

# **DOTCOM: The Disability Online Tool of the Commission**

## **Greece**

### **D. Independent living**

#### **D1. Choice of living arrangements**

Legal provisions for the institutionalisation of individuals exist in the fields of mental health and child protection. Law 2071/1992 outlines the circumstances under which a person may unwillingly be admitted in a psychiatric hospital or an institution, either by request of relatives or by the Public Prosecutor. Initially, the unwilling admission of the individual for medical examination cannot exceed 48 hours. There needs to be a justified court decision to keep an individual retained in an institution.

In cases of child abuse, and in the absence of other viable solutions, Article 1535 of the Civil Code foresees the placement of children in child protection institutions by the Prosecutor's order. Institutionalization can also be conducted by application of the child's parents when serious reasons are propounded. As explained by the Institute of Child Health (2017, p.17), "after an inquiry for parents' unsuitability and motives is conducted, a court decision is issued removing custody from the parents and placing it to a suggested family/person/institution. For emergency situations the Public Prosecutor issues an order for the temporary placement of the child to an appropriate institution until the case is complemented. It is not clear, however, if all institutions follow this way. This, as a matter of fact, is the most frequent way of placement in institutions for children with disabilities. In addition, this is also the case for families living in extreme poverty especially as a means for safeguarding their child's formal education and other provisions."

#### **Links**

Law 2071/1992 on Modernisation and Organisation of the Health System: Mental Health  
<http://www.klimaka.org.gr/newsite/blog/n.2071.1992oposisxii.pdf>

Institute of Child Health - The child institutional abuse: current knowledge and practices (Greece Report March 2017)  
<http://www.sasca.eu/archives/project-documents/>

#### **D2. De-institutionalisation**

Law 2082/1992 on 'Re-organisation of social welfare and establishment of new institutions of social protection' first laid out provisions for establishing centres for community-based rehabilitation service provision to disabled people, including contracted private rehabilitation services. Subsequent Ministerial Decisions (1998; 2007; and 2018) set out the conditions, prerequisites, processes, staff and resources for establishing 'Housing for supported living' in the community for people with disability, with view to de-institutionalisation and independent living. In the field of mental health, Law 2716/1999 on Development and modernisation of mental health services enabled the creation of long- or short-term housing and support for children and adults with mental health issues in protected hostels or flats, maintained by either public bodies (including hospitals) or private (profit or non-profit) organisations. It also

established regulations for Limited-Liability Social Enterprises. The structure and function of Mental Health Units and protected flats and the services provided are outlined in the Ministerial Decision (Journal of Government 661/B/2000).

The above mentioned structures are currently co-funded by ESF and ERDF funds (ESIF 2014-2020) in the form of projects such as Supported Living Shelters for persons with intellectual impairment, Day Care Centres for Persons with Disabilities, Vouchers for children with disabilities of pre-school age to attend specialised early education and care structures (KDAP), as well as Community based mental health services (including for instance mobile units, and specialised day centres for persons with Alzheimer).

Finally, the Regional Strategy for Social Inclusion and Fight against Poverty of Attica (Regional Operational Program 2014-2020) explicitly addresses de-institutionalization as a distinct policy measure, however lacks precision in terms of objectives, targets, milestones and outcomes. Still, a 15 million euros budget was approved (2018-2020) for the resettlement of residents in institutions in the Region of Attica and Western Greece, into smaller residential care units, family-type residence or assisted return to family with parallel support provision. The project is funded by the state and it is managed and implemented by the Centre for Social Welfare (Region of Western Greece and Region of Attica) reporting to the Secretariat of Social Solidarity, Ministry of Labour, Social Security and Social Solidarity.

### **Links**

Ministry of Finance and Ministry of Health (2000) Regulations for the organisation and function of Mental Health Units and Protected flats of Law 2716/1999

[http://www.elinyae.gr/el/lib\\_file\\_upload/a96\\_1999.pdf](http://www.elinyae.gr/el/lib_file_upload/a96_1999.pdf)

Ministerial Decision (Government Gazette B' 5582/12-12-2018) Prerequisites for establishing and running Supported Living Shelter for persons with disability

<https://www.taxheaven.gr/laws/circular/view/id/29964>

Common Ministerial Decision 15/12/2018 on De-institutionalisation in Western Greece and Attica

<https://www.esamea.gr/legal-framework/ministerial-decisions/3698-23-01-2017-kya-gia-apoidrymatopoiisi-amea-se-dytiki-ellada-kai-attiki>

