

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**



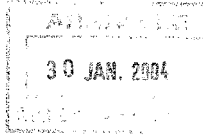
5 February 2004

**Collective Complaint No. 17/2003
World Organisation against Torture (OMCT)
v. Greece**

Case Document No. 5

**OBSERVATIONS FROM THE GREEK GOVERNMENT
ON THE MERITS**

registered at the Secretariat on 30 January 2004



HELLENIC REPUBLIC
 MINISTRY OF LABOR AND SOCIAL
 SECURITY
 GENERAL DIRECTORATE OF
 ADMINISTRATIVE SUPPORT
 DEPARTMENT OF INTERNATIONAL
 RELATIONS
 SECTION II

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General Directorate of Human
Rights -GD II
 Secretariat of the European
 Social Charter
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To the attention of Mr Regis Brillat,
Secretary General of the ESC

COMM.:

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Greece in the Council of Europe
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Collective Complaint 17/2003
"World Organization Against Torture" against Greece

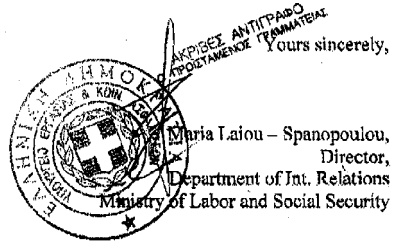
We have the honour to inform you that we forward you with the attached written observations of the Greek Government on the substance of the Collective Complaint 17/2003 lodged against Greece by the International NGO "World Organization Against Torture" within the set deadline, and we kindly ask you to transmit them to the European Committee of Social Rights.

In addition, we hereby renew our request that all documentation concerning the said Complaint 17/2003 is sent directly also to the Department of

International Relations of the Ministry of Labor and Social Security and in particular to the following address:

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Documents attached:1

OBSERVATIONS OF THE HELLENIC GOVERNMENT ON THE MERITS OF THE COLLECTIVE COMPLAINT 17/2003

According to the decision of the European Committee of Social Rights on the admissibility of the collective complaint 17/2003 lodged against Greece by the international non-governmental organization “World Organization Against Torture” regarding violation of Article 17 of the European Social Charter (ESC), we submit, legally and on time, the present memorandum with our observations on the merits of the allegations made by the complainant organization.

The Hellenic Government denies in their total the allegations made by the complainant organization and requests the rejection of the above complaint as unfounded on the following grounds:

The Hellenic State, both at level of legislation and at level of measures, policies and actions, safeguards, in their total, the rights of children deriving from the ratification of Article 17 of the ESC. More specifically, at legislative level the following are provided for regarding the prohibition of corporal punishment of children at school, in the family, in institutions and elsewhere:

Legislation in force

Concerning what applies in the field of education we note the following:

In Act 1566/85, article 1 para.1 (Official Gazette [O.G.] 167 A), the objective of primary and secondary Education is defined as follows: *“The objective of primary and secondary education is to contribute to the full, harmonious and balanced development of the mental psychosomatic faculties of students, so that, irrespective of sex and origin, they have the ability to evolve into integrated personalities and lead a creative life”*. Then it is mentioned that one of the factors towards the realization of this objective is *“the establishment of the necessary pedagogic environment through the development of harmonious interpersonal relationships at school and in the classroom and with respect to the personality of each student”*.

Article 13 para.8c of Presidential Decree 201/98 (O.G.161A) referring to *“the pedagogic control of the conduct of the primary school pupil”* defines that corporal punishment is prohibited in primary school. In accordance with the same provision, behaviour problems are dealt with in a pedagogic manner based on the respect of the personality and the rights of the child.

Ministerial Decision F.353.1/324/105657/D1/8-10-02 (O.G.1340/16-10-02) entitled *“Definition of the more specific duties and competencies of heads of regional services of primary and secondary education, of principals and of subprincipals of school units and of Vocational Training Schools and of teachers’ associations”* refers to the establishment of a friendly and pedagogic environment between students and teachers, which is among the competencies of the school principal.

Also, the teachers, in their meetings with the parents, make an effort to sensitize them to issues of behaviour towards their children, so that demonstration of corporal or psychological violence be avoided.

