

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES

COMMITTEE
OF MINISTERS
COMITÉ
DES MINISTRES



Contact: Clare Ovey
Tel: 03 88 41 36 45

Date: 09/10/2015

DH-DD(2015)1038

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1243 meeting (8-10 December 2015) (DH)

Item reference: Communication from a NGO (Thessaloniki Pride) (16/09/2015) in the case of Vallianatos and Mylonas against Greece (Application No. 29381/09) and reply from the authorities (06/10/2015)

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1243 réunion (8-10 décembre 2015) (DH)

Référence du point : Communication d'une ONG (Thessaloniki Pride) (16/09/2015) dans l'affaire Vallianatos et Mylonas contre Grèce (Requête n° 29381/09) et réponse des autorités (06/10/2015) (**anglais uniquement**)

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



Department for the Execution of Judgments of the ECHR
Directorate General of Human Rights and Legal Affairs
Council of Europe
F-670 75 STRASBOURG CEDEX



Thessaloniki, 8 Sep. 2015

Dear Mrs. Mayer,

I am writing to you in my capacity as legal representative of Thessaloniki Pride, an NGO promoting gay, lesbian, bisexual, and transgender rights in Greece, to report the non-execution of the judgment of the European Court of Human Rights in the case of Vallianatos and others against Greece. We regret that the Greek authorities have failed to implement fully and completely the aforementioned judgment, even though almost two years have elapsed since 2013 when the Court's decision became final.

On 18 August, the Greek Ministry of Justice sent us through email the following response:

"Concerning the legislative initiative about the new civil partnership, we would like to inform you that nothing has changed with regard to the Ministry's stated intention of legislating it. The completion on our part of the editing of the draft bill in early June was accompanied by information sent to stakeholders, public announcements over the draft's content, and the uploading of the draft bill on the ministry website. Since then the launch of the legislative procedure is still pending. This depends exclusively on the flow of parliamentary proceedings, which often surpasses the will of any individual ministry and is drastically affected, as any well-intentioned observer understands, by political developments and the need to urgently legislate due to the country's international commitments and bailouts terms. We understand your feelings of disillusionment that lead, as is obvious in your email, to conclusions on your part that we are trying to create impressions and your call that we show a modicum of responsibility. We not only understand but also share your disappointment. But the same does not apply to your conclusions. We would have no reason to mobilize legislative committees and produce draft bills if we did not also have the will to implement them.

We also wish to bring the civil partnership to parliament and we are working to this end. But having in mind the political context, we believe that it would not be serious to make

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any firm time commitment given current circumstances. This does not cancel our programmatic statement, both for the civil partnership and other institutional changes against discrimination, and generally for what we have planned on issues of human rights.

Regards,

Kostis Papaioannou

General Secretary of Transparency and Human Rights"

Having received this reply, we, as Thessaloniki Pride, note the Ministry's expressed desire to propose the civil partnership bill eventually, but observe that the bailout negotiations are once again used as an excuse to escape any commitment to implement ECtHR decisions on basic questions of human rights. It is simply not true that the Greek parliament is so overwhelmed that it cannot legislate on any other issue (for example, the government's bill on extending citizenship to the children of immigrants was approved this year). We note with great concern that the Greek authorities have not presented to the Committee of Ministers the measures taken or envisaged regarding the extension of civil partnerships to same-sex couples. We also regret that although the Greek authorities claim to want to implement the judgment, they have failed to take any concrete step in this direction. Given the time that has elapsed since the judgment was issued, we believe that the Greek authorities are, in fact, unwilling to implement the Court's decision. The upcoming elections in Greece will serve as further excuse to postpone things indefinitely. We therefore believe that without external pressure on Greek authorities to fully and completely implement the ECtHR decision in the case of Vallianatos and others, there will be no progress on this issue in the next legislative cycle either.

For all these reasons, and since the implementation of this decision is currently placed "under enhanced supervision" we hope that the Council of Europe will make it a priority to include this issue on the agenda concerning the implementation of ECtHR rulings.

