



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**

**Seventh periodic report submitted by Greece  
under article 19 of the Convention pursuant to the  
optional reporting procedure, due in 2016\* \*\* \*\*\***

[Date received: 19 January 2018]

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\* The combined fifth and sixth periodic reports of Greece (CAT/C/GRC/5-6) were considered by the Committee at its 1062nd and 1065th meetings, held on 9 and 10 May 2012 (see CAT/C/SR.1062 and 1065). Having considered the report, the Committee adopted concluding observations (CAT/C/GRC/CO/5-6).

\*\* The annexes to the present report are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee against Torture.

\*\*\* The present document is being issued without formal editing.

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1. The present periodic report contains the State party's replies to the "List of issues prior to submission of the seventh periodic report of Greece due to 2016", adopted by the Committee against Torture.

2. The drafting of the report was coordinated by the Ministry of Foreign Affairs, in close cooperation with all Ministries involved in the fight against torture and other cruel, inhuman or degrading treatment or punishment. The draft report was submitted to the National Commission for Human Rights (hereinafter: NCHR), Greece's National Human Rights Institution, in conformity with the Paris Principles, with Status A accreditation, in which thirty-five institutions, whose activities cover the field of human rights, are currently represented (independent authorities, law and political science departments of university-level educational institutions, trade unions, 6 major NGOs, political parties and ministries). Furthermore, the draft report was also submitted to the Greek Ombudsman, Greece's National Preventive Mechanism under the OPCAT. The views of both the NCHR and the Greek Ombudsman have been taken into consideration in view of the finalization of the report.

## **Articles 1 and 4**

### **Para. 1**

3. With regard to the definition of torture, it is to be noted that the (then) Secretary General for Transparency and Human Rights of the Ministry of Justice, Transparency and Human Rights, by his letter dated 22 Jun 2016, has requested the Law-drafting Committee, which has been established for the reform of the Penal Code, to examine the compatibility of the current definition of torture (art. 137 A) with art. 1 of the UN Convention against Torture (hereinafter: CAT). The abovementioned Law-drafting Committee is comprised of jurists specialized in Criminal Law and Human Rights Law and its work is still in progress. The NCHR has also expressed its concern on this definition issue.

## **Article 2**

### **Para. 2**

4. With the view to implementing properly Directive 2008/115/EC of the European Parliament and of the Council "on common standards and procedures in Member States for returning illegally staying third-country nationals", there is a continuous effort to ensure that third-country nationals subject to return are not detained in police stations, but are brought as soon as possible to Pre-Removal Detention Centres, after they have been identified and the decisions required have been issued. Detention may be imposed for the absolutely necessary period of time to complete the removal procedure, with a maximum duration of six (6) months, which may be extended for an additional twelve (12) months, in case the third-country national denies to cooperate or there is a delay in receiving the necessary documents from third countries.

5. In any case, when imposing or extending detention, the availability of places of detention and the possibility to ensure decent living conditions for the detainees are taken into consideration. At the same time, Greece applies alternative forms of detention (such as regular reporting to the authorities and the obligation to stay at one specific place, without restriction of liberty), as well as Programs of Voluntary Return and Relocation of the International Organization for Migration (IOM) and the Hellenic Police Departments.

6. The right of foreign citizens to challenge the measure of detention in case of expulsion is provided for in article 76 of Law 3386/2005, under the heading "Conditions and procedure of administrative expulsion", according to which "... foreign citizens in detention, along with their rights under the Code of Administrative Procedure, may also submit objections against the detention decision or the extension of detention before the presiding judge, or the first instance court judge appointed by the latter, of the Administrative Court of First Instance, in whose District they are detained...", a right that can be exercised anytime during the duration of the detention. The conditions of detention

are reviewed *ex officio* every three months by the body that issued the detention decision or the body responsible for further handling the third-country national concerned, as well as by the country's Administrative Courts of First Instance, while the availability of appropriate detention facilities and the ability to ensure decent living conditions for the detainees are taken into consideration when imposing or extending the measure of detention.

7. Every foreign citizen detained is entitled to be visited by his/her lawyer, while such contact is not subject to time restrictions other than those imposed to ensure observance of security measures and operational regulations of the detention facilities. More specifically, as regards foreign nationals under detention, a relevant information bulletin is provided in a language the latter may understand; the presence of an interpreter is also a standard procedure and efforts are made to cover the interpretation needs of all Departments involved, with interpreters appointed by the Greek state or provided by NGOs.

8. Foreign citizens detained are entitled to visits from their relatives, up to second degree by blood or by marriage, at specific times and days; in case of absence of the aforementioned persons, they are allowed to receive visits from other relatives or members of their social circle whom they declare in advance to the detention facility Guard.

9. Telephone communication of foreign citizens detained is being held through pay phones that are placed inside the detention facilities, while in emergencies regarding the detainees' relatives (death, illness, etc.), after the event has been verified by the authorities, the detainee concerned is facilitated to communicate with his/her relatives at any time.