Presidential Decree 104/79 applies to secondary education, articles 26 (on students’ conduct), 27 (types of sanctions) and 28 (competency to impose sanctions) of which do not provide for the exercise of corporal punishment as a sanction imposed in case of improper conduct.

Furthermore, the institution of all-day school contributes to the establishment of normal relations between children and parents, since the ability of children to stay on at school helps the parents deal with their work matters when the time available is limited.

Regarding the situation at present, as far as the family environment and the institutions are concerned, we note the following:

To cause bodily harm in general, i.e. against either minors or adults, constitutes a punishable action and is punished according to the relevant provisions of the Penal Code (PC). More specifically, in the provisions of Chapter 16 of the PC (articles 308 – 315A) under the general title “Bodily Harm”, a special provision is included about bodily harm against minors (article 312 of the PC). According to the said provision “if there is no case of graver punishable action: (a) any person who, through continuous cruel behaviour, causes bodily injury or harm to the health of a person that has not yet completed seventeen years of age or cannot defend him/herself and is in the custody or under the protection of or a member of the household of the person causing the damage or is bound with him/her by a working relationship or has been put under his/her authority by the person responsible for his/her care and (b) any person who due to malicious neglect of his/her obligations to the said persons becomes culpable for any bodily injury or harm to their health, is punished with at least three months of imprisonment”.

Also, the 19th Chapter of the PC under the general title “Crimes against sexual freedom and crimes of economic exploitation of sexual life” provides for special and especially severe penal sanctions for specific crimes against minors, which involve infringement upon sexual freedom, physical integrity and economic exploitation of the sexual life. More specifically, seduction of children (article 339), sexual assault on minors (article 342), crime against nature (article 347), minors’ pornography (article 348 A), procuring and offering of minors (articles 349 & 351), and sexual assault of minors for consideration (article 351A) are provided for as crimes.

Concerning articles 121–133 of the PC under the general title “Under-aged Offenders”, which are invoked by the complainant organization, these respect the treatment of under-aged offenders and not the treatment of minors as victims. Moreover, no exception is allowed regarding the cause of bodily harm to children by parents or custodians during their upbringing; any use of corporal punishment by teachers in schools is also prohibited. Therefore, any violation of this kind of the relevant provision is punished according to the aforementioned provisions of the PC.

The Fourth Book of the Civil Code (CC) entitled “Family Law” and the Eleventh Chapter under the general title “Relations between Parents and Children”, the following are provided for: article 1507 of the CC defines that “*Parents and children are under a reciprocal obligation of assistance, affection and respect*” and article 1510 defines the content of parental care as follows “*Care for a child under age is a duty and a right of the parents (parental care) and is exercised jointly. Parental care includes care of the child’s person, the management of its property and the representation of the child in any matter, legal transaction or Court action relating to its person or to its property...»*. In article 1518 it is provided for that “*The care of the person of the child comprises in particular the upbringing, supervision, education and instruction of the child as well as the determination of its place of residence.*”

In raising the child the parents must support it, without distinction as to gender, in developing responsibly and with social awareness its personality. The taking of measures of compulsion shall only be allowed if these are pedagogically

necessary and do not cause injury to the child's dignity". Therefore, apart from the reciprocal obligation to provide help, affection and respect which are necessary between parents and children and apart from the fact that no corrective measures causing injury to the child's dignity (e.g. corporal punishment) are permitted, article 1532 of the CC defines the consequences of defective exercise of parental duties as follows: "If the father or the mother violate the duties imposed on them by their function to take care of the person of the child or the administration of its property or if they exercise abusively such function or they are not in a position to cope with this task, the Court may, at the request of the other parent, the closer relatives of the child, the public prosecutor or even on its own initiative, order any appropriate measure.

The Court may, in particular, take away from one parent the exercise of parental care wholly or partially and entrust such care to the other parent, or if the circumstances described in the preceding paragraph apply also in regard to the person of the other parent, entrust the actual care of the child even its custody wholly or in part to a third party or to appoint a tutor". Besides, modern legal theory accepts the scientific approach that puts in dispute the necessity of corporal punishment for pedagogic reasons on the one hand, while, on the other hand, it accepts that acts of corporal punishment always cause injury to the child's dignity, a fact which leads to this direction as far as the meaning of articles 1518 and 1532 of the CC¹ is concerned. Article 1533 of the CC defines that "The taking away of the whole of the care of the child's person from both parents and the entrusting thereof to a third party shall be ordered by the Court only where other steps have proved ineffective or if it is considered that such steps are not sufficient to avert a danger that may affect the bodily, intellectual or spiritual health of the child.

