiene
- * Cancer - Smoking - Nutrition
- * Exposure to toxic substances and excessive sunlight
- * Environment and Health
- * Volunteering (Blood Donation - Tissue and organ donation - First Aid - Volunteer work - Volunteer school traffic warden)
- * Anaemia
- * Cardiovascular diseases
- * Consumption and Health
- * Gender equality
- * Social exclusion - Equal opportunities
- * Prevention and management of emergencies (such as earthquakes, floods or fires)
- * Physical Fitness.

For the successful implementation of health education programmes the Ministry of Education collaborates on Road Safety with the Ministry of Public Order & Citizen Protection and the Ministry of Transport, on health education with the Ministry of Health & Social Solidarity, but also with many governmental and non-governmental organizations such as

the National School of Public Health, the Center for Disease Control & Prevention, the General Secretariat for Youth, the Organisation Against Drugs (O.KA.NA), the Institute of Child Health, as well as with scientific bodies such as the Hellenic Medical and Dental Society, the Hellenic Society against Cancer, the Research Centre for Gender Equality (KE.TH.I.) and others.

Additionally, in the context of the implementation of these programmes students may carry out visits to sites and bodies associated with the programme they implement (e.g. traffic education parks, mental health places, exhibitions, factories, hospitals, institutions, etc.). The training material (printed or electronic) which is used to implement health education programmes, based on the principles of active-experiential learning, includes booklets for both teachers and students, as well as information material.

Finally, each school year, free Health Education interventions are implemented in schools by Hospitals, Health Centres, Medical Associations, Institutes of Health and other bodies, which provide preventive controls, tests and information for student health prevention

The number of Health Education programmes undertaken each school year, when funded by the European Social Fund, may come up to 5,500.

HELLENIC REPUBLIC
MINISTRY OF HEALTH
GENERAL DIRECTORATE OF HEALTH
DIRECTORATE OF PRIMARY HEALTHCARE
OFFICE OF HEAD OF DIRECTORATE

Section 2: Please indicate the current status of the child's right to health under your country's legal framework

1. The Greek Constitution does not make any special reference to children, apart from Article 21, which states that the family, being the cornerstone of the preservation and the advancement of the Nation, as well as marriage, motherhood and childhood, shall be under the protection of the State. The protection of children's rights is ensured indirectly, namely to the extent that children are included in the provisions relating to the overall protection of individual and social rights.

2. Law 2519/21 Aug 1997 (Government Gazette 165 A) "Development and modernisation of the National Healthcare System, organisation of healthcare services and other provisions"

The Department of School Health of the Ministry of Health is responsible for preparing, monitoring and implementing programmes for the provision of prevention, treatment and promotion of health and overall psychosocial support of children in kindergartens, primary schools, junior high schools and high schools, supervising the school environment as regards compliance with public health regulations, as well as recording and filing information on pupils' individual state of health.

To this end, it collaborates with the Ministry of Education and Religious Affairs, Culture and Sports, closely monitors matters of health of the country's pupils and intervenes with specific actions where necessary.

3. Pursuant to paragraphs 10 and 11 of Section C (Preparation of Programmes) of article 12, Structure-Powers of the Directorate (Y3) of Primary Healthcare, of presidential decree 95/10 March 2000, "Regulations of the Ministry of Health and Welfare" (Government Gazette 76 A), our department is jointly competent for the management of matters relating to the preparation, monitoring and implementation of programmes

for the provision of preventive services, overall psychosocial support of children in kindergartens, primary schools, junior high schools and high schools, and for the collection and evaluation of data relating to the morbidity of school-age children and teachers and general preventive tests for pupils on the basis of the individual health card, with the purpose of making relevant recommendations and launching appropriate prevention programmes, in collaboration with the Department of School Health, Directorate of Public Health, Ministry of Health.

4. Joint ministerial decision No. 16065/2002 (Government Gazette 497 A), "Model Regulations for Municipal and Community Nurseries and Kindergartens being legal persons in public law"

The purpose of nurseries and kindergartens is, inter alia, to eliminate as far as possible any differences in the cultural, financial and educational level of their parents and provide day care and nutrition to the children they accommodate, in compliance with health and safety regulations.

The legal person is responsible for monitoring the health of children, in parallel with their families; children are examined by a paediatrician once a week. A health record is kept for every child, updated by the physician. Parents are informed once a month on matters of children's health.

