



**MINISTER OF JUSTICE,
TRANSPARENCY AND HUMAN RIGHTS**

Mr. Thomas Hammarberg
Commissioner for Human Rights

Athens, 7 April 2010

Dear Commissioner,

Further to our meeting of 9.2.2010 and your letter dated 8.3.2010, I would like to inform you on the following issues:

Relating to the issue of Greece's conviction for violation of Article 11 of the European Convention on Human Rights (Cases: *Bekir-Ousta and others*, *Emin and others*, *Tourkiki Enosi Xanthis and others*) we are expecting the still pending ruling of the irrevocable judgements by the national courts concerning the cases brought before them, after the final judgments of the European Court of Human Rights. The independence of the judiciary, guaranteed by our Constitution, requires waiting for the final outcome of the pending trials. Their outcome will be considered in order to determine whether there will be any need for taking or not additional measures of compliance.

Moreover, I would like to mention that our country has taken so far significant steps in order to ensure full compliance with the abovementioned judgements of the Court. In particular, following the general compliance measures, these decisions were translated and published on the internet site of the State Legal Council. In addition, the Ministry of Justice has sent an accompanying letter to the President of the Court of Cassation, emphasizing the main conclusions of the Court, the obligations of our country- in accordance with Article 46 of the ECHR regarding the implementation of the Court's judgements- and the wide diffusion of judgements to the judicial authorities.

Furthermore, we should emphasize that in addition to the three abovementioned cases, Greek courts have recently refused *only one* application for registration of an association called "South Evros Cultural and Educational Association of Western Thrace Minority" (Judgement no 90/2009, 23 April 2009, Court of First Instance of Alexandroupoli). However, in this case, the court's judgement has not yet become irrevocable not allowing drawing definite conclusions. At the same time, it should be noted that the Court of First Instance of Rodopi has accepted the submitted applications for registration of three associations -among others- in the region of Western Thrace, which bear in their name the term 'minority' or 'Muslim'. Specifically: a) "Minority Cultural Association of Iasmos Municipality of Rodopi Prefecture (Judgement no 92/2008, 24th April 2008), b) "Cultural Association for the Organization of Muslim Religious Events and Festivals (Judgement no 43/2009, 18th February 2009) and c) "Minority Association on culture, education and sports of the Region of Alonotopos in Komotini (Judgement no 186/2009, 23th April 2009). The latter case, which is -in

its general features- similar to the three cases already judged by the ECtHR, has been brought to the attention of the Secretariat for the Execution of the Judgements of the ECtHR and has been included in the summary agenda of the written proceedings of the last session of the Commission of Permanent Representatives in the Council of Europe, which monitors the implementation of those judgements. In addition, the Court of First Instance of Alexandroupoli has recently accepted (Judgement no 91/2010) the registration of an association called "Cultural Association of Greek Muslims of Alexandroupoli".

The abovementioned cases relating to the applications -accepted by the Courts- for registration of various associations and many other judgements concerning the recognition of associations of Pomaks, Roma and members of the Muslim community in Western Thrace in general, suggest that the Greek courts do not address specific minority groups in a strict and dogmatic way, but instead they consider each case individually on the basis of information brought to their attention.

Regarding the issues of asylum seekers and unaccompanied minors, it is a fact that in the last years across Europe and particularly in Greece, due to its geographical position, a growing number of children enters the country illegally, seeking protection and better living conditions. Despite the difficulties related to the unexpected high number of immigrants, competent Greek authorities have made coordinated efforts so that these children will not be victims of exploitation. In case of identification of unaccompanied minors, the competent police authority informs the Public Prosecutor of Juveniles -and if there is no Public Prosecutor of Juveniles available, the Prosecutor in the Court of First Instance who is territorially competent- to act as a special temporary guardian of the minor for the better protection of its interests.

When necessary procedures are completed, within a short period of time (including conducting medical examinations), the minors are placed in special hospitality and child-care centers. However, staying in these particular places depends on their own willingness.

The problem of unaccompanied minors is complicated and diverse. The solution of these problems needs the coordination of many state bodies, the EU, the UNHCR and the civil society. The Ministry of Justice, Transparency and Human Rights has recently made public a bill for the improvement of criminal law concerning juvenile offenders. This bill promotes changes in the legal framework governing the functioning of the Associations for the Protection of Children, and in particular it provides for the establishment of a legal entity in the form of a civil non-profit organization supervised by the Ministry of Justice, Transparency and Human Rights. This organization will have the following duties: a) to coordinate the cooperation of all the Associations for the Protection of Children, b) to develop the cooperation at national and international level with organizations and agencies, public or private, as well as with NGOs in order to organize one single network for preventing victimization and treating juvenile delinquency, c) to establish a central agency for reporting acts of abuse, neglect or abandonment of children, d) to formulate proposals and studies, especially at a strategic level, about issues related to the prevention and treatment of offences committed by minors, and e) to provide consultative and advisory services regarding these issues to the Ministry of Justice, Transparency and Human Rights or other agencies.

We believe that the abovementioned measures will contribute to deal effectively with the malfunctions of the existing mechanisms for the protection of

asylum seekers and unaccompanied minors as well as to the best interest of the minor.

Finally, concerning the ratification of the Framework Convention for the Protection of National Minorities, we would like to note that our country keeps its international obligations, respects and fully protects the rights of the members of the only officially recognized minority -in accordance with international law- in Greece, namely the religious muslim minority of Thrace.

Yours sincerely,

Haris Kastanidis