



PERMANENT MISSION OF GREECE
GENEVA

Ref. No. 6171.2D/6/1234

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 with reference to the latter's Note Verbale dated 5 May 2014, on the General Assembly Resolution A/RES/68/179 on the Protection of Migrants, has the honour to submit the attached contributions by the Ministry of Public Order and Citizen Protection, the Ministry of Shipping and Aegean and the Ministry of Justice, Transparency and Human Rights.

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.

AA



Geneva, 17 June 2014

To: **The Office of the High Commissioner for Human Rights
Development and Economic and Social Issues Branch**

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Att.: 19 pages

OHCHR REGISTRY

20 JUN 2014

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Ministry of Public Order and Citizen Protection

SUBJECT: "Resolution of the UN General Assembly A/RES/68/179 for the protection of migrants".

1. -Question: "if specific measures have been adopted for the protection of the migrants' human rights ...».

(a) In order to deal with the phenomenon of illegal immigration, which now constitutes a major national issue, a series of measures have been taken that have been drawn up and are based on risk analysis, including the modus operandi (migration flows) of aliens non lawfully transiting through our Country. Our intention is to deal with the mixed migration flows at the entry points of the Greek territory, in a way that secures the need to control the borders from the non lawful immigration, as well as the need to provide protection to the refugees and to other vulnerable groups, in order to ensure living conditions compatible with human dignity.

In order to achieve the above mentioned and to deal with illegal immigration in our Country, an integrated action plan has been elaborated, the financing of which has been approved by the European Union. It is also to be noted that the specific legislative initiatives that have been undertaken by our Ministry as regards the upgrading of the First Reception System, the setting up of First Reception Centers (FRCs), of Pre-departure Detention Centers and of Aliens' Citizenship Identification Centers, the reforming of the national asylum system (Asylum Service and Appeals' Authority), the reinforcement of the policy of forced and voluntary returns of third country nationals to their countries of origin, as well as the operational actions of our Services, such as the operation "Xenios Zeus", constitute a modern and cohesive system of initiatives and actions aiming at an integrated management and an effective control and facing of the migration issue, in accordance with the national, Union and international obligations of our Country.

(b) To this objective specific legislative initiatives have been undertaken, in order to substantially reform and improve the existing detention structures and to modify the national asylum procedure, by creating modern and permanent structures, in order to

respond adequately not only to the demands of the present that concern migration flows but also to cover the needs that may arise in the future, in a way that will secure the rights of the persons hosted in these places, as it is appropriate for a civilized country with a European orientation. These innovations in combination with detention policies and all the measures included in our immigration policy, have given substantial solutions.

More specifically, it has been decided to establish Pre-departure Detention Centers for Aliens: apart from the exploitation of the allotted area in Fylakio/Orestiada-Evros, we also have: the use of the camps in Korinthos and Paranesti/Drama, the transformation of the former Central Special Areas for the Stay of Aliens/Aliens Division in Attica (*24 P. Ralli – Tavros*), the setting up of facilities in Amygdaleza/Attica, in Komotini, in Xanthi, the reconstruction of the building facilities of the former Special Areas for the Stay of Aliens in Chios and Samos (*they operate as Citizenship Identification Centers*), wherein there are transitory units of First Reception and the creation of an Aliens Citizenship Identification Center in Lesvos, observing in full security and hygiene rules and always respecting human rights.

In parallel, work is being done for the establishment of an Aliens' Pre-departure Detention Center and an Aliens' First Reception Center in Lesvos, for the enlargement of the Pre-departure Aliens Detention Centers in Korinthos and Drama (Paranesti) with the required technical interventions.

With the First Reception Centers and the Aliens' Citizenship Identification Centers a new system is launched for registering, evaluating and certifying the identity and the origin of third country nationals subject to the procedure of first reception, by means of special know-how and specialized personnel. At the same time, their separation, registration and medical check up are ensured, as well as the rendering of support to vulnerable groups (unaccompanied minors, women, *single parent families*) and, of course, the giving of instructions to those who are eligible for international protection.