The protection of the children's health is another responsibility of the nursery staff, that strictly abides with all necessary health and safety measures and is liable for any negligence or omission that might affect the children's health. The staff undergoes preventive tests and has a special individual health booklet, certified by the competent healthcare agency.

5. Presidential decree 200/1998 (Government Gazette 161/1998 A), "Organisation and operation of preschools"

6. Presidential decree 201/1998 (Government Gazette 161/1998 A), "Organisation and operation of elementary schools"

7. Law 3687/2008 (Government Gazette 159/2008 A), "Matters relating to the personnel of the Ministry of National Education and Religious Affairs and other provisions"

Pursuant to the above legislation, the medical documentation required for enrolment in preschool and the first grade of elementary school

include the children's health book (vaccinations) and certificates of dental, cardiologic and ophthalmologic examination.

8. Law 3194/2003 (Government Gazette 267 A), "Regulation of educational matters and other provisions"

9. Joint ministerial decision No.58410/Γ4/2005 (Government Gazette 859 B), "Determination of the type, content and method of updating of the personal health card (ADY)"

Principals of primary and secondary schools procure that the schools keep records of their pupils' ADY, whose role is preventive and aims at protecting the life of pupils. In case of uninsured Greeks or foreigners and in case that parents or guardians are financially unable to produce the ADY, the school principal shall, with the consent of the parent or guardian in writing, refer the pupil to the nearest Health Centre or Regional General Hospital in order to fill out the ADY free of charge.

10. Law 3730/2008 (Government Gazette 262 A), "Protection of children from tobacco and alcoholic beverages and other provisions"

11. Law 3868/2010 (Government Gazette 129/3 Aug 2010 A), chapter G, "Measures for the general prohibition of smoking in public areas, amendment to Laws 3730/2008 and 3370/2005"

Pursuant to the above provisions, it is prohibited to sell tobacco products to and by children, to advertise and sell tobacco products in the premises of Health Services and educational establishments of all grades in public and private law, as well as in the canteens of such services and establishments. Smoking is also prohibited in all indoor and roofed public areas.

12. Circular No. Y1/Γ.II.ouk.140202/20 Dec 2011, "New National Programme for the Vaccination of Children and Adolescents 2011" (ADA: 45Ψ6Θ-Θ0K)

13. Law 2676/1999 (Government Gazette 1A), "Organisational and operational restructuring of social security bodies and other provisions"

14. Ministerial decision No.Φ7/ouk.1624, "Preventive medicine services provided to persons insured with the State and Insurance Organisations"

Pursuant to the foregoing, the cost of children's vaccines, according to the National Programme for Vaccinations, and prenatal tests is solely incurred by Insurance Organisations.

The Directorate of Public Health of the Ministry of Health provides vaccines from the national stock for the destitute and the uninsured.

15. Joint ministerial decision No.13941 (Government Gazette 747 B), "Determination of conditions, criteria and procedures for access to the nursing, medical and pharmaceutical care system for uninsured and financially weak citizens"

Hospital, medical and pharmaceutical care free of charge is provided to the following persons, on condition that they are not directly or indirectly entitled to such care by any insurance organisation and are legitimate and permanent residents of the country:

- Uninsured and unmarried pregnant women and mothers and their children;
- Children accommodated in Social Care Units or other foundations being legal persons in public or private law;
- Children placed with foster families;
- Persons detained in prisons, persons put up in children's institutions and persons put up in children's accommodation houses of children's societies (legal persons in public law).

16. HEALTH EDUCATION IN SCHOOLS

I. Ministerial decision No. Γ1/377/865/18 Sep 1992 (Government Gazette 577B/1992), "Regulation of school activities in primary education";

II. Ministerial decision No.Γ2/4867/28 Aug 1992 (Government Gazette 629B/1992), "Regulation of school activities in secondary education";

III. Law 2817/2000 (Government Gazette 78A), "Education for persons with special educational needs and other provisions";

IV. Circular No.81687/Γ7/9 July 2009 of the Ministry of Education, Lifelong Learning and Religions Affairs, "Planning and implementing school activities programmes (Career Education, Health Education, Environmental Education, Cultural matters, Comenius – Leonardo da Vinci and eTwinning) for the school year 2009-10";

V. Circular No.119236/T7/24 Sep 2010 of the Ministry of Education, Lifelong Learning and Religions Affairs, "Planning and implementing school activities programmes (Career Education, Health Education, Environmental Education, Cultural matters, Comenius – Leonardo da Vinci and eTwinning) for the school year 2010-11";