### **D3. Quality of social services**

The Inspection Body of Health and Social Services (Law 3996/2011; Law 2920/2001) operating under the Ministry of Health and Social Solidarity, is responsible for carrying out systematic inspections and investigations across all services operating under the Ministry of Health (public and private), including health services of social security bodies. The aim of the inspection body is to improve productivity, efficiency and quality of services provided. Inspections may also be requested by the Ministry and the Greek Ombudsman. It is worth remarking that the Greek Ombudsman is the single independent mechanism responding to citizen's complaints and is authorized to investigate cases whereby citizens' rights, including children's rights, are violated by public administration. The results of its investigations are mediated to the relevant Ministry for resolution. Please note that to date (as of 2019) there is no specified legislative and minimum quality standards framework for service provision,

particularly for children in institutional care.

### **Links**

Law 3996/2011 Reform of the Inspection Body of Health and Social Services

[http://www.elinyae.gr/el/item\\_details.jsp?cat\\_id=1689&item\\_id=9024](http://www.elinyae.gr/el/item_details.jsp?cat_id=1689&item_id=9024)

Law 2477/1997 on Establishment of the Greek Ombudsman

<http://www.synigoros.gr/?i=stp.el.fundlaw>

Institute of Child Health (2017) The child institutional abuse: current knowledge and practices  
Greece Report SASCA Research Project

<http://www.sasca.eu/archives/project-documents/>

Greek Ombudsman (2015) The rights of children who reside in institutions: Findings and recommendations of the Independent Authority "the Greek Ombudsman" on the function of the child protection institutions

<http://www.synigoros.gr/resources/docs/575568.pdf>

## **D4. Provision of assistive devices at home**

Disability assessment is carried out by the Centres for Certifying Disability (KEPA) (established by Law 3863/2010), which form part of the streamlined Social Security Agency (EFKA), working under the auspice of the Ministry of Labour, Social Security and Social Solidarity. The Centres for Certifying Disability streamline assessment procedures for accessing disability provisions across social security and welfare. The assessment method used is the Barema Method percentage progressive scale, in accordance with the Single Table for Defining the Percentage of Disability (last modified in 2017).

Furthermore, the Single Organisation for Provision of Health Services (established by Law 3863/2010) manages all health related provisions for those who are insured and family members, as well as "anyone who may be specifically included by legislative regulations", such as expenditure for hospitalisation (also abroad), rehabilitation programmes and therapies, medical supplies and provision of assistive equipment. The Single Regulation of Health Provisions (last modified in 2018) defines eligibility and cost ceilings for assistive devices, medical supplies and specialized health services. Basic features of the regulation of provision of assistive devices are as follows: a) devices provided include only basic rehabilitation aids (e.g. wheelchair, prosthetics, hoists, etc.); b) provisions in cash (contribution), rather than in kind; c) eligibility is based on medical assessment with an emphasis on diagnosis rather than need.

### **Links**

Single Regulation for Health Provisions 2018

<https://www.eopyy.gov.gr/law/details/496fe7d2-e19a-4216-8adf-6ec7816c8c95>

Centres for Certifying Disability (KEPA)

<https://www.efka.gov.gr/el>

Single Table for Defining the Percentage of Disability (Government Gazette 5987B/2018)

[http://www.elinyae.gr/el/item\\_details.jsp?cat\\_id=1402&item\\_id=13425](http://www.elinyae.gr/el/item_details.jsp?cat_id=1402&item_id=13425)

## **D5. Availability of personal assistance schemes**

There are no specific personal assistance schemes available for disabled people in Greece

(such as direct payments or community-based services based on individual support needs). There is one disability cash benefit intended for people who live in the community and who require assistance from a third person known as the 'de-institutionalisation' benefit (limited to people with certain physical impairment conditions assessed at more than 67% disability) which equals to 20 minimum daily wages of an unskilled worker as defined at the time of application. Furthermore, Home help programmes for disabled people have operated on a local level since 2006 providing assistance strictly according to available resources, which has been arguably inadequate for people with high support needs. In 2011, home help programs were funded under the NSRF 2007-2013 priority for 'Harmonising family and professional life', rendering unemployed people (with family members who require assistance) as direct beneficiaries. In practice, disabled people living alone or whose family members were working were excluded from these services. In 2012, home help programmes were substituted with the Support at Home for Pensioners programme implemented by IKA (main social security body of the Ministry of Employment). People eligible for this service are exclusively pensioners (covering most social security bodies of the public, private and agricultural sector), with 67% disability or more, who live alone or have a spouse who has 67% disability, and their individual annual income does not exceed EUR 7,715.65 or double that amount for married couples. They shall not receive additionally any disability support cash benefit (usually given to people with paraplegia/ tetraplegia or similar impairment with 67% disability). It is evident that the programme excludes a significant part of people with support needs, including those with severe physical impairments, those who are working as much as the unemployed/uninsured, as well as people who do not live alone.

