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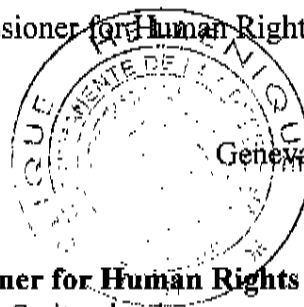
PERMANENT MISSION OF GREECE  
GENEVA

Ref. No. 6171.2/16/400

**NOTE VERBALE**

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and, following the latter's Note Verbale, dated 11 December 2013, on the questionnaire on the impact of advertising and marketing practices on the enjoyment of cultural rights, elaborated by the Special Rapporteur in the field of cultural rights, has the honour to submit the responses by the Greek Government (Ministry of Education and Religious Affairs, Ministry of Culture and Sports, Secretariat General of Information and Communication, and National Council of Radio and Television).

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 28 February 2014

To: **The Office of the High Commissioner for Human Rights**  
Palais des Nations, CH-1211 Geneva 10, Switzerland  
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srculturalrights@ohchr.org

Att.: 9 pages

## **Ministry Of Education And Religious Affaires**

### **Question 1**

According to amendments with regard to arrangements for private providers of education and training, included in Law 4152/2013, the distinctive license title for establishment and operation must necessarily include: a) the name (if a natural person) or the name (if a legal person or association of persons) and b) the title of the type of education provided (formal or informal) or the abbreviation thereof as private school of Primary or Secondary Education, College, Private Vocational Training Institute, Center for Lifelong Learning, Tuition Centre or Foreign Language School.

Furthermore, in the said Law it is stipulated that the joint promotion, announcement, notice, advertisement or inscription of the education and training units that are licensed (..) must be performed using the respective license title for establishment and operation in order not to cause confusion or to avoid the likelihood of confusing or misleading consumers with regard to the provider of individual educational services and their respective type, level and formal qualifications provided upon completion of studies.

### **Question 10**

According to Circular 101705/G7/30-09-2002 of the Ministry of Education:

1. Apart from the approved and provided for free textbooks, school students can freely use other book relevant to the subjects taught- On the occasion of the preparation of pupils' projects, in the framework of the development of their creative capacity (..) it constitutes an integral part of the educational process that teachers suggest relevant bibliography to students from the lists of books and magazines approved by the competent committee of the Ministry of Education.
2. Within school premises the free distribution, trafficking or sale of any kind of materials used for advertisement, proselytizing, propaganda or against specific groups of the population is not allowed. Apart from the school building itself, the schoolyard and the school entrance are also considered part of the school premises.

**Question 11**

According to Article 18, paragraph 2, of Law 3777/2009 amending the Presidential Decree No. 274/2000, public research organizations and enterprises are eligible for funding for research, technological development and innovation activities either individually or in cooperation. In particular, the above paragraph foresees the following:

*"Universities, Technological Education Institutions, research centers and other types of research and technological institutions, referred to as "research organizations", national or foreign; public or private enterprises of an legal type and activity, referred to as "enterprises", national or foreign; as well as public services, individuals and other entities, referred to as "other's", national or foreign, may submit proposals in the context of calls for expression of interest issued by the General Secretariat for Research and Technology or by the Special Authority for Coordination and Implementation in the fields of Research, Technological Development and Innovation, either individually or in cooperation between them".*



**HELLENIC REPUBLIC**  
**Ministry Of Culture and Sports**  
**General Directorate of Economic**  
**Services Office of Sponsorships**  
**Bouboulinas 20-22, 106 82 Athens**  
**Greece**

**27 /O1/2014**

Dear Ms Farida Shaheed,

With regard to your letter of 11 December 2013 about the impact of advertising and marketing practices on the enjoyment of cultural rights, and specifically on the subject of private sponsorship (question 12 of the attached questionnaire), we would like to inform you the following:

In its effort to encourage private sponsorship, the Greek State has established an institution called: Cultural Sponsorship. This specific institution aims at funding Culture with private sector's resources.

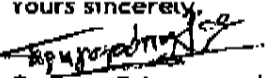
The Public Cultural Institutions or any non-profit organization active in the field of Culture can be recipients of a cultural sponsorship. Sponsors can be either corporations or individuals. A proposed Cultural sponsorship can be either financial or in the form of material or immaterial goods (such as services) that will be strictly used for the performance of a specific and in detail described cultural activity.