The Ministry of Public Order and Citizen Protection and the Hellenic Police Headquarters pay extra attention to ensuring the necessary sanitary arrangements and secure stay of all detained persons in the Pre-Departure Detention Centers, in the Aliens Citizenship Identification Centers and in police lock ups (*short stay for a few days*). Moreover, sanitary rules must be strictly observed by all Police Personnel, who, on a daily

basis, deal with a large number of detainees, during their guarding, their transfer from and to courts and/or detention facilities, etc.

For this reason, orders have been issued to all our regional Services, with instructions for them to comply with their obligations arising from provisions in effect and from international conventions. We also follow the whole issue by intervening with more specific instructions-orders, if deficiencies – malfunctions are establish, in order to improve promptly the existing conditions.

It must be pointed out that opinions, complaints and findings as well as possible observations-recommendations included in the reports, etc. of international organizations, humanitarian organizations etc., with respect to detention conditions in the detention facilities of our regional Services, constitute a subject for consideration, detailed study and investigation by our competent Services.

In the context of ongoing efforts for ensuring human rights, improving building structures and securing the sanitary conditions for and the protection of detainees, a Technical Description has been elaborated regarding detention areas, on the basis of which the detention areas of Police Services have been constructed/reconstructed. It is to be noted that, inter alia, the relevant instructions of the European Committee for the Prevention of Torture have been taken into account. In this context, projects are materialized either through the Public Investments Programme or through the Collaboration of the Public and Private Sectors regarding the construction of new modern buildings with proper detention areas in order to fully cover the personnel's working needs as well as the needs of the citizens that go there, while they also provide the proper detention conditions to all detained persons in these Services.

All the above-mentioned aim at securing human rights in the context of dignity and respect for human particularities, of the non-marginalisation and the separation of the individuals into categories.

(c) As regards illegal migration issues, there is a legislative framework fully harmonized with the community legislation. The special provisions of Laws 3907/2011, 3386/2005 and 4251/2014 provide for the detention of aliens illegally entering and residing in our Country.

More specifically, Law 3386/2005 applies to those illegally entering our Country, whereas Law 3907/2011 (*transference of Directive 2008/115/EC*) has been elaborated, in order to enable the return of illegal immigrants already in the Country who enjoy the toleration status.

According to Community Law [Directive 2005/85/EC (article 18)] "*Member-States do not place under arrest an individual because he/she requests asylum*" and "*in the case an asylum seeker is placed under arrest, Member-States see to the possibility of a quick judicial re-examination*". By means of Presidential Decree 114/2010, as it has been amended (*P.D. 116/2012 and P.D. 113/2013*) and it is in force regarding the "*detention of the applicants*", our national legislation has been adapted to the community legislation.

Apart from the above, the Hellenic Police through its Services, makes every effort to speed up asylum procedures and to reinforce the policy of forced and voluntary returns of third country nationals to their countries of origin.

It is to be noted, that as regards the detention time period, in accordance with the legislation in force (Law 3386/2005 and Law 3907/2011), the aliens are detained for the necessary time period until the completion of return procedures, which in no case exceeds the period of eighteen months (18) (*every three months the need for detention is also judicially re-examined*).

As regards the extension of the detention time beyond the time period of eighteen months, in accordance with the State Legal Council's Consultatory Response number 44/2014, this extension concerns only special and isolated cases and in any case, this is not the rule.

It has to be pointed out that our operational aim is to complete the respective procedures, in accordance with the existing legislation, in a short time.

In no case aliens are detained arbitrarily, besides what is provided for by the existing legislation.

The presence of a lawyer is obligatory at every stage of the penal and administrative procedure, on the basis of the national legislation provisions.

The presence of an interpreter is also obligatory and efforts are made in order to cover interpretation needs as regards all involved Services, with appointed interpreters by the Greek State and NGOs.

The respective competent National, International and Non-Governmental Organizations and Bodies may visit the installations of the Centers, where aliens under removal are detained, after getting the respective authorization due to strict security measures and the need to protect the detained persons' personal data.