17. The child's health booklet is an institution launched in 1976 (Ministerial decision No. A29/oux5648/27 Nov 1976 – Government Gazette 1425 B) to document health information of the child population of the country;

18. Law 1036/80 (Government Gazette 66 A) on family planning and other provisions;

19. Law 3996/5 Aug 2011 (Government Gazette 170 A), "Reform of the Labour Inspectors Body, settlement of matters of Social Security and other provisions", article 48, para. 10, stipulates that children of insured persons or old age or disability pensioners of the insurance organisations of the Ministry of Labour and Social Security shall be insured as family members and, therefore, shall be covered for healthcare by the insurance organisations to which their parents are subject for such care. Care provided by insurance organisations includes medical, pharmaceutical and hospital care and any prostheses and auxiliary means of treatment whose aim is to restore their health or alleviate their condition, according to the specific provisions of their regulations.

20. Law 2676/5 Jan 1999 (Government Gazette 1 A), "Organisational and operational restructuring of social security bodies and other provisions", article 33, establishes mandatory preventive medicine with an aim to make timely diagnoses and take measures to prevent or avert disease. Especially for children, preventive medicine includes free of charge vaccination pursuant to the National Programme for Vaccinations and preventive dental work for children aged up to 14 years.

21. Insurance organisations pay a per diem for the participation of the children of insured, pensioners or employees in camping programmes. The amount of per diem is determined annually by joint ministerial decision.

Section 3: Please provide information on national policies, strategies and plans of action for addressing the priority concerns and challenges identified in question 1

A. Breastfeeding is the right of every child. The National Breastfeeding Committee was set up for this reason within the Ministry of Health by virtue of **ministerial decision ΔY157387/2 June 2005**. The following actions were implemented in the context of such National Committee:

1. Epidemiological study on breastfeeding, conducted by the Institute of Child Health;
2. Translation and editing of the International Code of Marketing of Breast-milk Substitutes;
3. Persons responsible for breastfeeding were appointed in hospitals;
4. A meeting for persons responsible for breastfeeding in hospitals was held in Athens in May 2008;
5. Infant-friendly hospitals were developed.

A major issue for the promotion of breastfeeding is the development of infant-friendly hospitals, which is the main objective of the Committee. In this context, the Institute of Child Health is implementing a programme for the development of infant-friendly hospitals through the NSRF.

B. Moreover, the Ministry of Health cooperated with the Ministry of Rural Development and Food for the implementation of the "**Plan to promote the consumption of fruit in schools**", laid down in the provisions of **Council Regulation (EC) 13/2009**. Its main objective is to durably increase the share of fruit and vegetables in the diets of children at the stage when their eating habits are being formed and, therefore, reduce the rate of child obesity.

C. National Newborn Preventive Screening Programme. Since the 1970's the Ministry of Health has entrusted the preparation and development of the NNPS to the Institute of Child Health (Government Gazette 249 A).

Section 4: Please indicate what role schools have in promoting children's right to health

A. Since the school environment is ideal for encouraging children to adopt healthy eating habits and health-promoting behaviours in general, the Directorate of Public Health of the Ministry of Health has processed proposals for more interventions relating to school life, of which the most important are:

- Training of teachers and parents in matters of nutrition and eating habits;
- Introduction of the subject of nutrition;
- Increased teaching hours for physical education;
- Availability of restaurants for elementary schools with extended hours and adoption of a suitable diet for such schools;
- Cooperation of the school with medical staff and dietician;
- Introduction of restrictive measures for the advertising of packaged food with a high content of sugar, sodium and fats;
- Amendment to the dietary programme applied in the nurseries of the country according to recent scientific data which underline that the availability of safe and balanced meals for babies and toddlers is one of the most important elements for the prevention of child obesity.

Section 5: Please provide examples of good practices undertaken by your Government to protect and promote children's right to health, particularly in relation to children in especially difficult circumstances

A. The Ministry of Health has given priority to actions undertaken in schools, considering that the protection of the child population is a matter of utmost importance and taking into account the WHO guidelines for the prevention of child obesity and other chronic nutrition-related diseases.

Specifically, in the context of our powers, we have issued and implemented **Healthcare Order No.Y1γ/Γ.Π.οικ.93828/31 July 2006 (Government Gazette 1183 B/31 Aug 2006) on the health regulations and the determination of products sold at the canteens of public and private schools, as well as the relevant interpreting circular (Y1/Γ.Π.οικ.109167/13 Sep 2006).**

The purpose of the said healthcare order is to protect and promote the health of the pupil population by introducing healthy eating habits and create a supportive school environment that would contribute to the suitable eating choices of pupils, given that the list of allowed products comprised in the said healthcare order was based on instructions and recommendations by WHO and recognised scientific pediatric societies in Greece and abroad.