10. Furthermore, foreign citizens who are arrested inside the country, are submitted to a preventive medical examination by medical doctors, at the location where the arresting authority is based; in case of health problems, under the care of the abovementioned authorities, they are immediately transferred for first aid treatment to the nearest health centre or hospital, and then, if needed, to university hospitals for further treatment. In addition, NGOs provide great assistance in provide medical services to irregular migrants, and have regular access to foreign citizens' detention facilities.

11. In the so-called "hotspots", all necessary procedures take place in accordance with European and national legislation. Third-country nationals who are transferred there, are submitted to registration, identity and nationality identification and fingerprinting to Eurodac. They are provided with all the necessary information about their rights and obligations as well as the conditions, under which they can apply for international protection. Medical treatment and psychosocial support are provided to those in need and there is special care for persons with specific needs or vulnerabilities.

12. Free access to legal advice and interpretation services are offered throughout their stay and during all the procedures; video conference equipment is also available, in case of lack or absence of interpreters.

13. Men, women, families, unaccompanied minors and vulnerable persons stay in separate sleeping rooms and wings and they are all provided with food, medical care and clothes, if necessary.

14. Systematic provision of information about the migrants' rights, obligations and the potential they have during the asylum procedure is taking place, while individual informative sessions are provided when deemed necessary in special cases, in order to prevent instances of violence.

15. All the reception and identification procedures are conducted in a secure environment, respecting diversity and the sensitivities arising from cultural differences, religious beliefs, origin, race, sexual orientation. Awareness is given of the migrants' habits regarding worship and different cultural values, a fact that contributes to avoiding misunderstandings, misconceptions and even serious tensions.

16. Law 4322/2015 (Government Gazette (hereinafter: GG) 42, v. A') has introduced important reforms in the prison system, *inter alia*:

(a) Abolition of high security prisons: High level security prisons were abolished and the Domokos prison was turned again into a regular prison. This was a political

initiative based on the assessment that such prisons were problematic in relation to human rights issues and not necessary for reasons of security;

(b) Strict reduction of juvenile detention: The maximum duration of confinement in a special juvenile detention facility was established, thus aiming to streamline custodial measures against minors. Moreover, the age of criminal responsibility was increased from the 13th to the 15th year, while detention in a special juvenile detention centre is now provided only for minors over 15 who have been convicted of a felony punishable with life imprisonment (if committed by an adult) or for rape of a minor under 15. The above amendments aimed at minimizing detention of minor offenders, in harmonisation with the relevant provision of the Convention on the Rights of the Child, which explicitly states that the arrest, detention or imprisonment of minors should only be considered as a last resort and for the minimum time necessary (see also below under para. 3a);

(c) Prison population reduction: A number of emergency measures were introduced for the earlier release of prisoners, which were prolonged by Law 4411/2016 (GG 142, v.A') and Law 4489/2017 (GG 140, v.A'). Accordingly, the number of prisoners has dropped considerably by 19% (from 11,798 on 1 Jan 2015 to 9,573 on 2 May 2017). Relieving overcrowding not only had a considerable impact on the conditions of detention but has also made possible the development of purposeful activities in prisons countrywide (educational, vocational training, athletic, cultural, open events, etc.) as well as supporting reintegration and after care (see below, paras. 18–19);

(d) Special provisions for disabled and seriously ill prisoners: More categories of seriously ill prisoners as well as prisoners with an officially recognised disability rate (of 67% or above 50%, provided that their detention can be considered particularly onerous due to lack of self-reliance) were entitled to earlier release due to their health condition (for improvements in the area of health and psychiatric care see below under paras. 18–19);

(e) Detention of foreign nationals (“guests”) after the expiration of their sentence: A drastic reduction was introduced in the time that foreign nationals under the order of extradition could be detained in prisons after the expiration of their sentence or following the entitlement date of early release: from 18 months, the limit is now set at 1 month or maximum 3 months if the person obstructs the process.

17. Meanwhile reform of drug legislation was introduced under Law 4139/2013 (GG 74, v.A'), providing, *inter alia*, for milder penal treatment of drug addicted offenders who are also convicted for drug trafficking, except for the most serious cases of drug trafficking, which are still punished with long prison sentences. As a result, there has been a considerable decline in the number of inmates having been convicted for drug related offenses, currently representing 22% of prison population (2,082 prisoners on 2 May 2017).

18. Furthermore, there have been legislative initiatives to increase the use of community and alternative to detention measures, a need that the NCHR also highlights: a) the entitlement for suspension of the prison sentence has been raised from three to five years (Law 3994/2011, GG 165, v.A'); b) the possibility for conversion of the prison sentence to a pecuniary penalty or community service has also been raised from three to five years (Law 4093/2012, GG 22, v.A'); c) electronic monitoring (home detention with electronic curfew) was introduced as an alternative measure for pre-trial detention and for the earlier release of convicted prisoners (Law 4205/2013, GG 242, v.A', see below under paras. 18–19). By Law 4356/2015 (GG 181, v. A') the measure was activated and by Law 4443/2016 (GG 232, v. A') the pilot period of application was extended. A relevant information campaign addressed to all involved actors (judges, lawyers, lawyers' associations, prisoners) took place in 2016; d) The probation service has been strengthened through the implementation of training programs for all probation officers and recruitment of staff via mobility schemes for public servants.