The Court shall determine the extent of parental care entrusted to the third party and the conditions of exercise thereof.

The Court shall decide on the granting of the actual care or the custody to a third partyafter a control of his moral standing, living conditions and generally of his appropriateness, based obligatorily on an attestation issued by the department of Social Service. The granting can be made to an appropriate family, preferably made up of relatives (entrusted family) and if this proves to be impossible, to a proper establishment". Finally, article 1537 of the CC defines the prerequisites for parents to forfeit parental care, as follows: "A parent shall forfeit parental care if he has been condemned by a final judgment to imprisonment of at least one month by reason of an offence he committed fraudulently and which relates to the life, the health and the morality of the child. The Court may, in such a case and in its appreciation of the

¹ "... according to the provision, the extent of what is allowed as punishment measures shall always be judged/decided on the basis of their pedagogic necessity and whether they cause injury to the child's dignity... among punishment measures, the usual remarks and rebukes of parents, the deprivation of entertainment or money, the prohibition of outings are included ... the term "pedagogically necessary punishment measures" means measures in general which contribute to the achievement of the goals of a healthy upbringing ... in any case punishment measures which cause injury to the child's dignity are prohibited. These measures mainly include physical abuse, punishment measures exposing the child before third persons or offend their sense of shame and self-respect. The prohibition of punishment measures of this kind relates to the more general objective, which the upbringing aims at, in accordance to article 1518 para.2a of the CC, i.e. the encouragement of the child to develop a reliable and socially conscious personality...". Ap.Georgiades – M. Stathopoulos, CIVIL CODE, Family Law, by article interpretation (1505 – 1709), VIII, Sakkoulas Publications, Athens 1993, pp182-183.

circumstances, take away from the parent also the parental care of his other children, at the request of the other parent, of the closer relatives or of the prosecutor”.

Both the Penal and the Civil Law, through the aforementioned provisions, safeguard the child’s protection from corporal punishment both by third parties and within the family.

Also, Act 3094/03 (O.G.10A/22-01-03) redefines the duties and the way of function of the Independent Authority “The Greek Ombudsman” and extends its mission to the defense and promotion of children’s rights, too. By virtue of this Act, an additional new mission concerning the defense and promotion of children’s rights has been assigned to the constitutionally safeguarded Independent Authority “The Greek Ombudsman”, which functions in our country successfully since 1998. The newly founded Department of Children’s Rights, one of the five departments of the Authority, which functions since 15th July 2003 on the model of the internationally acknowledged institution of the Ombudsman for Children, has undertaken this mission. The same Act extends the Authority’s scope beyond issues relating to public services (as these are defined by the law) to issues relating to private individuals, physical or legal persons, who infringe upon children’s rights.

Thus, in the frame of defending children’s rights, the Greek Ombudsman also intervenes in those cases where the infringement upon the children’s rights takes place within the family or even in the exercise of parental care and takes action following individual complaints (which may be lodged by the child itself, a relative or a third person with a direct knowledge of the infringement) or on his own initiative, if it is regarded necessary in the cases of serious infringements. The Department of Children’s Rights undertakes and deals with these cases.

In particular: the Ombudsman is assisted by five Deputy Ombudsmen, one of whom shall be appointed as Deputy Ombudsman for Children (article 1, para.2), while for the protection of children’s rights the Ombudsman also has jurisdiction over matters involving private individuals, physical or legal persons, who violate children’s rights (article 3, para.1). The Ombudsman undertakes the investigation of any issue within his jurisdiction, following a signed complaint submitted by any directly concerned person or legal entity or union of persons, while he may also receive complaints from any directly concerned child or person entrusted with parental care or relative by lineal or collateral descent down to the second degree, the child’s guardian or provisional guardian, or any third party having direct knowledge of the infringement of the child’s rights (article 4, para.1). For the implementation of the provisions of Act 3094/03 any person who is not over the age of (18) eighteen is considered as a child (article 4, para.1). The Ombudsman may also proceed to the investigation of cases on his own initiative (article 4, para.2), while, in order to ensure the protection of children’s rights, he may request by means of a duly reasoned document the individual cited in the complaint to provide documents and other evidence (article 4, para.5). When the complaint is aimed against a private person, the Ombudsman shall take all necessary action to put right the problems brought to his attention and propose all required measures for the protection of the rights of the child concerned. In particular, when the operating conditions of a private law entity infringe upon the child’s rights, he may propose the necessary organization and operation measures (article 4, para.7).