The detained aliens are systematically informed about the rules prevailing in the detention facilities, as well as about their rights and obligations, including their right to contact the above mentioned organizations. For this reason, the related leaflets are posted at conspicuous positions. Moreover, the contribution of NGOs is significant as regards the rendering of medical services to non-legal immigrants.

In any case, the detention preconditions are re-examined, *ex officio*, every three months by the body that has issued the detention decision or the Service that further deals with the third country national. In order to impose or hold over the measure, it should be taken into consideration the availability of proper detention areas as well as the possibility for securing decent living conditions for the detained persons.

It is also to be noted that the procedures of removal are subject to a system of external control that operates under the guidance of the "Greek Ombudsman" independent Authority, which cooperates to this objective with International Organizations and NGOs.

In parallel, "**alternative detention measures**" are applied by the First Reception Service (Law 3907/2011), which deals with newly arrived arrested illegal aliens (*verification of identity-nationality, recording, medical check-up, updating about their rights, care for vulnerable groups etc.*).

Illegal immigrants, who are under the status of toleration and are subject to the Return Directive, are detained until the procedure for their return is completed (*issuing of travel documents, communication with the authorities of their countries, International Organizations etc*).

It is to be clarified that not all aliens of all nationalities are detained, but only those who have the possibility to return to their countries of origin.

In parallel, the Ministry of Public Order and Citizen Protection and the Hellenic Police Headquarters support the Programme for voluntary Returns that is already in progress and is financed by the EU. To this objective a national framework of motives has already been elaborated as regards the voluntary repatriation of aliens residing illegally in the Country (*individuals detained or not*). To this direction, resources of the European Returns Fund are utilized, and the cooperation with the International Organization for Migration as well as with NGOs shall continue.

Besides, it must be stressed that, by implementing a respective action of the European Return Fund, the Country's Bar Associations will soon start rendering free legal support to detained aliens, within the framework of the administrative procedure for their return to their countries of origin. A respective memorandum of understanding has already been signed.

2. - Question: "... human rights protection of... the children of immigrants ..."

1st edition - small

The Hellenic Police Headquarters monitors very carefully the serious issue of the handling of unaccompanied minors-refugees, which for our Services is an issue of special care in the context of their social role and their mission for providing minors with the necessary protection given their sensitive age.

More specifically, every case of an unaccompanied minor alien entering illegally our Country, is communicated and forwarded directly by our Services to the Prosecutorial Authorities, in accordance with the provisions in force. Then, the necessary measures are taken, in order to define their identity and nationality and to establish the fact that they are

not accompanied. Special care is taken for defining minority and their separation from the rest of the non-legal economic immigrants, until they are transferred to proper hosting structures, focusing on the children's best interest. In parallel, on the initiative of the General Secretariat for Transparency and Human Rights, there is a Working Group that will assess the legal framework that governs the status of unaccompanied minors.

2nd edition – analytical

- (i) The Hellenic Police Headquarters follows the serious issue of under-age refugees' handling very closely, since for our Services this is an issue requiring special care. In the context of their social role and their mission, they face the a/m issue with sensitivity and attention for ensuring the best possible protection level to this sensitive age population group.

Every case regarding the illegal entry of an alien and/or an unaccompanied minor into the Country is immediately made known and referred by our Services to the Prosecutorial Authorities, in accordance with the legal provisions in effect (Law 3907/2011//Article 25, Law 3386/2005//Article 83, Law 3875/2010//Article 48, Presidential Decree 220/2007//Article 19).

In the case of third country nationals who are unaccompanied minors or human trafficking victims, the competent Prosecutorial or Police Authorities take all necessary measures for establishing their identities and nationalities and for founding the fact that they are unaccompanied.

They also make every possible effort for tracking down, the soonest possible, their families and for securing their legal representation and, if needed, their representation in the context of penal proceedings.

The afore-mentioned procedure is followed in every case even if the unaccompanied minor does not apply for political asylum, in accordance with Presidential Decree 220/2007//Article 19, which has incorporated Directive 9/2003. The Juvenile Public Prosecutor or the Public Prosecutor of the local competent Court of the First Assistance is appointed as the minor's temporary Guardian and later, in cooperation with NGOs and Social Services, the permanent Guardian, who is usually a social worker, is appointed for

ensuring the minor's necessary representation. If the Guardian does not fulfill his/her duties satisfactorily, he/she may be replaced by order of the Public Prosecutor.

