



29 June 2009

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EUROPEAN SOCIAL CHARTER

REPLY TO SUPPLEMENTARY QUESTION

19th report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF GREECE

(for the period 1 January 2003 to 31 December 2007:
Articles 13§4)

Report registered at the Secretariat on 26 June 2009

CYCLE 2009

Regarding the reply of Greece to the additional questions made by the European Committee of Social Rights during the examination of the 19th Greek Report on the implementation of the European Social Charter, concerning article 13§4 of the Charter that secures the right to social and medical assistance, we inform you of the following:

The entitlement to emergency social assistance, (i.e. food, shelter, clothing) in case of need both for persons who are lawfully present in Greece (students, tourists, etc) as well as for persons who are unlawfully present, including those whose applications for refugee or stateless person status have been rejected as well as others, is examined case by case. For example, assistance is offered to all persons without exception in cases of natural disaster as well as to all unattended – under aged children irrespective of their nationality.

Furthermore, medical services are offered in emergency cases until the health status of the affected persons is stabilized. These services are also offered to under aged children whether in emergency cases or not, while in cases of massive arrivals of illegal immigrants, patients are transferred to proper medical units for hospitalization.

You are kindly asked to inform the European Committee on Social Rights. For any further information please feel free to contact us.

APPENDIX

SECRETARIAT GENERAL

DIRECTORATE GENERAL OF HUMAN RIGHTS
AND LEGAL AFFAIRS

DIRECTORATE OF MONITORING

HEAD OF THE DEPARTMENT
OF THE EUROPEAN SOCIAL CHARTER
EXECUTIVE SECRETARY
OF THE EUROPEAN COMMITTEE OF SOCIAL
RIGHTS

ESC 112
NC/JW



Ms Evangelia Zerva
Ministry of Employment and Social
Protection
International Relations Directorate
Pireos 40
GR-101 82 ATHENS

Strasbourg, 25 May 2009

Dear Ms Zerva,

The European Committee of Social Rights is currently examining the 19th Greek report on the European Social Charter and has instructed me to forward to you the enclosed questions concerning Article 13§4.

The Committee would be grateful if you could reply to these questions before 27 June 2009 in order to allow the information to be taken into account in Conclusions 2009.

Yours sincerely,

Régis Brillat

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EUROPEAN COMMITTEE OF SOCIAL RIGHTS

COMITÉ EUROPÉEN DES DROITS SOCIAUX



Question in respect of the 19th report of Greece

Article 13§4:

The Committee recalls that under Article 13§4 of the Charter, legislation or practice which denies entitlement to emergency medical assistance to foreign nationals, within the territory of a State Party, even if they are there illegally, is contrary to the Charter ((International Federation of Human Rights (FIDH) v. France, Complaint No.14/2003, decision on the merits of 8 September 2004).

The Committee asks whether the following categories of foreign nationals are eligible for emergency social assistance (e.g. food, shelter, clothing) in case of need:

- lawfully present in Greece (e.g. students, tourists etc);
- unlawfully present, including those whose applications for refugee or stateless person status have been rejected as well as others.