Act 2918/01 ratifies the 182 International Labour Convention on the prohibition of the worst forms of child labour with a view to eliminate them. The provision of article 4 of Act 3144/03 (which supplements the already existing laws on child labour: Act 1837/89 O.G.85A, Presidential Decree 62/98 O.G.67A, Act 2956/01

O.G.258A) refers to the protection of working minors and provides for the following: persons under 18 years of age are prohibited from working in any work or engaging in any activity, which, by nature or due to the circumstances in which it is carried out, can harm their health and safety or be a danger to their morals. These works are determined by decision of the Minister of Labour and Social Security after having taken into consideration the specific conditions, which are exhaustively counted by the Act. Ministerial Decision 130621/24-6-03 of the Minister of Labour, which was made in pursuance of the said Act and published in O.G.875B/2-7-03, includes works and activities in which minors are not allowed to be employed.

Also, the Ministry of Health and Welfare by means of services and welfare institutions it supervises, provides with care children that are victims of abuse, unprotected children or children without family care. So, by order of the public prosecutor, and after all necessary measures have been taken, it takes the abused children away from their environment and places them, as well as unprotected children and children without family care, into social care units (Child Welfare Centers and Child Cities). According to their rules of operation any type of violence against and abuse of children is prohibited in these units. Children of this category can be placed in institutions run by the church and in welfare institutions.

Finally, the Hellenic Government has already ratified the UN Convention on Children's Rights by Act 2102/92 O.G.192A, while, as we have already mentioned, it has instituted the operation of the "Ombudsman for Children" within the frame of the "Greek Ombudsman".

All the above, as far as legislation is concerned, are in force in the light of the Greek Constitution, Article 2 para.1 of which provides for that "*respect and protection of the value of the human being constitute the primary obligations of the State*" and Article 7 para.2 that "*torture, any bodily maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity are prohibited and punished as provided by law*". Article 21 para.1 provides for that "*childhood shall be under the protection of the State*" while Article 25 para.1 that "*the rights of man as an individual and as a member of the society are guaranteed by the State*".

Regarding the institutions and the bodies, the measures and the policies to tackle the corporal abuse of children, but also to ensure their protection by the State in general, the following are applied:

Measures and Policies

Medico-pedagogical Centers, Medico-pedagogical Services of the Mental Health Centers and Children's Psychiatry Departments of the country's General Hospitals provide psychosocial support to children that have suffered from maltreatment, unacceptable corporal punishment, violence and sexual abuse and present mental and behavioral disorders. The above services constitute part of the mental health services network and their role is to provide integrated, coordinated and continuous services to children and adolescents with mental disorders and to their families at a community level. It is noted that the objective of Medico-pedagogical Centers and Medico-pedagogical Services is the psycho-pedagogical and psychosocial care of children and adolescents of the area under their responsibility, with additional targets the provision of information to the community, counseling to persons concerned, the prevention of risks, treatment, and rehabilitation and psychosocial

integration of the said population group. The said services can also significantly contribute to the meeting of the needs of children – victims of all forms of abuse.

The Ministry of Health and Welfare shows great interest and sensitivity for the issue of child abuse and, in cooperation with other competent bodies, takes the necessary measures for the protection and care of abused children.

In particular, a Center for the Prevention and Study of the Abused and Neglected Children of the Institute for the Children’s Health operates within the Children’s Hospital “AGIA SOPHIA” (Saint Sophia); this center is financed by the Ministry of Health and its duties are to carry out scientific research on the physical and mental health of children, their social protection, as well as the dissemination of knowledge deriving from the relevant research.