In the facilities where illegal immigrants are detained, unaccompanied minors are separated from the other non legal economic immigrants, until the process for the establishment of their minority, their origin, their entitlement to asylum, and the relevant notification of the Judicial Authorities, carried out by the competent Services is brought to completion. It is to be noted that the age of detained minors is established on the basis of an interview carried out by specialized personnel in cooperation with medical doctors offering their services in aliens' Reception and Detention Centers and in police lock-ups, with members of NGOs, with psychologists and social workers employed in detention places, in order to have a combined approach to every case, which is not only based on medical findings but it also takes into account the maturity of the person, his/her behaviour, his/her conception, and his/her cultural background.

They are always detained in specially arranged places and never with other adults, on the basis of the specific hospitality and protection regime. Then, in accordance with the legislation in effect, they are transferred to proper hosting structures in cooperation with the National Social Solidarity Center and NGOs. It is to be stressed that all the activities aim at the minors' best interest.

(II) - Unaccompanied minors – non asylum applicants :

When the search carried out in our Country by the competent Aliens Service for the minors' parents or the persons who are in charge of them has no positive results, the INTERPOL is accordingly informed in order to look for them in their countries of origin.

When the above mentioned process is brought to completion, a judgment is delivered for their deportation or their return and until then they are kept under detention. The nationals of neighboring countries are turned over to their Countries' Police Authorities, on the basis of a turning over – taking over certificate/document.

As regards minors who are Albanian nationals, the Hellenic and the Albanian governments have signed an agreement on the protection of minors, including the repatriation,

rehabilitation and medical care of Albanian children, who are human trafficking victims in Greece.

The other minors are sent back to their countries of origin by plane after the local branch of INTERPOL is notified accordingly. In the event that the deportation/return back of unaccompanied minors is unfeasible, due to the lack of airline connection with their countries or to other problems, they are released and in cooperation with the National Social Solidarity Center and with NGOs, they are accommodated in special Host Centers. It is to be noted that the decision regarding deportation/return may be revoked on the grounds of tolerance, high principled administration and the ensuring of the legality of administrative action, in accordance with Administrative Procedure Code Article 21.

Since the Authorities keep always in mind the unaccompanied minors' best interest, their repatriation is carried out only when their safe return to their countries of origin and their reception are absolutely secured. The presupposition for repatriation is that the minor does not run any danger in his/her country of origin and his/her social and family milieus are able to ensure his/her smooth re-integration, mental and bodily rehabilitation and the rights that arise from his/her minority.

The investigation for the unaccompanied minors' safe repatriation is carried out by persons or/and Bodies that are suited to providing the proper care and to ensuring his/her rights, in accordance with his/her needs, taking into account his/her age and his/her maturity. For the repatriation, the consent of the competent Public Prosecutor for Minors is required and the cooperation with the competent authorities, the public Bodies and the NGOs is needed.

(III) Unaccompanied minors – asylum applicants :

Both the national legislation (Presidential Decrees 114/2010 and 116/2012) and the Circular Order of the Chief of the Hellenic Police nr 5401/1 – 498001, dated 03/01/2011, explicitly state the rights of minors and mainly of unaccompanied minors and their ensuring, focusing exclusively on the children's best interest. Moreover, our Services, in accordance with the Dublin Regulation, strictly abide by the main principle of keeping the family united and for this reason, they try to re-unite unaccompanied minors residing on Greek territory with members of their families living in EU MS. Thus, they cooperate with

the UNHCR and with NGOs for documenting the relevant requests and for rendering feasible the minors' transfer near their families, ensuring at the same time their safety.

The minors who apply for asylum, are transferred to the appropriate structures for them to stay there (Minors – Asylum applicants Reception Centers), in cooperation with the competent Services of the Ministry of Labour, Social Solidarity and Welfare and the National Social Solidarity Center. At the same time, the competent Prosecutorial Authorities proceed to the necessary process for appointing a Guardian, who will assist the minor during the whole length of the asylum procedure.