19. As regards the right to legal counselling, both the Correctional Code and the Rules Governing Greek Prisons guarantee access to legal representation for all prisoners in case they cannot afford legal assistance. Special legal aid programs for prisoners up to 25 years of age are being developed in cooperation with local Bar Associations and the General Secretariat for Youth.

20. Moreover, a guide on Prisoners' Rights called "The Alphabet of prisoners" has been published in three languages (Greek, English and Albanian) and is available in all prisons for the information of newcomers on their rights and obligations. Information material on electronic monitoring and drug treatment programs in prisons have also been published and distributed in prisons.

**Para. 3 (a)**

21. The number of remand population remains at high levels (2,963 on 2 May 2017, 30% of the prison population). The need for reduction in the use of pre-trial detention has been forwarded to and is currently examined by both the Committees preparing the drafts for the new Penal Code (PC) and the Code of Penal Procedure (CPP). Furthermore, the implementation of (pilot) electronic surveillance was launched in May 2015 (Presidential Decree 62/2014, GG 105, v. A') and is provided, *inter alia*, as an alternative to remand detention. Although the implementation rate of the new measure is still at low levels, there is a clear commitment to promote its use and extension of the pilot period was provided for in Law 4443/2016 (GG 232, v. A').

22. Regarding pre-trial detention of juveniles, the provisions of the Code of Penal Procedure were amended by Law 4322/2015 (GG 42, v. A'). Article 282(6)CPP, as amended, provides that pre-trial detention may only be imposed to a minor defendant who has reached the age of 15, if the offence in question committed by an adult would be a felony punishable with life imprisonment or is an Article 336 PC crime (rape) committed against a person below 15 years of age. In any case, pre-trial detention may not last more than six (6) months. Moreover, violation of restrictive conditions imposed on minors may not lead to pre-trial detention. Finally, the arrest warrant upon which the pre-trial detention is based must contain specific and detailed reasons why the reformatory or therapeutic measures are not considered sufficient in this case, taking account of the specific conditions of the offence and of the minor's personality.

**Para. 3 (b)**

23. The Correctional Code provides that pre-trial detainees, persons detained for the enforcement of commercial claims and persons convicted for misdemeanors are held in different prison facilities than the rest of the prisoners (art. 16). However, this rule is not fully applied due to the shortage of prison facilities. Prisoners are divided into categories for the purpose of adjustment of their treatment to the needs corresponding to their personal or legal status. Separation of prisoners is made mainly on ethnic and religious grounds, which are considered of utmost importance for security reasons. Additionally, the abovementioned separation is based on the grounds of age, sex, criminal offence, level of security and vulnerability (due for example to their medical condition or sexual orientation). Separation of prisoners on the grounds of criminal status (pre-trial, convicted) is partly enforced. Greek prison establishments range from low level semi-open (rural, agricultural) prisons, to two types of establishments (Type A, Type B) depending on security considerations.

24. Juvenile offenders<sup>1</sup> (aged 15–18 years) are held only in the Corinth detention facility. Their transfer from the special young offenders' detention facility in Avlona was made following a recommendation of the Committee on the Prevention of Torture. There are three special detention facilities for young offenders aged from 18–25 years.<sup>2</sup> Detainees above such age limits are immediately transferred to prison facilities for adults. In exceptional circumstances, adult prisoners may remain in detention facilities for young offenders for work purposes, where they engage in skilled jobs, without being allowed to have any contact with juveniles and young inmates.

<sup>1</sup> According to Article 126 of the Penal Code, minors from 8–15 years do not have criminal responsibility and cannot be sentenced to a custodial sentence, but only to reformatory or therapeutic measures.

<sup>2</sup> They are the Special Young Offender Detention Centre in Avlona, the Special Young Offender Detention Centre in Volos and the Special Rural Young Offender Detention Centre in Kassaveteia.

25. As regards women prisoners, they are held either in Eleonas Prison facility for women or in the women's department of Korydallos prison, at a separate building from male prisoners. As the Children's Ombudsman notes, in recent years, especially after the adoption of law 4322/2015, there has been a considerable decrease in the number of imprisoned juvenile girls (under 18). Following that, there were 2 juvenile girls held in 2015 and 2016 and 1 girl in 2017, who was released the same year. Meanwhile there were 9 young girls (18–21) held, in 2017. The imprisoned young girls are placed in a special department of Eleonas Women's Prison. The Ombudsman emphasizes the reasonable need for specialized support responding to their age and needs, in line with the child-friendly justice principles. In that respect, it is to be noted that in Eleonas Prison there are Primary and Second Chance Schools, while young girls participate to other programs as well (cultural and athletic).