In order to meet cases of abused children the Ministry of Health and Welfare runs authorized welfare bodies of the National System for Social Care, such as the Centers for Children’s Care, the Child Cities, the Penteli Convalescent Home (to treat emergency cases of abused children), where abused children are placed and kept by the public prosecutor’s order, which are offered individualized services by qualified staff (psychologists, pediatricians, social workers) for the tackling of their problems.

Under Act 3106/2003 on “Reorganization of the National System of Social Care and other provisions” the aforementioned welfare bodies constitute decentralized social care units belonging to the Regional Systems of Health and Welfare.

The operation of the National Center for First Social Aid (EKAKV) has been included into the field of welfare for the tackling of citizens’ social problems on a 24hour basis, with a telephone helpline (197), among the activities of which the operation of social guest houses for the temporary accommodation of single-parent families and children that for various reasons must be taken away from their family environment is included.

All means available for the Social Protection of Children will be developed through the coordination of the Social Care Services network by the EKAKV and the modernization of the Welfare Charter.

Apart from all the above, a Convention between the Ministry of Health and the “Children’s Smile” Association has been signed, aiming *inter alia* at implementing programmes to tackle emergency cases of children in danger by offering accommodation in special places and through the operation of mobile units on a 24hour basis, always with the help of specialized staff.

Also, with regard to *the measures of social and economic protection of mother and child* the following are in force:

I. Programmes and Services for the Family and the Child

1. A POLICY ON THE PROVISION OF BENEFITS

Programme for the financial aid of unprotected children

This programme is implemented subject to the provisions of Act 4051/1960 and of Presidential Decree 108/83 (O.G.49/83A), as amended and supplemented subsequently.

In accordance with this programme a monthly benefit of €44,02 is paid for each unprotected child aged up to (16) sixteen years, on condition that the monthly income of the family the child lives with does not exceed the amount of €234,77 for a three-member family, increased by €20,54 for every additional child over the third one.

The Welfare Directorates and Departments of the local Prefectural Self-Governments of the Country are the Competent services for the payment of the said Benefit. Approximately 29.064 children are entitled to the Benefit.

Financial aid on grounds of maternity

This programme is implemented on application of article 4 para.5 of Act 1302/82, by which the 103 International Labour Convention on “the protection of maternity” (1952) was ratified (O.G.133/82A) and is carried out by the Welfare Directorates and Departments of the local Prefectural Self-Governments of the Country.

In accordance with this programme financial aid of €440,20 is paid as follows: €220,10 for a period of 42 days prior to labour and €220,10 for a period of 42 days following labour to working women who are not entitled to receive this aid from an insurance body or are uninsured and at the same time have a low standard of living. Approximately 702 mothers benefit from this programme.

Family Allowances

Third child allowance, allowance for mothers with many children and life-pensions

This programme is implemented on application of article 63 of Act 1892/90 (O.G.101/90A) as amended by article 39 of Act 2459/97 (O.G.17A) and is carried out by the Social Security Fund for Farmers (OGA).

The third child allowance is paid to a mother with a third child up to the completion of its sixth year of age. Approximately 40.036 cases are granted a monthly amount of €145,13.

The allowance for mothers with many children is paid to a mother who is reckoned as having many children under Act 1910/44, as amended and supplemented subsequently, for each unmarried child aged up to 23 years.

Approximately 83.925 cases are subsidized with an amount of €36,29 for each child. This amount cannot be less than €67,50 per month.

Life-pension is paid to the mother who is not entitled to the previous allowance for any longer.

Approximately 194.842 mothers receive this pension which amounts to €83,45 a month.

This programme is financed by the State Budget and the credits are transferred to OGA.

The abovementioned allowances are also provided to nationals of the EU Member States, as well as to nationals of the countries included in the European Economic Area.

2. CHILDREN’S SUMMER CAMPS

State programme

For the accommodation of children with low family income 32 Children’s Summer Camps of the State Programme operate on application of the provisions of Act 749/48 (O.G.200/1948A) as amended and supplemented subsequently.

The operation of the summer camps is entrusted to the local Prefectural Self-Governments by Joint Decision of the Ministers of the Interior, Public Administration and Decentralization, of Finance and of Health and Welfare.