(IV)

For addressing issues related to the handling/treatment of minors, our competent Services cooperate closely with the Judicial Authorities for Minors, the Services of the Ministry of Labour, Social Security and Welfare, the National Social Solidarity Center and the other competent public and private Bodies. There is also cooperation with the Police Authorities of neighboring Countries, at a bilateral level and through the United Nations, while the exploitation of minors is also dealt with by the European Union Organs, to which our Country is a Party.

Our Ministry, in cooperation with the co-competent Ministries, has been making strong efforts for creating more structures for hosting unaccompanied minors. It also seeks participation and cooperation with NGOs in order to be able to offer more efficient protection to unaccompanied minors that find refuge in our Country.

Moreover, it is to be noted that the European Commission has directly entrusted the International Organization for Migration (IOM) with actions regarding the return process of third country unaccompanied minors to their countries of origin.

Of course, the issue is extremely complicated, since a lot of them want to go to other European countries where their relatives reside.

At the same time, there are on-going processes related to the operation of open structure facilities for the stay of vulnerable groups in the area of Attica and in other regions of the Country and to the operation of a Service engaged in the handling of Accommodation

Requests for Asylum Applicants and Unaccompanied Minors (Ministry of Labour, Social Security, and Welfare – National Social Solidarity Center).

(V). Finally, for the more efficient protection of unaccompanied minors, we have specified and simplified the criteria for the issue and/or the renewal of residence permits for humanitarian and other serious reasons regarding, inter alia, under-age children (Law 3907/2011); we have also established an Asylum Service and a First Reception Service, and adapted the Greek legislation to the provisions of Directive 2008/115/EC on "the common rules and procedures in Member-States regarding the return of illegally residing third country nationals and other provisions".

By virtue of Law 3875/10 ("Ratification and enforcement of the United Nations Convention against Transnational Organized Crime and its three Protocols and relevant provisions"), the provisions of Law 3386/05 have been amended for the more effective protection of trafficking victims. Special care has been provided for as regards unaccompanied minors for whom the competent Prosecutorial and Police Authorities take all necessary measures for establishing their identity and their nationality and the fact that there are unaccompanied. They also make every possible effort for tracking down their families and for ensuring their legal representation.

It is to be noted that as regards third country nationals characterized as human trafficking or illegal smuggling victims, by order of the Ministry of the Interior they are provided with residence permits or their permits already granted are renewed with no fees, for a time-period of one (1) year with the possibility of renewal, until an irreversible court ruling is issued. As regards human trafficking victims that do not cooperate with the Authorities, their residence permit is renewed until the end of penal proceedings or when the case is put in the files.

On the initiative of the General Secretariat for Transparency and Human Rights, there is a Working Group in operation that will evaluate the legal framework which governs the unaccompanied minors' status.

ΕΠΙΣΗΜΗ ΜΕΤΑΦΡΑΣΗ TRADUCTION OFFICIELLE OFFICIAL TRANSLATION

No. F092.22/3667

HELLENIC REPUBLIC

MINISTRY OF SHIPPING AND AEGEAN

HELLENIC COAST GUARD HEADQUARTERS

BRANCH OF SECURITY

Piraeus, 11th June 2014

DIPTIIAS

File No.: 432.11.4

Address: Vasileiadi Coast, Gate E1-E2 Draft No.: 2366

Piraeus 18510

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Distribution Table

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SUBJECT: Resolution of the UN General Assembly
A/RES/68/179 on the protection of immigrants

Re: The letter dated 21700/16.05.2014 of Directorate D4 of the
Ministry of Foreign Affairs

With reference to the above mentioned in the subject
Resolution of the UN General Assembly dated 18th December
2013 and in reply to specific questions of your letter, we would
like to inform you of the following:

**A. MEASURES FOR PROTECTION OF THE IMMIGRANTS'
HUMAN RIGHTS BY THE HELLENIC COAST GUARD**

1. General Framework

The Hellenic Coast Guard executives are commissioned with
the controls of persons attempting to illegally enter into the
country by sea or exit the country, with the rescue of persons
in risk at sea and the provision of first aid to the rescued
persons. Within this framework it is an utmost priority for the
HCG executives to ensure the fundamental human rights
arising from the International Law and the European Acquis for

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Service des Traductions du Ministère des Affaires Étrangères de la République
Hellénique, Athènes.

