



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country: Greece
Title: Adoption of Law regarding the rights of persons with disabilities
Date: 26 September 2017
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Context

Issue at stake: Specification of the implementation of UN Convention on the Rights of Persons with Disabilities

Ground of discrimination: Disability

Source: Legislation

Field: Employment, social protection, social advantages, access to goods and services, education, housing

Applicable law: Law 4488/2017 (OG A 137/13.9.2017)

Content

Law development: On 13 September 2017, Law 4488/2017¹ was introduced in the Greek legal order. It includes, inter alia, a series of very important provisions regarding the rights of persons with disabilities in Greece. The new legislation on the protection of the rights of persons with disabilities (addressed to all stakeholders: government, private employers etc) introduces a series of reforms designed to promote their equal treatment, full enjoyment of fundamental rights, and to facilitate their lives and daily routine. At the same time, the proposed regulations promote their treatment not as persons with needs but as persons with potential, which the state must recognize, in order to allow them to gain access to every aspect of social and economic life. In this context, the new arrangements aim at specifying, clarifying and assisting the implementation of the provisions of the United Nations International Convention on the Rights of Persons with Disabilities.

In particular, any natural person or public organisation in the wider public or private sector, is required to facilitate the equal exercise of the rights of persons with disabilities in their respective fields of competence or activity by taking all appropriate measures and refraining from any action which may affect the exercise of their rights. In particular, they are required: (a) to remove any existing barriers, (b) to observe the principles of universal design in all areas of competence or activity in order to ensure that persons with disabilities have access to infrastructure, services or goods they offer, (c) to provide, where necessary in a specific case, reasonable adjustments in the form of tailor-made and appropriate modifications, arrangements and appropriate measures, without imposing disproportionate or unjustified burden, d) to abstain from practices, habits and behaviours which discriminate against Disabled People, (e) to promote, through positive

¹ Law 4488/2017 on insurance issues, on improvement of protection of employees and on rights of persons with disabilities - adopted on 13 September 2017 and published in the Government Gazette on the same day.

measures, the equal participation and exercise of the rights of persons with disabilities in the area of their competence or activity. Special sanctions are not provided but general obligations (such as "breach of duty" regarding public authorities) could be applied. Both obligations to remove barriers and to adopt positive measures are equally important.

In particular, Article 63 of the Law provides for the universal design of administrative products, environments and services and reasonable adjustments: Administrative bodies and authorities are required to take appropriate measures tailored to the particular needs of one or more people with disabilities in order to ensure the principle of equal treatment. Article 64 deals with access to the natural, structured and electronic environment: Administrative bodies and authorities within their competence should ensure equal access for people with disabilities to the electronic environment especially concerning electronic communications, information and services, including the media and internet services. Article 65 regulates the communication of people with disabilities with administrative authorities, languages and forms of communication. This means: recognizing sign language as equivalent to the Greek language, recognizing Greek Braille as a way of writing for Greek blind citizens, the obligation of the state to cover all communication needs of deaf and blind citizens.

Article 66 relates to information, awareness-raising, education and training on the rights of disabled people: Universities and Technical Educational Institutions, the National Centre for Public Administration and Local Government, the National School of Judicial Officers and the National School of Public Health should ensure the inclusion of the rights of people with disabilities, as derived from the Convention, within their teaching curricula and training seminars. Finally, Article 67 establishes non-discrimination in the media and audiovisual services: all public and private mass media, either newspapers or TV and radio, should promote consolidation and respect for the principle of non-discrimination. The responsible authority for this is the National Council of Radio and Television. The provision concerns only mass media companies and implies that not only are they obliged to promote non-discrimination as a principle within their programmes but that they are also obliged to provide services that are accessible to persons with disabilities.²

The new rules also provide the relevant definitions ("Disabled people", "adjustments", etc.) and guidelines for the equal exercise of the rights of people with disabilities and the mainstreaming of disability in all public policies. The Minister for Territorial Coordination is appointed as Coordinating Mechanism for monitoring all issues related to the Rights of Persons with Disabilities. The Law also establishes:

- The General Secretariat for Transparency and Human Rights of the Ministry of Justice, Transparency and Human Rights as a focal point of reference for issues related to the implementation of the Convention.
- The Secretary General or Administrator at each ministry as a point of reference for monitoring the implementation of the Convention per sector of governmental competence.
- The Ombudsman, the constitutionally established Independent Authority, as the Framework for the Promotion of the Implementation of the Convention (Promotion Framework).

Key points of analysis: The new legislation highlights the respect for the human values of autonomy, equality and dignity for people with disabilities, condemns unequal treatment and discrimination in all its forms to the detriment of people with disabilities, ensures the inclusion of the disability dimension in all existing international human rights instruments, and recognizes that disability is a part of human diversity.

² It is highly possible that the legislator believes that mass media have much influence on public opinion and therefore regulations should start from this branch.

Internet link source:

<https://www.e-nomothesia.gr/kat-ergasia-koinonike-asphalise/nomos-4488-2017-fek-137a-13-9-2017.html>.