**Para. 4 (a)**

26. With regard to the use of chemicals by the police during demonstrations, it is to be noted that, in order to tackle violent attacks by non-peaceful demonstrators in open spaces, which are usually followed by the throwing of "Molotov" cocktails, stones, small bullets etc., as well as in order to repel demonstrators who refuse to comply with and attack police forces with dangerous objects, the choice has been made to use rationally and not abusively tear gas, in full respect for the principles of necessity, appropriateness and proportionality (article 25 of the Constitution, article 2, Presidential Decree (P.D.) 254/2004 "Code of Ethics for Police Officers"), as the abovementioned measure is considered the mildest one possible to respond to such incidents. It is to be stressed that the crowd control measures mentioned above are used only in open spaces, when they are considered absolutely necessary in order, on the one hand, to protect the physical integrity of police personnel, and, on the other hand, to restore public order, when it is endangered during large scale incidents.

**Para. 4 (b)**

27. In case of human rights violations, the Hellenic Police personnel are held accountable by the criminal justice system, and are subject, in case a complaint has been submitted, to administrative control, which is ensured by the particularly strict disciplinary law (P.D. 120/2008), while punishment for unlawful behaviour is carried out as soon as possible. The investigation is assigned to police officers with no administrative relation whatsoever with the police officer or the Police Department allegedly involved in the case under examination, that is to say, to police officers serving in another Department. In case the commission of a disciplinary offence has been established, the appropriate disciplinary measure is imposed to the perpetrator.

28. According to the provisions of the above mentioned Presidential Decree, acts that constitute torture and other violations of human dignity, in the sense of article 137A of the P.C. (Penal Code), or present undignified aspects or any behaviour unworthy for a police officer, are punished with the penalty of dismissal, while acts which constitute cruel behaviour against citizens or a conduct that is incompatible with the status of a police officer, are punishable with a higher disciplinary penalty (suspension with temporary dismissal in the first case and suspension that leads to dismissal in the second one).

29. Following up on the recommendations of the Committee against Torture and other international bodies, a National Mechanism for the investigation of incidents of ill-treatment by law enforcement and detention facility agents has been established by article 56 of Law 4443/2016 within the Greek Ombudsman (an independent authority according to the Greek Constitution), abolishing the "Office for the investigation of incidents of ill-treatment", which had been established by Law 3938/2011, but had remained inoperative. More specifically, the abovementioned National Mechanism is an additional/supplementary mechanism to the independent functions of the judicial system and of the internal procedures of security forces disciplinary bodies, which will further guarantee that such incidents are fully and effectively investigated by an independent authority. It should also be noted that the NCHR has welcomed this initiative, while expressing its concern on certain provisions of the Law.

30. Furthermore, procedures followed in the Reception and Identification Centres aim at ensuring the fair treatment of people who are desperately in need, in a way that promotes respect for their dignity and their best interest as human beings.

31. Regarding the case of fatal injury of the 15-year old Alexandros Grigoropoulos, that took place on 6 Dec 2008 in Athens, as regards disciplinary procedures, a Sworn Administrative Enquiry (E.D.E.) has been conducted. The persons found responsible, (former) police officers, were brought before the competent Disciplinary Council, and a higher disciplinary penalty was imposed on them, which has become final.

32. As to the criminal aspect of the case of murder of Alexis Grigoropoulos, following an appeal against the decision of the Court of First Instance, finding both defendants guilty, the case was referred to the Court of Appeal of Lamia on 11 Sep 2016. Then, the hearing was adjourned, to be continued on 30 Nov 2016, when it was again adjourned for the hearings of 23 Dec 2016, 10 Jan 2017, 3 Feb 2017 and 7 Mar 2017 respectively. Then, it was adjourned for the hearing of 25 Apr 2017.

#### **Paras. (4c)**

33. At the basic training level, students of the Police Academy Schools are taught the course “Human rights”, as an integral module and part of the courses “Constitutional Law-Human Rights” and “Elements of Constitutional Law-Human Rights and elements of Administrative Law”, by reputable university professors and specialized scientific personnel. Furthermore, lectures have been held on matters such as: (a) Racism-Xenophobia, (b) Immigration in the 21st century: political identities, integration models, borders and boundaries, (c) sensitization on matters related to drug users and HIV/AIDS, (d) human trafficking, (e) fighting discrimination/rights of LGBT persons.

34. At the level of further training, in general, seminars, on-line seminars and lectures on human rights issues are held, both within the country and abroad, with the participation of Hellenic Police personnel, on issues such as: (a) Fundamental Rights and Police Ethics, (b) Management of diversity, (c) Hate crimes, (d) Racist violence against LGBT community members, (e) Tackling racist violence, (f) The fight against discrimination, with a focus on Roma issues, (g) Refugee Law and Legal Protection of Refugees in Greece, (h) integrated management of external borders, specific objective: borders, national objective: EU acquis, (i) Racism, hate speech, etc.