Yours sincerely,

Athanasios Vlachogiannis

Legal Representative of Thessaloniki Pride



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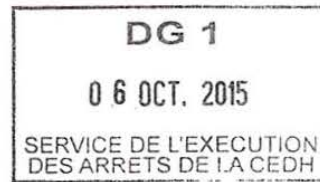
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Permanent Representation of Greece
to the Council of Europe



No.: F.6702/216 /AS 967
Strasbourg, 6 October 2015

To: **Mrs Genevieve Mayer**
Head of the Department for
the Execution of Judgments
of the E.C.H.R.
DG I, Council of Europe
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Genevieve.Mayer@coe.int

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Case Valianatos and others v. Greece (no 29381/09).

Dear Madame,

Following to your letter of 29 September 2015, please find herein attached a communication from the Greek authorities on the above mentioned case.

I would be grateful if you could bring this information to the attention of the Committee of Ministers together with the communication of the N.G.O. "Thessaloniki Pride", according to the Rule 9 of the Committee of Ministers' Rules for the supervision of the execution of judgments and of the terms of friendly settlements.

Yours sincerely

Ourania Patsopoulou
Legal Adviser
Permanent Representation of Greece
to the Council of Europe

Attach.: 1 communication from the authorities

Copy: Agent of the Greek Government before the ECtHR, State Legal Council, Athens



HELLENIC REPUBLIC
MINISTRY OF JUSTICE, TRANSPARENCY & HUMAN RIGHTS

Directorate General of Justice Administration,
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VERY URGENT

Athens, 06 October 2015
Ref. number: 45907 οικ.

TO:
Permanent Representation in
Strasbourg
21 Place Broglie, 67000
Strasbourg, France

C.C.: - ΥΠΕΞ Δ3 Δ/νση
Ν.Σ.Κ.
-Σχηματισμός Υποθέσεων Δικαστηρίων Ε.Ε.,
Ε.Δ.Δ.Α. & Αλλοδαπής
-Γραφείο Νομικού Συμβούλου ΥΠΕΞ
Ακαδημίας 3, 10671 Αθήνα



SUBJECT: Case Vallianatos and others v. Greece – Decision enforcement (Applications nos. 29381/09 and 32684/09)

REL. DOC: Your document with ref. no.: Φ. 6702/204/ΑΣ 914/28-09-2015

In response to the aforementioned relevant please find below the comments of the Ministry of Justice, Transparency & Human Rights, to be published at the website of Committee of Ministers

Unlike previous governments, the current government has expressed its will to amend Greek legislation on Civil Partnership (Σύμφωνο Συμβίωσης) and to waive the discrimination against same sex couples, fully complying with ECtHR judgment "Vallianatos and others v. Greece".

To this end, a Draft Legislation Committee was established in April 2015 by the Ministry of Justice, Transparency and Human Rights and a draft bill was produced in June 2015. LGBTQI organizations, including NGO "Thessaloniki Pride", have been invited by the Secretary General for Transparency and Human Rights in open dialogue and deliberation before and after the drafting of the new bill. On June 10th 2015, the draft bill was made public on the website of the Ministry of Justice. Moreover, the official procedure of electronic deliberation will also follow prior to the submission of the bill to the Parliament. Citizens and organisations will be able to post their comments, suggestions and criticisms article-by-article.

The draft bill is a breakthrough for two reasons:

1. It provides for the first time in Greece legal recognition of same sex couples and it waives the discrimination established against them by L. 3719/2008 on Civil Partnership.
2. It affords extended rights to civil partners, equivalent to those provided to spouses, and it recognizes family ties between them.

Unfortunately, the voting of the new draft legislation on Civil Partnership did not prove possible till this moment due to the Parliament's workload relating to the negotiations with European Institutions for a bailout package, the voting of measures deriving from the subsequent agreement and the dissolution of the Parliament from August 28, 2015 to October 1st, 2015 due to the elections of September 20, 2015. It should be stressed that the draft bill on Civil Partnership is among the first draft bills of the Ministry of Justice, Transparency and Human Rights that will be forwarded to the Parliament for voting.

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We would like to note that NGO "Thessaloniki Pride" participated in the open dialogue with the Ministry of Justice and the aforementioned have been well-known to the organization.

The Ministry of Justice, Transparency and Human Rights would like to express once again its well-established intention to cooperate and consult with civil society organizations for the recognition and protection of the rights of LGBTQI persons.

True copy

**THE GENERAL SECRETARY OF TRANSPARENCY &
HUMAN RIGHTS
KOSTIS PAPAIOANNOU**

Head of Section
T. Tsagris