Hellenic Republic, Ministry of Foreign Affairs, Translation Service, Athens.

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third countries' citizens during the short period of time that such are under the responsibility of the Port Authorities.

With reference to the standard instructions-orders, which are faithfully followed by the HCG personnel, after the illegal passage from the external sea frontiers of vessels carrying immigrants, the HCG patrol boats proceed without negligence and in the most convenient way to the rescue-collection thereof and, subsequently, to the safe transfer and delivery thereof to the Port Authority in the local jurisdiction of which the event occurred. Consequently, the primary operational target of the HCG in the management of the said phenomenon at the external sea frontiers is to safeguard the supreme of the fundamental human rights, i.e. the right to the safety of life and to the physical integrity of immigrants at sea and the prevention of shipwrecks and drowning.

2. More specifically the protection measures taken by the HCG for the management of immigrants are the following:

a) The HCG, having as motto the obligations arising from the acquis on respect of fundamental rights, and especially as regards the proper application of the principle of non-refoulement of immigrants and persons applying for international protection, has enacted since 08 August 2013 and is being applied by the Port Authorities of the entire state a detailed circular on the measures to be taken for the satisfaction of basic needs of the first entrance of third countries' citizens. The said circular, which puts an emphasis on the finding of facilities for the temporary stay of the said persons (a copy thereof is hereto attached), so that there is proper preparation for the coverage of the first reception/temporary stay (up to 48 hours) needs of the mixed immigrants' groups which are under the responsibility of the

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Port Authorities, has binding character and governs the activity of every central and regional HCG Service. Further, it sets forth the legal framework in force, it explains the fundamental rights reserved for every person without exception and describes in details the actions followed by the Port Authorities of the country. That is it covers the short period of time from the moment of safe disembarkation of third countries' citizens, after their rescue, collection, disembarkation and stay under the responsibility of the each time competent Port Authorities (at the stage of preliminary investigation of the event) until they are delivered to the competent Authorities of subsequent management thereof (Police Authorities and other Services of the Ministry of Public Order and Citizen's Protection).

b) Further, last September it was published in a Government Gazette Issue (2349 B' dated 20.09.2013) the Common Ministerial Decision of the Minister of Shipping and Aegean and of the Deputy Minister of Finance No. 363.24/2013/31781), which covered the expense of alimentation of persons under lawful confinement of the Port Authorities of the state. The said Common Ministerial Decision, as well as the relevant circular of the competent Directorate of the HCG Headquarters have been fully implemented since 2014 and they cover, at the expense of the Greek State, the boarding needs of immigrants who enter into the territory through the sea frontiers and their management is undertaken by the Port Authorities of the country.

c) In addition, as it is already known, it is imminent during the immediately following period the enactment of cooperation of the HCG with the UN High Commissioner for Refugees, by executing relevant Memorandum of Cooperation, basic aim of

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which is the more systematic cooperation of the two parties at regular level as well as at training level. However, the cooperation between the HCG and the UNHCR is being long implemented in practice almost in every incident of which the HCG takes care and includes the unhindered communication of experts thereof with the citizens of third countries for their information on their rights and the once only per person distribution of non-food items, which include more specifically a sleeping bag and a box with personal sanitation articles (towel, soap, washing powder, toothbrush and toothpaste).