Approximately 20.515 persons (children – elderly – persons with disabilities – families) benefit from the programme.

Private Children's Camps

Private Children's Camps of Private and Ecclesiastical Initiative operate with a license issued by the local Prefect, on application of the Ministerial Decision 1277/1989 (O.G.199/89B).

3. ADOPTION

Adoption is governed by the provisions of Act 2447/1996 (O.G.278A) and constitutes an institution aiming at the integration of the unprotected child into a family.

The Ministry of Health takes part in the procedure of an adoption through the Social Search provided for by the law, which is carried out by the Social Services of the local Prefectural Self-Governments of the Country, as well as by the Social Services of the National Organization for Social Care (National Foundation for the Protection of Mother and Child [PIKPA], National Welfare Organization [EOP], Infants' Center "The Mother") as far as the children placed under their protection are concerned.

An adoption is carried out by court decision. On 13-5-1998, an Agreement was concluded between our Ministry and the Romanian Adoption Committee concerning issues of adoptions between the two countries; this Agreement was ratified by our Country by Act 2699/1999 (O.G.67/99A). It is estimated that approximately 600 adoptions of minors are carried out yearly (data available by local Courts of First Instance of the country).

4. FOSTERING

The institution of the foster family mainly aims at the protection and care of the unprotected minor until the minor becomes an adult.

It is implemented on application of the provisions of Presidential Decree 337/93 (O.G.144A) and of Act 2447/96 (O.G.278A) on application of which a Presidential Decree is to be issued, which will regulate fostering issues.

The said institution is applied successfully by the National Organization for Social Care (PIKPA – EOP – I.C. "The Mother") and covers the children placed under its protection.

Through the revision of the law governing adoption, which was realized by the Ministry of Justice, and the passing of Act 2447/1996, which ratified the draft law "Adoption, Guardianship and Fostering of a minor etc" the institution of a minor's fostering has been included in the Civil Code on the grounds that it mainly involves relationships governed by the family law, which are linked to the institutions of parental care, Guardianship and a minor's adoption.

Article 65 para.5 of Act 2447/1996 provides for the issuing of a Presidential Decree, which will regulate the details concerning the implementation of the institution of foster families.

The elaboration of the said Decree has been completed and a draft thereof has been submitted to the Minister of Justice.

5. CLOSED CARE

Children's Care Centers

Their aim is to provide children proven to be unprotected and without family care with education, vocational training and care.

The legal framework is determined by the provisions of Act 2851/22 (O.G.114/22A), of the Royal Decree 273/73 (O.G.81/73A), of Act 1431/84 (O.G.46/84A) and of Ministerial Decision C2b/8291/84 (O.G.860/84B), as amended and supplemented subsequently.

The said centers provide accommodation to children aged between 6-16 years that have the right to remain at the center up to the completion of their studies. Today 13 Centers operate providing accommodation to approximately 600 children. When they leave the Center, the children receive a lump sum of €733,67.

Child Cities of the National Welfare Organization

Their aim is relevant to that of the Children's Care Centers. 7 Child Cities operate throughout the country.

According to the provisions of Act 3106/2003 on "The Reorganization of the National System for Social Care and other provisions" (O.G.30/2003), the Children's Care Centers and the Child Cities are transformed into Social Care Units coming under the local Regional Systems for Health and Welfare.

Institutions of Ecclesiastical and Private Initiative

Their aim is relevant to that of the Children's Care Centers. 47 Institutions operate providing accommodation to approximately 1.500 children.

Their operation is governed by the provisions of the Civil Code and of Legislative Decree 1111/72 (O.G.23/72A) and by their founding act depending on their legal status (Institution or Association). Those of them that are legacies are governed by their founding act and by the provisions of Act 2039/39 (O.G.455A).

6. CHILD AND INFANT NURSERIES

Child and Infant Nurseries run by Bodies supervised by the Ministry of Health

The Institutions of Infant Nurseries of Athens, Thessalonica and Larissa, which are supervised and fully financed by the State Budget and operate subject to the provisions of article 11 of Act 1431/84 (O.G.46A), and the National Organization for Social Care (EOP, PIKPA and I.C. "The Mother") operate Child and Infant Nurseries for children of working parents and of families with low incomes. The nurseries amount to 164.