B. As regards the organisation and implementation of healthcare education and awareness programmes for pupils, the relevant actions and programmes are presented in document No.91798/T7/8 Aug 2012 of the Ministry of Education, Religious Affairs, Culture and Sports (attachment 3).

- **Law 1894/1990 (Government Gazette 110 A), "Academy of Athens and other educational provisions";**
- **Law 2986/2002 (Government Gazette 24 A), "Organisation of the regional agencies of the Primary and Secondary Education, evaluation of the educational work and the teachers, training of teachers and other provisions";**
- **Ministerial decision Γ2/806/1993 (Government Gazette 134 B), "Establishment, organisation and operation of advisory stations for young people".**

Advisory stations for young people are established and operate within the Secondary Education Directorates and Offices, depending on the needs; their purpose is to promote pupils' health education programmes and cover the psychosocial needs of schools under their competence.

C. Protection and promotion of the right to health for physically/mentally disabled or maladjusted children

- In Law 861/6 Jan 1979 (Government Gazette 2 A), article 6, the concept of care provided by insurance organisations comprised special education or guardianship or care to physically/mentally disabled or maladjusted children of insured persons treated in institutions, schools, boardinghouses, shelters or any type of hospital. Article 2 of Law 997/28 Dec 1979 (Government Gazette 287 A) stipulates that the level of hospital/boarding charges is determined by ministerial decision. Ministerial decision No.80000/23141/16 Nov 2007 (Government Gazette 2274 B) determined the daily hospital/boarding charges paid by insurance organisations for children with severe physical or mental disabilities treated in the said institutions. Moreover, in the context of treatment and with an aim to eliminate the consequences of the disability of deaf children, the cost of their education in special schools is covered by insurance organisations, according to the said decision.

- Moreover, insurance organisations conclude contracts with Day Care Centre for the accommodation of persons with special needs during the day, with an aim to provide creative stay and pastime for such persons in such centres. The charges paid by insurance organisations are determined by presidential decree 187/2005 (Government Gazette 231 A).
- To address mental health problems in people with mental disorders and autism and in people with mental illness and secondary mental disorders, in addition to hospital treatment, insurance organisations pay charges to Mental Health Units and Mental Rehabilitation Programmes (guesthouses, boardinghouses, protected apartments) under Law 2716/17 May 1999 (Government Gazette 96 A), the level of which was determined by ministerial decision No.Y5β/Τοκ. 35724/4 April 2002.
- For children with mobility or speech problems, insurance organisations pay charges for physical, occupational and speech therapy and special education, according to the applicable State price list. The procedure for such payments (frequency of payment, method of approval) is determined by the relevant regulations for payment.
- For the participation of children with special needs in camping programmes, insurance organisations pay increased charges, the level of which is determined annually by joint ministerial decision.
- Finally, children with chronic conditions, such as juvenile diabetes mellitus, dwarfism, haemophilia, thalassaemia, sickle cell anaemia etc., are provided with medications free of charge, under joint ministerial decision No.Φ42000/οκ.2555/353/28 Feb 2012 (Government Gazette 497 B), and with the necessary sanitary material, pursuant to the provisions of the regulations of insurance organisations.

D. Actions for ROMA children – Support centres for Roma and vulnerable groups

1. Joint ministerial decision No.1.5422/οκ.31022/2 May 2011, "Management, Evaluation, Monitoring and Inspection System and

Procedure for the Implementation of the action "Support centres for Roma and vulnerable groups" in the context of the National Strategic Reference Framework for the programme period 2007-2013"

Support centres for Roma and vulnerable groups are the evolution of the Medical-social centres for Roma, implemented under CSF III through the integrated ESF interventions of Regional Operational Programmes (POPs). "The objective of such structures is, inter alia, to provide support and social integration services, including advisory services for the integration of the family, especially the children, in Greek society, **support and promote the rights of the child**, utilise the official structures of the State (education, sports, culture, creative pastime etc.) and liaise with relevant existing agencies". By way of example, primate healthcare is promoted in collaboration with competent bodies (hospitals, health centres, social solidarity agencies, community structures, mental health providers, educational establishments etc.) and other actions, financed either by national funds or through the NSRF.

