



28th CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE

Lanzarote (25-26 October 2007)

**“Emerging issues of access to justice for vulnerable groups, in particular:
- migrants and asylum seekers;
- children, including children perpetrators of crime”**

Address by

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Dear Ministers,

First of all, I would like to thank our colleague, the Minister of Justice of Spain, Mr Mariano Fernandez Bermejo, as well as the Secretary General of the Council of Europe for their kind initiative to host this Conference.

I believe that we all welcome the choice of the main topic of this Conference as highly appropriate.

Ministers,

The issue of access to justice for vulnerable groups lies at the top of our priorities. "Do not treat unjustly the weak" was the advice of the Ancient Greek philosopher and legislator Solon to the whole world. An encouragement which hides in its essence the greatness of humanity. But we live in a world without frontiers, where the national policies fluctuate and are tested under the weight of globalisation. This is exactly the moment that we are asked to ensure with actions the access to justice of vulnerable groups. Respect of freedom, equality and morality towards the human being in general renders the various vulnerable groups, a category where our humanity and our institutional effectiveness can be measured. This is why the terms of equality relating to the access to justice transcend the narrow limits of a governmental choice. It is rather a principle both moral and political which gains substance through the law. I believe that the Rule of Law, as it has been accepted by all in Europe, can not sustain any other interpretation.

Based on this principle, 10% of the population of my country consists of migrants. The preconditions of a free, dignified and creative integration in the Greek society are provided to all these people.

Greece has a long tradition of migrant hospitality. This was even proclaimed in our initial Constitutional texts that even today lead our institutional and legislative behaviour.

In 1990 Greece was at the crossroads of the movement of hundreds of thousands of foreign citizens from Asia, the Balkans, Africa and the Middle East. We dealt and we still deal successfully with the integration of all the vulnerable groups to the Greek society.

We responded with sensitivity to this massive, internationally dimensioned phenomenon by following with loyalty the policy which is developed within the framework of the European Union.

Through the enactment of recent measures we regulated all the issues pertaining to entry, stay and social integration of third countries' citizens into Greek territory, abiding by the international and European rules of protection of the Human rights.

There is also recognition of the migrants right of stay for humanitarian reasons and the assistance to the person referred to in the clause of 'non-refoulement' of article 3 of the European Convention on Human Rights or the relevant article of the Convention of New York (December 10th, 1984) against torture and other means of cruel, inhuman or degrading treatment or punishment.

There are also specific provisions pertaining to the residence of migrants for humanitarian reasons in our country. A permit of temporary stay can be granted to them and to their families, under certain circumstances when for instance there is a difficulty in expelling them to their country of origin for reasons of force majeure.

Furthermore, in a law on the suppression of human trafficking, of sexual abuse e.t.c the application of the principle of non-refoulement is provided for victims who are foreigners, residing illegally in our country.

As far as the issue of asylum is concerned we have enacted this right by granting an 'asylum seeker permit' with a six-month duration which can be renewed. Moreover their statements and any other information relating to them are considered personal data in accordance with the Greek personal data protection legislation.

At this point it is worth mentioning that my country's Administrative Courts, carry out the law according to the Constitution by revoking any illegal decisions of the Administrative Authority that may occur. Those decisions concern legal redress of asylum seekers and foreigner under deportation thus utilising the relevant case-law of the European Court of human rights.

Particular provisions are made in the Greek law regarding protection and special treatment of minors-children especially in cases of minor criminality. So a foreign minor aged 14-18 years old is entitled to file an asylum application – through the Public Prosecutor of minors - even when he or she is not accompanied by his or her parents has the possibility to submit an asylum application. This process guarantees their legal representation before the Greek Authorities.

Finally, my country implements policies aiming for the prevention of criminality by minors aged 8-18. Special conditioning and penitentiary treatment is provided for those who have offended and to those who have been imposed with the reformatory measures of the Penal Code.

We are confident that the two resolutions under discussion and adoption during our meeting will contribute to the promotion of our legal civilization.

By strengthening the rights of vulnerable groups we prove the sensitivity of our societies in human rights protection

Closing, I would like to refer, once again to my country's initiative regarding the adoption of a second Additional Protocol to the Convention on the Transfer of Sentenced Persons.

I would like to thank the Ministers of the countries that have already embraced this proposal and I would like to ask all my colleagues, in the framework of the Council of Europe, to support this initiative, which will, without any doubt, improve our cooperation in the criminal filed.

Thank you for your attention