#### **Para. 5**

35. Law 4375/2016 clearly defines the conditions and procedures for the issuance of a restriction of liberty decision until the completion of reception and identification procedures and the subsequent referral to other appropriate reception structures and competent authorities.

36. While decisions ordering detention fall within the mandate of the Hellenic police, the Reception and Identification Service (RIS) has the authority to issue restriction of liberty decisions during reception and identification procedures.

37. After the apprehension and the referral of third country nationals or stateless persons to the Reception and Identification Centre (RIC), the Head of the Centre issues the restriction of liberty decision within 3 days of their entry in the Centre. If the procedures are not completed within this time limit, an extension of the length of time may be ordered, for an additional period of restriction of liberty of up to 25 days, until all reception and identification procedures have been completed. “Restriction of liberty” for up to 25 days during reception and identification procedures is distinct from detention and is regulated by the law. In all circumstances, during all the reception and identification procedures the Head and the staff of the Reception and Identification Service are responsible to ensure: (a) dignified reception conditions, (b) family unity, (c) access to necessary medical assistance and potential treatment or psychosocial support, (d) provision of special care to vulnerable groups, (e) provision of sufficient information on their rights and obligations, (f) access to legal aid, (g) contact with actors of civil society involved in the field of migration and (h) facilitation of contact with family and friends.

38. Generally, the reception and identification procedures are completed much earlier than the prescribed 25 days and the restriction of movement is lifted timely for most of the cases of third country nationals at the RICs (and especially for vulnerable persons and unaccompanied minors).

39. In the case of the latter, a form of protective restriction of movement is applied so as to ensure their own safety and well-being and all procedures are conducted according to relevant legislation.

40. It is to be noted that all competent Departments of the Hellenic Police have been given clear orders and instructions to respect the right of detainees to submit an application for international protection and the possibility for them to exercise the legal remedies provided for by the law. It is to be clarified that no foreign citizen in detention who has applied for international protection may be returned, until his/her application has been examined (wish to submit an application for international protection, registration of the application, first instance examination, examination of the appeal on the admissibility), since Greece fully respects the 1951 Geneva Convention as well as the procedures laid out in EU Directive 2013/32/EU, incorporated into national legislation by Law 4375/2016 “Organization and Operation of the Asylum Service, Appeals Authority, Reception and Identification Service, establishment of the General Secretariat for Reception, adjustment of the Greek legislation to the provisions of Directive 3013/32/EU of the European Parliament and of the Council “on common procedures for granting and withdrawing international protection (recast)” (L. 180/29 Jun 2013), provisions on labour issues for international protection beneficiaries and other provisions”.

#### **Para. 6**

##### *Creation of the Asylum Service*

41. The Asylum Service, already established by Law 3907/2011, became fully operational on 7 June 2013. Despite this significant positive change, during the last years and especially since summer 2015, Greece faced an unprecedented migration influx that was contained much as a result of the EU-Turkey Joint Statement of 18 Mar 2016. Law 4375/2016, adopted on 3 Apr 2016, further regulated the Asylum Service’s operation, also introducing an exceptional application of a special procedure in case of mass arrivals of asylum seekers at the borders or transit zones of ports or airports, or while they remain on Reception and Identification Centres (see art. 60, par. 4 of Law 4375/2016 and relevant Joint Ministerial Decision (no 13257/GG vol. 3455/B/26 Oct 2016).

42. The Asylum Service is structured in a Central Asylum Service, nine (as of 2 Jun 2017) Regional Asylum Offices (RAO’s) and thirteen (as of 2 Jun 2016) Asylum Units (AUs) providing adequate regional coverage. The Asylum Service operates AUs in all Hotspots and Reception and Identification Centers (RICs) as well as in all pre-removal detention centers. The total staff amounts to 673 employees (permanent and contracted). Additionally, the European Asylum Support Office (hereinafter: EASO) has deployed 141 members of own staff and experts from other EU Member States, while the UNHCR has disposed 20 members of staff. Moreover, the work of the Asylum Service is assisted by 25 police officers and around 300 interpreters from the NGO METAdrasi and EASO.

##### *Accessing information on the asylum procedure*

43. Asylum seekers have access to information on the asylum procedure in eighteen languages by visiting the Asylum Service’s website “www.asylo.gov.gr”. The Asylum Service also has social media accounts and distributes free of charge printed leaflets with information (in eighteen languages) for asylum seekers on the islands and the mainland. Apart from the above, a pilot version of the “Asylum Service App” was launched in the spring of 2017. The application provides for useful and easily accessible information to asylum seekers and beneficiaries of international protection.

*Accessing the asylum procedure*

44. Standard procedure for registering an international protection application at the Asylum Service requires the asylum seeker to present him/herself in person at the nearest to him/her Regional Asylum Office or Asylum Unit and submit his/hers international protection application free of charge.

45. Asylum seekers may schedule an appointment via “Skype” for the registration of their application or proceed in person to a Regional Asylum Office and/or Asylum Unit for the registration of the application. This procedure significantly contributed to facilitating access to the asylum procedure as well as to the breaking down of the exploitation rings asylum seekers used to resort to access the asylum procedure before 2013.