d) For the control measures of the sea frontiers to be carried out in accordance with the Schengen Borders Code, with full respect of the fundamental human rights and proper application of the principle of non-refoulement, the HCG personnel which is charged with executing such duties, should respect fully human dignity, freedom and safety of the person, especially of the vulnerable populations and children, and not subject such persons to any form of inhuman or humiliating treatment. Within the framework of implementation of this target, the HCG has proceeded to a range of training interventions, aiming mainly at modernizing the sector of initial-basic education and continuing training of its personnel, so that respect of fundamental human rights and proper application of the principle of non-refoulement are fully integrated into the daily operation of the HCG Corps. This way, it is already known that the Training Regulation of the Enlisted Men Training Facility has been amended so as to incorporate in the program of studies the Frontex European Training Program in order that the newly-enlisted persons at the HCG are properly trained in issues of human rights that they will face in their working environment. At the same time, by the co-financing of the

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European Fund of External Frontiers, it shall be completed until late in July 2014 the training of approximately ninety (90) HCG executives, already serving at regional Authorities of the state, on topics of fundamental rights respect and practical implementation of the principle of non-refoulement during the execution of their duties on the spot.

B. MEASURES FOR PROTECTION OF HUMAN RIGHTS OF THE CHILDREN OF IMMIGRANTS, UNACCOMPANIED CHILDREN AND THOSE WHO HAVE BEEN TAKEN AWAY FROM THEIR FAMILIES

The HCG personnel handles with special sensitivity the issue of protection of the immigrants' children for the short period of time during which they are under its responsibility, as it was also mentioned in par. 2d, providing suitable care both in case that they are accompanied by their parents and to unaccompanied children.

- More specifically, the specialized HCG executives during the reception of immigrants' children take the necessary measures to ensure their protection, covering their basic needs (hygiene, boarding, sleep, toys etc) and with special emphasis on their emotional care, in cooperation with all the state agents involved and of the citizens' society. Further, special stay facilities are ensured for them, recognizing to the children the right not to be taken away from their parents without their will.
- As regards unaccompanied children as well as those that have been taken away from their families in order to avoid dangers deriving from adults (punishable acts, bad psychological condition, inability for protection,

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maltreatment etc), basic priorities, except for the coverage of their primary needs, are the following:

i) to cultivate a "safety" feeling, ii) to ensure special facilities for their stay, iii) their right to maintain contact with their family through any form of communication and visits.

It is also stressed that for the HCG executives what is best for the child's interest is a priority.

C. CONCLUSION

As it ensues from the above, the HCG's conviction is that the cooperation of all the involved agents of the State and of the society of citizens, aiming at the effective management of immigrants/refugees, not only will result to the benefit of the said persons but also it will make more transparent both operational practices and the HCG personnel professionalism in the management of frontiers and persons attempting to pass them. The HCG, being fully cognizant of the responsibilities of its mission, with absolute respect for human rights has no objection in posting the relevant information at the High Commissioner's web page.

The Director of A' and D' Branches

(Sgd)

HG Vice Admiral PATRINOS Nikolaos

ATT: Copy of circular (7 p.)

True translation from attached Greek original

Maria Manoussaridou

16/6/14

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Ministry of Justice, Transparency and
Human Rights



ΕΠΕΙΓΟΝ

ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
ΥΠΟΥΡΓΕΙΟ ΔΙΚΑΙΟΣΥΝΗΣ, ΔΙΑΦΑΝΕΙΑΣ
ΚΑΙ ΑΝΘΡΩΠΙΝΩΝ ΔΙΚΑΙΩΜΑΤΩΝ
ΓΕΝΙΚΗ Δ/ΝΣΗ ΝΟΜΟΘΕΤΙΚΟΥ ΣΥΝΤΟΝΙΣΜΟΥ
ΚΑΙ ΕΙΔΙΚΩΝ ΔΙΕΘΝΩΝ ΝΟΜΙΚΩΝ ΣΧΕΣΕΩΝ
Δ/ΝΣΗ ΝΟΜΟΘΕΤΙΚΟΥ ΣΥΝΤΟΝΙΣΜΟΥ
ΚΑΙ ΕΙΔΙΚΩΝ ΔΙΕΘΝΩΝ ΝΟΜΙΚΩΝ ΣΧΕΣΕΩΝ
ΤΜΗΜΑ ΔΙΕΘΝΩΝ ΟΡΓΑΝΙΣΜΩΝ

Αθήνα, 12.6.2014
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ΘΕΜΑ: «Ψήφισμα της Γενικής Συνέλευσης ΗΕ Α/RES/68/179 για την προστασία των μεταναστών».
Σχετ.: Έγγραφο σας Α.Π. ΑΣ 21700 / 16-5-2014.

