



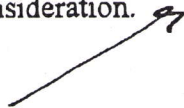
PERMANENT MISSION OF GREECE
GENEVA

Ref. No. 6171.3/18/AS 688

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 bearing in mind the number GVA 0180, dated 18 February 2010, has the honour to forward the reply, provided by the Greek Government, on the study on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration.

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, March 30, 2010

To: **The Office of the High Commissioner for Human Rights**
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PERMANENT MISSION OF GREECE
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Reply of the Greek Government on the study on challenges and best practices in the implementation of the international framework for the protection of the child in the context of migration

by the Ministry of Interior, Decentralization and Electronic Governance”

The Greek immigration legislation covers the cases of unaccompanied minors. In particular, law 3386/05, art.1, quotation h, defines as “unaccompanied minors” the third country nationals or the stateless persons who are less than 18 years old, who enter the Greek Territory without being accompanied by an adult, responsible for their custody, in law or in equity, for as long as the aforementioned situation lasts, or who were found unaccompanied after their entry in Greek Territory. In case of unaccompanied minors who are victims of human trafficking, the competent prosecution and police authorities take all necessary measures to identify their particulars, their nationality and to confirm that they are, indeed, unaccompanied. Moreover, they do their utmost to find their family as soon as possible and they immediately take all necessary measures to ensure their legal representation and if necessary, their representation within any criminal proceedings that may have been initiated (Law 3386/05, art.47, para2). In addition, a discretion deadline for one month is also provided, which may be extended for one more month upon a decision of the competent prosecution authority and taking into consideration the minors’ interests. During that period the unaccompanied minors have access to health care and social benefits (Law 3386/05, art.48, para2 and art.49).

Minors have access to health care even if they do not have a passport, or any other travel document recognized by international conventions, an entry visa or a residence permit and, in general, even if it cannot be proven that they have legally entered and reside in Greece. According to art.84, par.1, of Law 3386/05, hospitals, nursing homes and clinics are obliged to offer their services even in the

aforementioned cases. Also, it should be mentioned that, according to art.44, para. c, a residence permit is issued, for humanitarian purposes, to people who are hosted in welfare institutions and legal entities.

Furthermore, access to education is a fundamental right within our immigration framework for minors, nationals of third countries, who live in Greece, since they are included in the provisions for compulsory school education, just like Greek nationals. They have unrestricted access to school or educational community activities, as stipulated in art.72 of the above law. Such provisions are implemented for minors whose cases come under art.44, para 1d, according to which a residence permit may be granted for humanitarian purposes to minors whose custody is held by Greek families, families of third country nationals who legally reside in Greece or to minors whose adoption procedure is still pending. In addition, the issuance and renewal of a residence permit for family reunification purposes constitutes a human right for children within our immigration framework, as stipulated by the provisions of Chapter I, Law 3386/05. The new draft law "Contemporary Provisions for Greek nationality and political participation of expatriates and legal immigrants and other regulations" shall review minors' rights, who are third country nationals.

Concerning best practices, on the 27th of February 2006 an Agreement was concluded in Tirana between the Greek Government and the Council of Ministers of the Albanian Republic for the protection and help of minors, victims of human trafficking (Law 3692/8). In this Agreement, both contracting parties, expressed their solidarity and commitment to combat trafficking and exploitation of minors, recognizing that the most effective way to prevent such phenomenon is to eliminate its roots.