*Present situation: hurdles and achievements*

46. To give a short illustration in figures, since the start of operations on 7 Jun 2013 and up to 31 May 2017, 102,184 international protection applications were submitted to the Asylum Service, 51,092 of which in 2016 while the rest 23,652 during the first five months of 2017.

47. Greece’s intake of asylum seekers was one of the highest in Europe in 2016, both in absolute figures and especially in terms of the ratio between asylum seekers and permanent residents, which led to unavoidable delays in having their claims for asylum registered in a timely fashion during 2016.

48. Despite this fact, in general, asylum procedures in Greece aren’t lengthier nor more complex than in other European countries. Nevertheless, especially the “border procedure”, adopted to facilitate the implementation of the EU-Turkey statement, is indeed more complex, given that an additional layer of examination has been added, namely, that of the “admissibility test”. The waiting time between the pre-registration and the full registration of asylum claims, from 2013 until today, is on average 102 days. The waiting time between the full registration of the claim and the issuing of the decision on the claim at the first instance is on average 107 days, while the average time from the lodging of an appeal until the issuing of the decision at the second instance is 118 days. It should be noted that the duration of the waiting time is longer when the claim has been declared inadmissible at the first instance (either because of the application of the concept of safe third country, or because of inclusion in the Relocation Program, or even because of the application of the Dublin Regulation) than when the claim is judged on its merits. It should also be noted that the percentage of asylum claims which have been fully registered and the examination of which is pending for less than six months, is **the highest in the European Union (73% of asylum claims)**. Therefore, the asylum procedure in Greece lasts on average less than in many other EU Member States.

**Para. 7**

49. In the context of the fight against domestic violence, the Hellenic Police has issued a relevant handbook, so that a victim is fully informed on the options regarding his/her protection, the restraining orders that could be imposed against a perpetrator and the criminal penalties provided for. At the same time, in order to effectively addressing domestic violence, Police authorities are collaborating with the National Centre for Social Solidarity (EKKA), which is the national coordination body to grant assistance and protection to victims of violence in the entire country, the General Secretariat for Gender Equality and the social services of Local Government Organizations.

50. Furthermore, the Hellenic Police Headquarters is making an effort to have police personnel constantly participating in educational seminars and events organized by relevant Government agencies or non-governmental organizations, on sensitization and information on matters of violence against women.

**Para. 7 (a)**

51. With regard to the definition of torture and the amendment of art. 137 A of the Criminal Code in order to explicitly include rape, it is to be noted that the (then) Secretary

General for Transparency and Human Rights of the Ministry of Justice, by his letter dated 22 Jun 2016, has requested the Law-drafting Committee which has been established for the reform of the Penal Code to examine the compatibility of the current definition of torture (art. 137 A) with art. 1 of the UNCAT and to examine also the need for an explicit inclusion of rape in art. 137A of the Penal Code. The Law-drafting Committee is comprised of jurists specialized in Criminal Law and Human Rights Law and its work is still in progress.

**Para. 7 (b)**

52. Concerning the provision of adequate assistance and protection to women victims of violence, the General Secretariat for Gender Equality of the Ministry of Interior, is implementing since 2010 the “National Programme on Preventing and Combating Violence against Women”, which is the first comprehensive and coherent national action plan against gender based violence. The “National Programme on Preventing and Combating Violence against Women” refers to all forms of gender-based violence (e.g. domestic violence, rape, sexual harassment, trafficking in women) and is part of the new National Action Plan on Gender Equality 2016–2020 (NAPGE).

53. Within this programme, a network of 62 structures has been established and operates for women victims of gender-based violence. The network includes:

- The bilingual SOS telephone helpline 15900 and the e-mail address [sos15900@isotita.gr](mailto:sos15900@isotita.gr) (both in Greek and English), which operates 24 hours/day, 365 days/year. It is a low-cost nationwide helpline, confidential and staffed by gender-trained counselors;
- Fourty Counseling Centers and 21 shelters all over Greece.

54. The services provided by the above mentioned structures are free of charge and include psychosocial support, legal counseling as well as counseling on labor issues, emergency shelter and, where necessary, legal aid in cooperation with local Bar Associations. In designing and delivering these services, due consideration is given to the need to respond to different social, ethnic, and cultural backgrounds, faiths, states of health, etc. Our goal is to empower women victims of violence and help them to regain self-esteem, thus enabling them to make sound decisions for their future, and ultimately gain independence in their jobs and in their personal and family lives.

55. Counseling services have been expanded to provide labor counseling as well. Furthermore, the target group of all services has also been expanded to include, a part of women victims of gender-based violence, also women victims of multiple discrimination (refugees, single parents, Roma etc.). In order to substantially contribute to addressing the refugee crisis, safe accommodation is provided to refugee women victims of violence or to refugee women at serious risk of gender-based violence and to heads of single parent families with their children.

