***Subject: Questionnaire of the UN Special Rapporteur on "the rights of older persons with disabilities"***

The Government of Greece does not implement any specific programs for older persons with disabilities. The social integration policy for people with disabilities is integrated and comprehensive and does not differentiate in respect to older persons. In order to protect the elderly, the following programs are being implemented:

i) **Housing Assistance Program**

Single uninsured and financially unstable elderly, over 65 years old, as well as couples of uninsured and financially unstable older persons who lack housing and reside in rented accommodation, receive housing benefits from the Organization of Welfare Benefits & Social Solidarity (OPEKA) in the form of rent, in accordance to Γ3/οικ.2615/22-5-1985, ΦΕΚ 329/Β71985 ΚΥΑ as amended and in force. The allowance is paid directly to the landlord and its amount does not exceed € 362 per month for each beneficiary.

ii) «In-House Assistance» Program

The "In-House Assistance" program, as a part of the primary social care services, provides social work services, nursing care and family house assistance to older persons living alone either permanently or for long periods of time during the day, who cannot care for themselves to a satisfactory degree, but also to people with disabilities living alone or with their families, experiencing isolation, exclusion, precarious situation, excessive burden and crisis of their family. The aim is to improve the quality of life and to support the indepedent living of the elderly without them being separated from their familiar space.

The program is funded by national resources and is being implemented by municipalities, their legal entities or other legal entities of local authorities under a contract with the Greek Company for Local Development and Local Government

Pursuant to the provisions of Article 91 of the law 4583/2018 (ΦΕΚ 212/Α'/2018), the program "In-House Assistance" is implemented by municipalities’ relevant department units and is staffed permanently, in accordance to the procedure stipulated in the aforementioned provisions.

iii. **Day Care Centers for Older Persons (KIFI)**

KIFIs are units of daily hospitality for elderly people who cannot care for themselves (mobility impaired, dementia, etc.) and whose family is employed or faces serious social and economic problems, or health problems and fails to provide care. The aim of KIFIs is to improve the quality of life of the elderly and ensure their residence in their natural and family environment, as well as to provide a normal social and working life to the members of the family occupied with providing care.  
For the operation of each KIFI it is necessary to issue a license for establishment and operation. The Ministrial Decree no. Π1Γ/ΑΓΠ/ΟΙΚ.14963/01 (ΦΕΚ 1397/Β72001) as amended and in force, defines the conditions for their establishment and operation. KIFIs are founded and run by municipalities and private for profit and non-profit entities, as well as individuals, in urban and semi-urban areas, interconnected in a functional level with Centers for the Entertainment of Elders (KAPI) that may exist in the same area. Their funding is carried out by Regional Operational Programs (ROPs) which are implemented by regional authorities.

iv) **Social Solidarity Allowance for Uninsured Seniors**

The Social Solidarity Benefit for Uninsured Seniors is granted to uninsured citizens who cumulatively fulfill the conditions set out in the provisions of Article 93 of the law 4387/2016 (ΦΕΚ 85/Α72016) as amended and in force, and of . Φ. 10034/24237/655/29-7-2016 Joint Ministerial Decision (ΦΕΚ 2401/Β 72016).

The bulletin no. Δ12α / Φ.32 / Γ.Κ.οικ.46042 / 1305 / 30-8-2018 (ΑΔΑ: 68ΔΩ465Θ1Ω-ΚΘΙ), clarified the granting of the above-mentioned allowance, in the cases of senior citizens who do not qualify for retirement.

As lack of insurance requirements for a pension is considered the lack of the minimal insurance period or the possible existence of arrears regarding social security contribution to the relevant institutions.

**The rights of persons with disabilities**

**(Answers to questions 1,2,3 and 5)**

With reference to article 26 of Convention on the Rights of Persons with Disabilities "Habilitation and Rehabilitation", the following should be noted:

Provided for by Law 4488/2017, Article 70, the General Secretariat for Human Rights is designated to draw up a National Action Plan for Persons with Disabilities. The drawing up of the project is actually in its final phase, and has the following main priorities:

a. Ensuring equal opportunities.

1. Supporting the autonomy of persons with disabilities (not only physical autonomy but also the ability to make life decisions).
2. Dynamic interference in accessibility (means of transport, architecture, housing, technology and communication).
3. Elimination of all discriminations (women with disabilities, etc).
4. Increasing funds to improve quality of life (improve service quality).
5. Organization of centers and services.
6. Professional skills.

Provided for by Law 4488/2017, Article 70, the General Secretariat for Human Rights is defined as the Central Focal Point for the implementation of the Convention, while Article 71 of the same law designates Focal Points in all Ministries, Regions and Municipalities. All Focal Points are fully operational, while actions are also planned to inform the public about how the Focal Points work.

Provided for by Law 4443/2016 which replaced the previous law 3304/05, causes of illegal discrimination were added, and now include grounds of 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.

Subject to the provisions of the above law, the principle of equal treatment, irrespective of race, color, national or ethnic origin, descent, shall apply to all persons in the public and private sector and in respect of: (a) social protection, including social security and health care (b) social benefits and tax advantages or benefits(c) education (d) access to the supply and provision of goods and services (commodities) to the public, including housing.