In order to facilitate the procedures of Cultural Sponsorship the ministry of Culture and Sports has established the Office of Sponsorships.

The motive of tax exemption that follows the institution of cultural Sponsorship is described by the Law 3525/2007. For any sponsorship, the tax exemption awarded can be up to 100% of the proposed amount, as long as it does not exceed the 10% of the sponsor's yearly income.

Another essential motive for the sponsor is the obligation of the recipient to communicate to the public the sponsor's contribution and, in particular, the social face and benevolence of the sponsor.

If you have any questions about the topics covered by this response, please feel free to contact the Office of Sponsorships.

yours sincerely,  


George Grigoropoulos  
Head of General Directorate  
Of Economic Services

## **Secretariat General of Information and Communication**

### **Question 1**

**Has your country adopted specific regulations on advertising and marketing methods and contents aimed at protecting Human rights? If so, please specify the content of such regulation. Does the regulation apply both to off-line and on-line advertising?**

A multi-dimensional legislative framework that protects cultural pluralism and prevents unfavorable discrimination on account of race, nationality, language, religion and does not permit intolerant and racist expressions governs the Greek Mass Media, which are constitutionally safeguard in article 15 of the Greek Constitution.

The relevant legislative provisions are dictated by the constitutional provision for "an objective and on equal terms transmission of information and news", the "social mission of radio and television", the "respect of every human's dignity", the "freedom of expression" as well, and become more specific by the need to inform the public on issues pertaining to general social interest and strengthening of social solidarity among the country's citizens.

Presidential Decree 109/2010 for the incorporation of EU Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provisions of audiovisual media services (Audiovisual Media Services Directive), and especially article 10 is merely an example.

Regarding the protection of minors, in the above mentioned Presidential Decree 109/2010, the provisions of article 9 protect the physical, mental and moral development of minors as well as human dignity in all audiovisual media services, include also audiovisual commercial communications. In particular, Article 13 of the PD 109/2010 expands protective provisions to on-demand audiovisual media services in order to ensure that the said services which might seriously impair the physical, mental or moral development of minors, are only made available in such way that ensures that minors will not normally hear or see such on-demand audiovisual media services.

*Moreover, Article 7, par. 2 of the Decree stipulates that "all programs, including audiovisual commercial communications, broadcasted by public or private broadcasters, must respect the personality, honor, reputation, private and family life, professional, social, scientific, artistic, political or other lawful activity of every person, whose image appears on screen or is being mentioned by name or other details sufficient for his identification", while Article 27 provides for the right of reply when a person's personality, honor, reputation, family and professional life, as well as social, artistic, scientific, political and other activity is threatened by a potentially harmful broadcast.*

## **Question 2**

**Please, indicate whether specific categories of the population are protected by such regulation, such as children, women, minorities and indigenous people?**

Presidential Decree 109/2010, transposing EU Directive 2010/13 on new media services, establishes a net of protection of human rights with regard, in particular, to vulnerable population groups. More specifically, Article 4 provides for certain limitations on the freedom of broadcast, only in cases where there is a threat to the protection of minors, as well as in cases of incitement to hatred, based on race, gender, religion, ideology, nationality, disability, age or sexual orientation. Human dignity is also protected vis-a-vis audiovisual commercial communications according to Article 10. At the same, the use of methods of self-regulation, such as the adoption and implementation of Codes of Ethics, by the National Radio and Television Council and professional organizations, is encouraged and promoted (Article 28 of PD 109/2010).

*Moreover, the Code of ethics of the National Council for Radio and Television on news, journalistic and political programs is a statutory regulation (P.D. 77/2003), that includes rules referring to the major issue of protecting human rights, and contrary to the above codes, is regulatory and binding. In particular, the provisions of Article 4 par. 1 of the Code of Ethics of the NCRT prohibit "the showing of persons that, under certain conditions, could encourage humiliation, social exclusion or unfavorable discrimination against them by a segment of the public, on account of gender, race, nationality, language, religion, ideology, age, disease or disability, sexual, orientation or profession". The provisions of par. 2 of the same article stipulate that "the broadcast of racist, xenophobic or sexist messages and expressions, as well as intolerant news is not allowed, and in general, no harm can be brought upon ethnic or religious minorities or other vulnerable or powerless population groups".*

Finally, the Code of Advertising - Communication, elaborated by the Association of Advertising - Communication Companies (EDEE) and the Hellenic Advertisers Association (SDE), as well as the licensed radio and television stations, Art. 3 stipulates that advertisements must not make use of peoples' superstitions, must not contain elements that could, directly or indirectly, lead to act of violence, exploit religious faiths etc. As far as it concerns the protection of children, we indicatively mention the prohibition of advertising fatty foods on TV etc.