### Links

Circular number 63/4.10.2012: IKA Support at Home for Pensioners

<https://www.e-forologia.gr/lawbank/document.aspx?digest=3815271E7736CC18.1D031AEA53&version=2012/10/23>

## D6. Income maintenance

As of 1 January 2017 disability pensions are set at 80% of the final pension, as calculated based on streamlined pension regulations, factoring in the percentage of disability (Law 4387/2016, Art. 7 para.4).

The final pension consists of two sums, the 'basic pension' (EUR 360) and the 'analogous pension', which is calculated on the basis of coefficients, scaled according to the number of insurance days completed. The basic pension is paid at 75% of the sum (for people with disability 67% to 79.99%), at 50% (for people with disability 50% to 66.99%) and at 40% (for those with a disability percentage up to 49.99%). These regulations do not apply to people with paraplegia-tetraplegia, blindness and other specified impairments (with at least 67% disability) who have completed 15 years of work and are entitled to a full pension (Presidential Decree 169/2007).

All pensioners who maintain employment receive their entitled pension reduced by 60% for as long they are working. The pension is entirely suspended if a pensioner is employed in the Government (Law 4387/2016, Art. 20).

### Links

Law 4387/2016 on Streamlined Social Security System, Pension Reform and other regulations  
[https://www.kodiko.gr/nomologia/document\\_navigation/198288/nomos-4387-2016](https://www.kodiko.gr/nomologia/document_navigation/198288/nomos-4387-2016)  
Presidential Decree 169/2007 on Civil and Military Pensions Codification  
<https://www.e-nomothesia.gr/suntaksiodotika/pd-169-2007.html>

## **D7. Additional costs**

Disability (cash) benefits are provided for all main categories of impairment (blindness, deafness, physical disability, intellectual disability, HIV/AIDS and 67% disability due to any other impairment) by the streamlined social security administration (EFKA) (for those who are employed/insured) or by the welfare state (OPEKA) (for those out of work/uninsured). The amounts of the benefits per month (these have remained unchanged since 2011) vary from EUR 362 (for most categories) reaching EUR 771 for people with paraplegia, tetraplegia and amputation. An additional benefit is provided for mobility costs (EUR 165 Euros monthly) to people with 80% disability with complete paraplegia, tetraplegia and lower limb amputation.

The legislation (Art. 13 of Law 4331/2015) implemented as of 30 September 2015 secured the continuity of disability welfare benefits provision (for those not in employment/uninsured) for disabled people participating in ESF co-funded employment programmes, including Social Entrepreneurship and Vocational Training schemes.

### **Links**

Law 4331/2015 on Disability Relief Measures  
<http://esaea.gr/legal-framework/circulars/2719-30-09-2015-ghostopoiisi-diataxeon-toy-n-4331-2015>  
OPEKA (2018) Guide to Disability Welfare Benefits  
<https://opeka.gr/atoma-me-anapiria/atoma-me-anapiria-paroches/>

## **D8. Retirement income**

There are no specific provisions for disabled people who retire due to age. In fact, disabled people who retire due to age and having met insurance requirements for full pension, receive old-age pension. Disability pensions are generally provided on the same basis to younger and older people. Full pension is awarded at the age of 67 to those who have completed 40 years of employment, excluding mothers of children who are deemed incapable of working, who are subject to previous regulations (Law 3863/2010).

It is worth adding that disabled pensioners who receive disability support benefits (cases of blindness or other impairment with 80% disability, or paraplegia/ tetraplegia with 67% disability) as well as old-age pensions awarded to disabled individuals after 15 years of employment (Law 3232/2004), in cases of blindness, paraplegia/ tetraplegia, hemophilia and transplanted patients, were excluded from austerity measures affecting pensions, as voted in the implementation of Law 4046/2012 and the Short-term fiscal strategy 2013-2016, which included up to 25% cuts in old-age pensions over EUR 1,000.

### **Links**

Approval of Urgent Measures of Implementation of Law 4046/2012  
<http://www.hellenicparliament.gr/UserFiles/bcc26661-143b-4f2d-8916-0e0e66ba4c50/k-metra2-pap.pdf>

Law 3863/2010 'New Social Security System'

<http://www.taxnews.info/news/nomos-3863-2010/>