2. The objective of Ministerial decision No.Π2α/Γ.Π.οικ.41662/12 April 2011, "Health protection and promotion programmes and psychosocial support programmes for the Greek Roma", financed by the Ministry of Health and Social Solidarity, was to provide clinical tests and vaccines to children, address social problems etc. in collaboration with local bodies, by means of visits of Mobile Units of HCDCP (Hellenic Centre for Disease Control and Prevention) to nomad Roma camps. The aim of the programme is to promote primary healthcare and social protection by utilising the services provided by the National Health and Social Care System and to familiarize the group with public services towards their social integration.

3. By documents No. Y1/Γ.Π.95720/16 Sep 2011 and Y1/Γ.Π.130064/28 Dec 2011, addressed to all primary healthcare providers, our department supported, at their request, the Health Promotion Action of the NSRF Programme "Education of Roma children", implemented in collaboration with local agencies, NGOs and the National Public Health School, under the coordination of the postgraduate course "International Medicine – Health Crisis Management" of the Medical School of Athens, as

well as the children of Muslim Roma in a similar NSRF programme, in order to complete their medical check-up and vaccines, so that they will be provided with the necessary documentation to enrol to school. Moreover, our department provided, to the extent possible, vaccines from the national stock to reinforce such actions.

4. The **National Roma Integration Strategy** was submitted to the European Commission on 30 December 2011, comprising four priority axes. Actions will be implemented in priority axis 4 (Health-Social Care), so that access to primary health services and support to the procedure of full Roma integration will be ensured by 2020.

E. Actions relating to the health of foreign children

- i. **Presidential decree 220/2007 (Government Gazette 251 A), "Transposition into Greek legislation of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (EEL 31/6 Feb 2003)";**
- ii. **Presidential decree 96/2008 (Government Gazette 152 A), "Transposition into Greek legislation of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (EEL 304/30 Sep 2004)";**
- iii. **Presidential decree 114/2010 (Government Gazette 195 A), "Establishment of uniform procedures for granting refugee or international protection status to third-country nationals and stateless persons, in compliance with Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status" (L 326/13 Dec 2005)";**
- iv. **Circular No.Y4a/ouk.45610/2 May 2012 of the Ministry of Health, "Clarifications on the access of third-country nationals and uninsured persons to the country's medical, pharmaceutical and nursing system".**

In accordance with the foregoing, asylum seekers "are provided free-of-charge with the necessary medical, pharmaceutical and nursing care, on condition that they are uninsured and financially weak".

Unobstructed access to health services is ensured to unaccompanied immigrant children in all cases (emergencies or not), regardless of their legal status and any lack of validating documents.

Joint ministerial decision No.139491 (Government Gazette 747 B), "Determination of conditions, criteria and procedures for access to the nursing, medical and pharmaceutical care system for uninsured and financially weak citizens"

Hospital, medical and pharmaceutical care free of charge is provided to the following persons:

- Third-country nationals, holders of a residence permit on humanitarian (health) grounds;
- Recognised political refugees;
- Third-country nationals who have applied for refugee status and whose application is being reviewed by the Ministry of Public Order, those who hold a residence permit on humanitarian grounds or have been given an unexpired deadline can obtain free-of-charge medical, pharmaceutical and nursing care by producing their refugee card or asylum seeker card or special residence permit on humanitarian grounds to the NHS agencies.
- Third-country nationals who were victims of the offences provided for in articles 323, 323A, 349, 351 and 351A of the Penal Code (pursuant to presidential decree 233/2003) and are uninsured can receive free-of-charge medical, pharmaceutical and nursing care from NHS agencies for as long as the protection and assistance measures are in force, by producing the relevant certificate of the Police Directorate directly to the NHS agencies, which must explicitly state the period of protection and assistance.

Section 6: Please indicate what the main barriers your Government finds when are trying to implement children's right to health

The main barriers encountered by the Government, the competent Ministries and the involved organisations, bodies and agencies when trying to implement children's right to health programmes relate to:

- The fact that the existing institutional framework is old and complex;
- The absence of National Action Plans for the management of matters relating to protecting children's health and safeguarding related rights;
- The insufficient development of powers, which are fragmented among many agencies and present overlaps and difficulties in implementing the provisions;
- The absence of coordination of policies and actions among various agencies and the insufficient development of human resources and infrastructures;
- The deficient or zero development of supervision and control mechanisms for the protection of the children's right to health.