**Question 3**

**Is advertising covered by the general provisions on freedom of expression and/or does your country differentiate between commercial speech and non-commercial speech? Do specific regulations distinguish between advertising and other contents, and if so, which are the criteria used to make this distinction?**

In the national legislative framework, the commercial and the noncommercial speech is regulated irrespectively by the general provisions of the freedom of expression, without any further differentiation on this issue.

## **National Council of Radio and Television**

Athens, 18 February 2014

Ref. Number: 369/18.2.2014

### **Questionnaire on the Impact of Advertising and Marketing Practices on the Enjoyment of Cultural Rights**

In response to the document related to Advertising and Marketing Practices on the Enjoyment of Cultural Rights, we would like to inform you of the following:

#### **Questions 1 and 2**

According to the article 7 par. (1) and (2) of the Presidential Decree 109/2010 (adopted in accordance to the article 6 of the EU Directive 2010/13/EU concerning the provision of audiovisual media services) the following must be applied:

“(1) Providers of audiovisual media services must take the necessary measures so that the services they provide do not incite hatred on grounds of race, gender, religion, beliefs, nationality, disability, age or sexual orientation. Furthermore, they must not exploit people’s beliefs and superstitions.

(2) Programmes of all types, including audiovisual commercial communications, which are transmitted by public or private broadcasters must respect the personality, honour, and reputation; the private and family life; and the professional, social, scientific, artistic, political or other legal activities of every person whose image appears on the screen or whose name or details sufficient to identify him or her are reported”.

Moreover, according to the article 10 par. 1 (c) and (d) of the Presidential Decree 109/2010 (adopted in accordance to the article 9 of the EU Directive 2010/13/EU concerning the provision of audiovisual media services) “audiovisual commercial communications must ...(c) not offend human dignity and (d) not include or promote discrimination based on gender, racial or ethnic origin, nationality, religion, beliefs, disability, age or sexual orientation”



The above provisions of the articles 7 and 10 are applicable to all audiovisual media services.

### **Question 3**

There is no differentiation between commercial and non-commercial advertising in greek legislation.

### **Question 4**

#### **Decision 413/10.10.2011**

The NCRT, following a complaint, examined a radio advertisement by the COSMOTE mobile communications company which contained a conversation between three persons with sexual innuendo, such as sexual experiences of students in a room or at school or at a parking facility. Said advertisement violates the required respect of human dignity and for this offense a reprimand was made to the radio station, KISS FM, directing it to refrain from similar offenses in the future, under threat of stricter penalties.

#### **Decision 517/14.10.2008**

“A young secretary at her knees is trying hard to connect the Internet server. Contrary to her, the supervisor is calm and enjoys the spectacle. The following dialogue is heard:

-Mister director, I am still trying!

-Take your time...

Explaining the above, at the bottom of the screen appears the text “Does the Internet bring your business to its knees?” followed by the vocal message “Conn-X At Work, fast and reliable internet”. At a next shot, a card with the following data appears: “OTE CONN-X @ Work - Speeds up to 24 mbps from € 29.50” and a message with additional information regarding pricing scrolls at the bottom of the screen”.

It is an advertisement contrary to the respect of the dignity of women, for which the NCRT issued to the TV station, ERT SA, a reprimand, asking it to refrain from transmitting advertisements which violate the respect of human dignity and contain

discrimination on the basis of race, sex, religion or ethnicity, under threat of stricter sanctions.

**Question 5**

In a governmental level the National Council of Radio and Television (NCRTV, [www.esr.gr](http://www.esr.gr)) has the authority of monitoring the advertising sector. There is also SEE (Communication Control Board, see [www.sec.gr](http://www.sec.gr)) which is a self-regulatory body. According to the greek legislation (art. 4 par. 1 Law 2328/1995) any citizen can address complaints to the secretary of the NCRT for violation of the advertising rules.

**Question 6**

No