The above Nurseries operate under the supervision of the Local Self-Government, according to the provisions of Act 3106/2003 on "Reorganization of the National System for Social Care and other provisions" (O.G.30/2003).

Child and Infant Nurseries run by Charities

39 non-profit making Nurseries operate on the initiative of Charities, Associations, Enterprises and Public Utility Undertakings, with a license issued by the

local Prefect in accordance with the provisions of the Ministerial Decision P2b/2808/97 (O.G.645/97B), as amended and supplemented subsequently.

Child and Infant Nurseries run by businessmen of the private sector

Approximately 1050 profit making Infant Nurseries operate, with a license issued by the local Prefect in accordance with the provisions of the Ministerial Decision P2b/2808/97 (O.G.645/97B), as amended and supplemented subsequently.

7. SERVICES PROVIDED BY THE NATIONAL ORGANIZATION FOR SOCIAL CARE

National Welfare Organization (EOP)

- Support and counseling to persons, families and social groups facing difficulties and problems
- For the elderly (clubs, assistance at home)
- For vulnerable social groups of the population (Roma, the repatriated, refugees)
- Social Aid
- Fostering
- Educational, athletic programmes for various age groups
- Youth clubs

National Foundation for the Protection of Mother and Child (PIKPA)

- Family programming for couples and young persons
- Counselling to children and adolescents
- Programme of food supply to students
- Fostering
- Adoption
- Financial support

Infants' Center "The Mother"

- Fostering
- Adoption
- Unmarried mother

For the systematic protection of the unmarried mother, a Special Department operates, to which unmarried mothers are admitted on the 7th month of the pregnancy and remain until the time of labour. In this Department psychological support and financial aid are provided to the unmarried mother until it is ascertained that she can live on her own and undertake the upbringing of her child.

According to the provisions of Act 3106/2003 on "The Reorganization of the National System for Social Care and other provisions" (O.G.30/2003), the National Organization for Social Care has stopped operating since 10/8/2003 and its services have come under the local Regional Systems for Health and Welfare and the Local Self-Government.

8. SERVICES PROVIDED TO CHILDREN AND FAMILIES TO TREAT EMERGENCY CASES

- The Penteli Convalescent Home
- The National Center for First Social Aid [EKAKV] (National Organization for Social Care) in cooperation with the "Children's Smile" Association

- The urban non-profit making “Philoxenia” (Hospitality) Association in Thessalonica (street children)

9. ABUSE – NEGLECT OF CHILDREN

- Center for the Prevention and Study of the Abused and Neglected Children of the Institute for Children’s Health.

10. ACTIONS WITHIN THE FRAME OF THE THIRD COMMUNITY SUPPORT FRAMEWORK

According to decisions of the Ministers of the Interior, Public Administration and Decentralization, of Labour and Social Security and of Health and Welfare, the Regional Operational Programmes (PEP) and the Operational Programme “Employment and Vocational Training”, which have been approved within the frame of the Third Community Support Framework, comprise actions relating to the operation of new “ASSISTANCE AT HOME” units, Centers for the Daily Care of the Elderly, infant and child nurseries, infant nurseries providing integrated care (department of infants with disabilities), Centers for the Creative Occupation of Children and Centers for the Creative Occupation of Children with Disabilities, as well as to the continuance of operation of the already existing structures co-financed within the frame of the Second Community Support Framework.

Relevant decisions have been issued by the Ministry of Health, which define the prerequisites for the establishment and operation of the said structures by Municipal Enterprises of article 277ff of the Municipal and Community Code (DKK), by Inter-municipal Enterprises etc

The phenomenon of abused and neglected children was dealt with by the Institute for Children’s Health (Private Legal Entity, subsidized by the Ministry of Health and Welfare) for the first time in 1977. Since then the Department of Family Relations of the Institute for Children’s Health implements programmes of: (a) research, (b) research-action, (c) training of professionals and (d) provision of specialized services with a view to studying violence within the family (active and passive) against children and to preventing their victimization.

