

HELLENIC REPUBLIC

GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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<p>Comments on the National Strategic Plan for Social Protection and Social Integration 2008-2010</p>
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The Ministry of Employment and Social Solidarity communicated to the NCHR its National Strategic Plan (NSP) for Social Protection and Social Inclusion 2008-2010. The NCHR expressed its satisfaction over the Ministry's intention to enter into consultation regarding this important issue, certain aspects of which the NCHR has previously dealt with.

The NCHR was asked to submit its views and recommendations *re* the fields of social inclusion, pensions, health and long-term care in relation to the following questions: a) the main challenges the country faces; b) the results of the existing measures as provided for by the previous Plan of 2006-2008; c) the improving actions and policies; d) the four main priority policies in the framework of social inclusion and the need for their modification. The NCHR was also asked to provide any other comment.

The NCHR took into account the aims set by the Open Method of Coordination in the framework of the EU for the fields of social inclusion, pensions, health and social care.

A. Social Inclusion

a) Main Challenges

The NCHR has stressed the need for a concrete strategy to address the problems of women in the labour market, the problems of Roma, refugees, migrants and people with disabilities to access public services and participate in the labour market. The access of the elderly to health services is also problematic, especially in the absence of close family members.

We also note the importance of disseminating the new legislation combating discrimination and the protection mechanisms provided for.

b) Results of existing measures

The NCHR has not so far dealt with this issue.

c) Improving actions and policies

The NCHR supports the participation of NGOs and bodies representing those groups facing problems in accessing services and the labour market.

When the NCHR had commented upon the previous NSP in 2005, it had proposed the inclusion of more vulnerable groups to the provisions. Taking into account the existing situation, asylum seekers need also to be included therein. It also noted that the reception centre for asylum seekers on the island of Samos with a capacity for 650 persons does not suffice to cover the needs.

Regarding Roma the NCHR recommended the expansion, both in numbers and activities, of the socio-medical centres, which have produced very positive results, as well as the provision of supportive teaching to Roma children.

The NCHR has already noted the need for Greek language classes to unaccompanied minors. The distribution of the children should be based on their nationalities, and not on their age, so as to facilitate the learning process.

Moreover, the NCHR stressed anew the need for the ratification of the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol with a view to enhance the effective protection of their rights. The NCHR's proposal for the establishment of a Deputy Ombudsman for the rights of persons with disabilities is noteworthy. Furthermore, the ratification of the Convention needs to be followed by an extensive dissemination campaign addressed both to children with disabilities and the general public. Moreover, a national database needs to

be created which will record all disability cases for the more effective distribution of available funding and supportive programs.

The NCHR noted the need for actions regarding the social and professional integration of former detainees. In its Report for the rights of detainees and detention conditions, it stressed the need for the effective organization, staffing and operation of 'EPANODOS' (legal person of private law dealing with the integration of former detainees). Furthermore, it recommended the lifting of the hindrances to the social and professional integration of former detainees, such as the barriers for employment in the public sector because of previous convictions, as well as the implementation of the existing legislation regarding alternative penal sanctions as a means to decrease the prison population.

d) Basic priority policies: preservation or review?

Priority No. 1, Strengthening employment, especially of women and youth, the long-term unemployed and vulnerable groups: Without undermining the usefulness of its materialization measures, the NCHR noted the lack of full compliance with the relevant Directives (2002/73/EC, 2000/43/EC, 2000/78/EC) as well as the lack of measures for the effective implementation of the Greek legislation incorporating those Directives. The NCHR has stressed in previous reports commenting on the bills incorporating the directives the need for the improvement of the provisions regarding the burden of proof and the active legitimation of legal entities and associations and their inclusion into the Codes of Civil and Administrative Procedure.

The NCHR would like to note that women, who indeed face great problems regarding their access to and conditions of employment, do not constitute a 'group', but the one half of the population. Moreover, the character and nature of their problems differ from those of 'vulnerable' groups. Therefore, they should not be treated as a group. The measures for the promotion of the equality of sexes included in the 2006-2008 Report are useful but inadequate since they do not effectively address the

aforementioned problems regarding compliance with EC law and the problems in relation to the reconciliation of family and professional life. The European Commission had asked from the member states to include the problems of inequality of sexes in the 2006-2008 Report. Unfortunately the said Report was not particularly inclusive.

Priority No. 2: Addressing the disadvantaged status of persons and groups regarding education and vocational training: This is a very important issue interlinked with priority No. 1.

Priority No. 3: Supporting the family and the elderly: Although the measures included in the 2006-2008 Report are useful, the protection of the family via the support of both men and women *-inter alia* with measures facilitating the harmonization of family and professional life-, is not at all satisfactory, as the NCHR has repeatedly noted. The said measures also provide assistance to the elderly members of a family. However, several serious problems, both in law and in practice, obstruct the harmonization of family and professional life, deter young people from having a family and do not contribute to the quality of family life.

The NCHR will come back to the said question updating its decisions. Nevertheless, it notes that the case brought before the European Court of Justice by the European Commission versus Greece regarding the age limits of men and women and other requirements for pension rights, is still pending. This issue cannot be addressed on an ad hoc basis; it needs to be resolved by simultaneously improving the harmonization of professional and family life.

Priority No. 4: Social inclusion of persons with disabilities, migrants and persons/groups with cultural/religious particularities: This priority needs to be maintained and to take into account the views of those institutions which are actively involved with the promotion and protection of the rights of the aforementioned groups.

B. Pensions

The NCHR has not addressed this issue.

C. Health and Long-term Care

The NCHR has not dealt with the areas of health and long-term care as far as their main challenges and the results of the existing measures are concerned. However, regarding relevant actions and policies the NCHR has addressed the issue of access to health services of undocumented migrants. It has recommended the abolition of article 84(1) of Law 3386/2005 in so far it forbids medical care for undocumented migrants in cases of non-emergency; the access to medical care in cases of emergency to cover both stabilization and rehabilitation of undocumented migrants' health; the access to medical care to cover preventive medical check; the establishment of pre-natal and post-natal health care for women; the issuing of residence permit for humanitarian reasons to persons who suffer from health problems irrespective of previous possession of residence permit; and the abolishment of disciplinary and penal sanctions for medical personnel in case they provide medical care beyond the limits prescribed by Law.

The NCHR also re-iterated its position regarding the need for the hospital of the Korydallos prison as well as the psychiatric hospital to fall under the competence of the Ministry of Health and to be integrated into the National Health System. It expressed its satisfaction over the announcement by the competent authorities regarding the materialization of the above recommendation. The NCHR, also, noted that the prisons which are not located in urban areas should be staffed with medical and paramedical personnel so that primary care may be provided and emergency incidents handled. Furthermore, it stressed the need to facilitate the access of detainees to public hospitals.

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