56. Training seminars will be implemented for the staff of all the structures. The basic services such as sheltering, psychosocial support, legal counseling and legal aid provided by the Counseling Centers and Shelters and the Helpline SOS15900, will continue to be provided in Greek and English. Informational material has been created in cooperation with the UNHCR for women refugees and migrants relevant to the services provided in English, French, Urdu, Kurdish, Farsi and Sorani. Furthermore, information on the existence and operation of the SOS 15900 Helpline has been periodically published in the migrants’ press. For the needs of refugee women, a register of translators-interpreters for languages other than English has been created to serve refugee and migrant women in cooperation with the Center for Research on Gender Equality (KETHI). GSGE has secured funding so that the structures and actions of the above described programme will continue to operate.

57. The priorities of the NAPGE regarding violence against women also indicatively include:

- Training of hospital and social services staff in order to identify victims of violence and trafficking and address their situation appropriately. Also, training and

awareness-raising among police and prison officers on gender issues and special needs of women, including migrant women;

- Establishment of a new department within the General Secretariat for Gender Equality for women who face multiple discrimination, including migrant women;
- Planning for the adoption of a single comprehensive Law on Violence against Women addressing also, in line with human rights treaty bodies' recommendations, violence at work and violence in society (including prostitution, trafficking, cyber-bullying, female genital mutilation and other forms of gender-based violence), which also affect migrant women, as they often face forced labor, domestic violence and trafficking for labor exploitation.

58. In addition, we would like to highlight the effective application of the procedure of criminal mediation (mediation between the victim and the offender) in cases of domestic violence. Victim-offender mediation is considered as a viable alternative to more traditional retributive methods for satisfying victims' needs, without implicating them in time-consuming and arduous court proceedings, which may result in secondary victimization. This procedure has been implemented in several cases resulting in 370 recorded orders for criminal mediation in 2013, 502 in 2014 and 265 in 2015 (1st semester). As shown by our records, more than half of the abovementioned orders have been successfully concluded.

59. Also, in order to guarantee victims' unimpeded access to justice, as provided for in article 1, para. 2 of Law 3226/2004, legal assistance is granted to victims of domestic violence, irrespectively of their income. For the same reason, the obligation to submit a fee for the initiation of criminal proceedings in domestic violence cases has been abolished (article 28, para. 2 of Law 4055/2012). As a general remark, we consider that legislation on domestic violence is effectively applied and that perpetrators are brought to justice and punished.

#### **Para. 7 (c)**

##### **Concerning the implementation of broad awareness raising campaigns**

60. The tasks of the abovementioned structures also include networking with local agencies and relevant associations for joint communication and public awareness programs. The public awareness campaign of the previous programming period included relevant seminars, a thematic conference, informational material in several languages (Greek, English, French, Albanian), TV and radio spots, cultural events, publicity on public transport, entries in the Press, a webpage ([www.womensos.gr](http://www.womensos.gr)) and a Facebook page as well as banners in web pages. Its goal was to promote a zero-tolerance attitude towards violence against women and to widely disseminate information on existing structures and measures regarding the protection of women victims.

61. Special events (information sessions and conferences) have been organized as part of the launching of the regional infrastructures.

62. In the new programming period (2016–2020), a new awareness campaign will be organized. In the design process of the new campaign, special attention is given to meet the needs of people with sight and hearing disabilities (e.g. TV spot, movie and conference totally accessible to people with sight and hearing disabilities).

63. Concerning data on domestic violence crimes (collected from the majority of criminal courts) the following is to be noted.

64. Prosecutions for domestic injury, which is the most usual offence of domestic violence, amounted to 940 in 2013, 1197 in 2014 and 559 in 2015 (1st semester). Prosecutions for domestic threat amounted to 572 in 2013, 571 in 2014 and 310 in 2015 (1st semester). Convictions for domestic injury amounted to 267 in 2013, 307 in 2014 and 199 in 2015.

65. The data collection process is expected to drastically improve after the implementation of the new computerization system of the Courts (a project entitled

“Integrated Civil and Penal Justice Case Management System” (ΟΣΔΔΥ-III) which is developed by the Ministry of Justice, Transparency and Human Rights).

**Para. 8 (a)**

**A. Developments on preventing and combatting thb in Greece**

**Legal Framework/Establishment of the Office of the National Rapporteur on THB:**

66. Greece has intensified efforts to fight trafficking in human beings, through the introduction of three pivotal legal instruments: (1) the ratification of the UN Convention against Transnational Organized Crime and its Protocol/the “Palermo Protocol” (2010), (2) the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (2013) and (3) the transposition of the anti-trafficking EU Directive (2013).

67. The Office of the National Rapporteur on Trafficking in Human Beings (NRO) was officially established in 2013, within the Ministry of Foreign Affairs, following the transposition of the EU anti-trafficking Directive. The Office is mandated to cooperate closely with all competent Ministries as well as with International Organizations and civil society stakeholders and is active in all four pillars of the strategy to combat trafficking (Prevention, Protection, Prosecution and Partnerships).