More specifically the principle of equal treatment irrespective of 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 in the field of work and employment, applies to all persons, both in the public and private sector, with regard to: (a) conditions of access to work and employment in general, b) access to all types and levels of vocational training, training and vocational reorientation, including the acquisition of practical work experience, (c) access to all types and levels of vocational guidance apprenticeship, vocational training, retraining and vocational reorientation, including the acquisition of practical work experience, (d) membership and participation in trade unions of workers or employers or any professional organization, including the advantages and obligations arising from the participation therein, in particular the right to vote and to stand as a candidate.

With a view to strengthening the country's criminal anti-racism legislation and adjusting the relevant legislative framework with EU Council Framework Decision 2008/913/JHA, Law 927/1979 was amended by Law 4285/2014. According to the latter, acts, such as: a) public incitement to acts or activities, which may result in discrimination, hatred or violence against individuals or groups of individuals defined by reference to race, color, religion, descent, national or ethnic origin, sexual orientation, gender identity, or disability, in a manner which endangers public order or threatens life, liberty or physical integrity of the abovementioned persons, b) the establishment of or participation in an organization or union of persons of any kind systematically pursuing the commission of the abovementioned acts, and c) the act of publicly condoning, trivializing or maliciously denying the commission or seriousness of crimes of genocide, war crimes, crimes against humanity, the Holocaust and Nazi crimes, recognized by decisions of international courts or the Hellenic Parliament, under the circumstances prescribed by this Law, are punishable.

According to article 81 A, inserted in the Penal Code by the above - mentioned law, the commission of any offence on racist grounds (race, colour, religion, descent, national or ethnic origin, sexual orientation, disability, gender identity and, recently added, gender characteristics) constitutes an aggravating circumstance leading to penalty enhancement.

Finally, a new criminal offence (art. 361В of the Criminal Code) has been established, punishing the refusal of provision of goods and services by contemptuous exclusion to a person on the grounds, inter alia, of disability.

Q3.

Older persons with disabilities may also be put under the status of "legal support" (see articles 1666 to 1688 of the Greek Civil Code) by a court decision. Such a status is granted to persons with mental or physical disabilities who can no longer manage their legal affairs. They may be put under partial or total "legal support", which entails that they may either be allowed to carry out their legal affairs (exercise of legal capacity, handling of their bank accounts, collection of their pension sums, buying or selling their property etc) with the assistance of a next of kin designed by the court or they can be totally substituted by such next of kin for these matters. The court procedure may be initiated by the person in need, a next of kin or a Public Prosecutor.

Greece has signed (18-IX-2008) the Hague Convention of 13 January 2000 on the ***International Protection of Adults*** and prepared a draft law for its ratification which has been through public consultation.

The aging of the world's population, combined with greater international mobility, has created the need for improved international protection for vulnerable adults by means of legal regulation and international co-operation. The increased lifespan in many countries is accompanied by a corresponding increase in the incidence of (chronic) illnesses linked to old age. As international travel becomes easier, many people reaching the age of retirement decide to spend the last part of their lives abroad.

The Hague Convention of 13 January 2000 on the International Protection of Adults addresses many these vital issues by providing rules on jurisdiction, applicable law and international recognition and enforcement of protective measures. The Convention also establishes a mechanism for cooperation between the authorities of Contracting States. The Convention furthers some important objectives of the United Nations Convention of 13 December 2006 on the Rights of Persons with Disabilities, in particular those of Article 12 on equal recognition before the law, Article 18 on liberty of movement and nationality, and Article 32 on international co-operation.

Q5.

Access to justice for poor older persons with disabilities may also be guaranteed with legal aid under the provisions of Law 3226/2004. A lawyer, a bailiff and/or a public notary may be appointed by court decision to help such persons carry out their legal affairs free of charge. Furthermore, victims of crimes prosecuted ex officio, among which victims of hate speech, are exempted of the obligation to pay a fee for the initiation of criminal proceedings.

The recording of racist crime is carried out through the joint update (by the Greek Police and the Ministry of Justice) of a centralized annual directory, which follows the criminal procedure course of cases with a suspected racist motive, recorded as such by the Police.

On the subject of racism and xenophobia we should point out that the Ministry of Justice. Transparency and Human Rights participated as a partner of the Organization for Economic Cooperation and Development (OSCE)- Office for Democratic institutions and Human Rights (ODIHR)- in the project "Building an Integrated Criminal Justice in Hate Crimes", funded by the European Commission and lasting two years (February 2017 - February 2019). The following actions of the project have already been implemented in 2018:

* The signature of a cooperation agreement between the relevant Ministries (Justice. Citizen's Protection. Migration Policy and Health), the Justice and Civil Society leaderships represented by the Racism Violence Recording Network (with over 42 CS Organizations) for a coordinated and holistic approach to racist crime. All parties have undertaken specific commitments within the scope of their competence, as well as joint actions. The Cooperation Agreement was signed on 6 June 2018. The project also includes the elaboration of a specific cooperation agreement between the criminal justice agencies (Police, Prosecutors, Courts) for coordination on the legal characterization of racist crimes and their recording.
* Designation of Special Prosecutors for Racist Crime: initially 5 Prosecutors, and after a recent Memorandum of the Supreme Court Public Prosecutor's Office, now stand at 24 Prosecutors.