In addition to the Institute for Children’s Help, the following services and bodies are involved in the diagnosis and the tackling of children’s abuse and neglect:

- *Mental Health Services* (Centers for Mental Health, Children’s Medical Centers).

- *Social Welfare and Children’s Protection Services*, such as: Directorates for Social Welfare operating in every Prefecture and Services of the Regional System for Health and Welfare.

- *Services relating to the rendering of Justice* at a level of tertiary prevention, which deal with the protection of the child – victim according to the Civil Law and the punishment of the perpetrator according to the Criminal Law (The Public Prosecutor’s Office for Minors, Association for the Protection of Minors (EPAA), Supervising Guardians for Minors Services).

- *Public Order Services*

Under Presidential Decree 387/95 the Sub-directorate of Minors’ Protection has been established comprising two sections: (a) Section of Minors’ protection for the Prevention of Law Violations aiming at investigating all forms of minors’ abuse,

neglect and exploitation, as well as at investigating cases of missing minors, (b) Section of Minors' Special Treatment.

Other organizations also provide abused – neglected children with social services, as follows: the social Services of Municipalities, Non-Governmental Organizations (NGOs), voluntary organizations (e.g. ARSIS, SAVE THE CHILDREN, Children's Smile etc) and ecclesiastical bodies (e.g. Center for the Support to Families).

In Greece, the State, the NGOs, voluntary organizations and the church provide various children's protection services, such as: treatment and counseling, institutional care, fostering and adoption. Scientific groups operate within the frame of most of the professional branches, mainly in the field of mental health. Children psychiatry services for the tackling of cases of Abuse – Neglect deal with children and adolescents aged up to 18 years, with the exception of children psychiatry services provided within children hospitals to children and adolescents up to 15 years of age.

The usual way of dealing with such cases involves the diagnosis, the treatment and, if necessary, the removal from home and the provision of alternative types of care, such as: placement in an institution, fostering, adoption, arrangements to stay with relatives or in institutions such as the SOS children's villages. Individual or family in-patient hospital treatment and psychotherapy are provided, as well as social work at community level depending on the needs of each case.

The services that are usually provided to the families of the victims are the following: counseling, social work, individual or family therapy, always depending on the existing needs.

Besides, within the frame of promoting children's rights, the Children's Rights Department of "The Greek Ombudsman" (the competencies of which have already been explained in detail) monitors and promotes the broadest possible implementation of the International Convention on Children's Rights and, for this purpose, it may draw up special reports on issues considered to be very important. The activities of the Department also include, *inter alia*, the participation in the public social dialogue and the taking of initiatives to inform children, parents and professionals working with children with a view to preventing violations of children's rights. Moreover, within the frame of scheduled contacts with citizens, the Ombudsman informs children, through its phone line, about the way of defending their rights, plans visits to children congregation areas in order to encourage them and intends to organize one-day meetings and seminars targeted on professionals working with children and parents, in order to support alternative discipline methods and the understanding of respect for the human dignity of minors.

Therefore, the prohibition of children's corporal punishment is clearly evident and secured by our country's legislation, both at Criminal Law level, which covers all spheres of the minor's socialization (provisions already mentioned concerning the cause of bodily harm to a minor), and at Civil Law level, which covers the sphere of family relations and creates a mechanism relating to the protection of the under-aged child from corporal punishment in the family by monitoring the proper exercise of parental duties concerning the child's care and by taking all appropriate measures (which also include withdrawal of parental care) when the court rules that the exercise of these duties is also inappropriate.

Given what has already been mentioned, both in relation to legislation on the tackling of physical abuse and in relation to actions, policies and measures taken by the Greek State to safeguard the children's rights provided for in article 17 of the

ESC, it is obvious that the issue of children's corporal punishment in Greece (and its worst form, which is child abuse) is dealt with sufficiently both by law and through the taking of measures and actions (institutions and bodies).

For all the aforementioned reasons and given the above data concerning legislation, programmes-actions and measures of the Hellenic Government, we request the acknowledgement of the fact that there is no issue of violation by Greece of article 17 of the European Social Charter and the declaration of the complaint lodged by the international NGO "World Organization Against Torture" against Greece unfounded.

THE GENERAL SECRETARY

IOANNA PANOPOULOU