Σε απάντηση του ως άνω εγγράφου σας, και στο πλαίσιο αρμοδιότητας του Υπουργείου Δικαιοσύνης, Διαφάνειας και Ανθρωπίνων Δικαιωμάτων, σας γνωρίζουμε τα κάτωθι, στην αγγλική γλώσσα:

Migrant children – The child's best interest, particularly in the case of unaccompanied minors.

A. Current situation.

In order to better protect unaccompanied minors, the criteria for issuing and/or renewing residence permits for minors on humanitarian and exceptional reasons were, among others, identified and simplified (Act 3907/2011, establishing the Asylum Service and First Reception Service, adaptation of the Greek legislation to the provisions of the Directive 2008/115/EC «on common standards and procedures in the Member - States for returning illegally staying third-country nationals» and other provisions). Specifically, a residence permit on humanitarian grounds may be granted to unaccompanied minors, victims of domestic violence, victims of trafficking in human beings or smuggling, or to minors the custody of whom has been entrusted to Greek families or families of third-country nationals legally residing in the country or for whom adoption is pending before the Greek authorities or minors hosted by institutions or other charitable entities.

The provisions of Law 3875/10 on the («Ratification and implementation of the United Nations Convention against Transnational Organized Crime and its three Protocols thereto and related provisions) modified the provisions of Act 3386/05. Special care was provided for unaccompanied minors, for whom the

competent prosecution or police authorities take the necessary steps to establish their identity and nationality as well as the fact that they are unaccompanied. They also make every effort for the fastest possible identification of their families and immediately put into effect all necessary measures to ensure their legal representation. It is emphasized at this point that third-country nationals identified as victims of trafficking in human beings or smuggling of immigrants are granted, by decision of the Minister of Interior, a residence permit or renew the one already granted, without having to pay a fee, with a duration of one year and the possibility to renew it until an irrevocable court judgment is pronounced. For victims of trafficking in human beings who do not cooperate, the residence permit is renewed until criminal proceedings are terminated in any way.

On Wednesday, March 20, 2013, a workshop was held in Athens, with the participation of judges and prosecutors for juveniles, the Children's Ombudsman, the United Nations High Commissioner for Refugees, representatives of non-governmental organizations and officials from governmental departments responsible for providing custody and assistance to juveniles, under the auspices of the General Secretariat of Transparency and Human Rights, on addressing the phenomenon of «Unaccompanied Minors», in particular asylum seekers. A common finding of all stakeholders was that the framework governing the status of unaccompanied minors should be assessed and that concrete and immediate solutions are required for this issue.

B. Set of actions to be implemented.

- Reviewing the legal framework governing the status of unaccompanied minors.

OBJECTIVE: To review the legal framework governing the status of unaccompanied minors.

SCOPE: To establish and operate an inter-ministerial working group with the participation of specialized bodies and organizations to assess the effectiveness of the existing legal framework and suggest appropriate solutions on the issue of unaccompanied minors.

COMPETENT BODY: Ministry of Justice Transparency and Human Rights, with the co-operation of other agencies and Ministries.

IMPLEMENTATION INDICATORS: Submission of specific proposals and solutions to address the phenomenon, within 2014.

It should be finally noted, that the reform of the legal framework on unaccompanied minors, is necessary for our country to successfully incorporate in Greek law the provisions of Directives 2013/32 (Article 25) and 2013/33 (Article 24) and the obligations of Regulation 604/2013 (Articles 6 and 35), which are of immediate application (direct effect).

Η ΑΝ. ΠΡΟΪΣΤ. ΤΗΣ ΓΕΝΙΚΗΣ Δ/ΝΣΗΣ
Μ. ΑΡΒΑΝΙΤΗ

Ακριβές αντίγραφο
Η Αν. Προϊστ. του Τμήματος

Ξ. Παππά