**Legislative updates**

68. **Formal Establishment of the National Referral Mechanism (NRM) for the protection and support of Victims of Trafficking (September 2016):** Complying with the aforementioned national and international legislation, Greece has already put in place a formal national identification and referral system for victims and presumed victims of trafficking (Ministerial Decision 3003/20 Sep 2016). The Mechanism, supervised by the NRO, operates as a hub for coordinated action and partnership building, among all actors involved in combating human trafficking (state agencies, International Organizations, NGOs). It subscribes to a more inclusive identification regime that brings in additional professionals and stakeholders into the screening and identification process of mixed migration/refugee flows (migration services, labor inspectors, health providers, local administration authorities).

69. **Establishment of a parliamentary committee against human trafficking (June 2016):** The Hellenic Parliament has set up a sub-committee on human trafficking under the Special Permanent Committee for Equality, Youth & Human Rights issues. The Committee is responsible for monitoring developments, legislative updates and the overall implementation of counter-THB policies and measures.

70. **Committee against Commercial Sexual Exploitation (April 2017):** In cooperation with the NRO, the General Secretariat for Gender Equality has set up a Committee of Experts to review the existing legal framework on prostitution and advocate against sexual exploitation and demand for commercial sex acts.

71. **Challenges and Corrective measures:** As the NCHR has underlined, the European Court of Human Rights has recently found, on two occasions related to human trafficking, that Greece had violated Articles 4 and 6 of the European Convention of Human Rights (L.E. v. Greece, 21 January 2016 & Chowdury and others v. Greece, 30 February 2017). In the second case, in particular, the “Manolada case”, Greece was found in violation of Article 4, par. 2 of the Convention (prohibition of forced labour), as the European Court considered that the applicants had not received adequate protection by the Greek State. The reforms of the National Institutional Framework on Trafficking in Human Beings are expected to support more effective prevention and combating of the phenomenon. Competent State agencies study challenges and opportunities for improvements both in the institutional framework and in the procedures applied, that became apparent through dealing with recent cases of human trafficking for forced labour purposes, so as to prevent future violations. Special attention is given to the improvement of the procedures of first-level identification of vulnerable individuals, so as to prevent their recruitment by

organized crime groups. In addition, the prevention and combating of forced labour has received considerable attention during the planning and the implementation of the National Referral Mechanism, and in this context the Labour Inspectorate has been strongly involved in the NRM. Finally, the Office of the National Rapporteur collaborates closely with agencies and organizations that supported and protected the victims of THB in the abovementioned cases, in order to clarify deficiencies and ineffective procedures and apply corrective measures to avoid future human rights violations.

### **Trainings**

72. Training of professionals on first-level identification is an essential part of Greece's anti-trafficking policy. The NRO is stepping up efforts to facilitate capacity-building activities through a strategic partnership with the State Institute of Training (National Center of Public Administration & Local Government) for the implementation of annual anti-trafficking seminars. More than 15 competent state agencies participate in the aforementioned and ongoing anti-trafficking training sessions (labor inspectors, medical personnel, local administration, school teachers, public TV and Radio, border police, Asylum Service, Reception and Identification Service, customs offices, school teachers, judges, protection services). A total number of 247 front-line professionals from the aforementioned state agencies have been trained so far (December 2016–May 2017).

73. At the same time, cooperation with leading international organizations (IOM, UNHCR and UNODC) is under way for carrying out a number of specialized trainings for law enforcement, prosecutors and front-line professionals. Such training, co-organized by the UNODC (United Nations Office for Drugs and Organized Crime) and the NRO, took place recently (April 2017), in Athens and in Thessaloniki, with the participation of more than 80 professionals and NGOs field workers. A similar training took place in May 2017, at the International Airport of Athens, gathering the various stakeholders and professionals of the Airport responsible to identify and refer potential victims of THB.

74. **Awareness Raising Campaigns:** Greece, through various initiatives of the NRO, has embarked on large-scale campaigns to reduce “demand” for services or products extracted from THB victims. This concerns primarily human rights education in schools; partnerships with the private sector for a zero-tolerance consumer ethic; and synergies with the cultural sector.

75. **“BREAKTHECHAIN-BtC”** is an on-going awareness raising platform that brings in the private and the cultural sector into a strategic partnership with the anti-trafficking community in Greece. Part of the Campaign is the “Break the Chain Festival”, an international two-day multidisciplinary festival against Human Trafficking that takes place annually in October, on the occasion of the EU Anti-Trafficking Day. It involves the participation of artists and stakeholders from state authorities, International Organizations, NGOs, universities and the private sector.

76. The Office of the National Rapporteur, in accordance with international standards and best practices, works towards engaging key private sector stakeholders for the promotion and establishment of “slavery-free” supply chains. In this framework, the NRO has signed a Memorandum of Cooperation with the Corporate Social Responsibility Hellas Network (CSR Hellas), aiming at raising awareness and organizing trainings among businesses consumers and employees.

77. Last but not least, the Office of the National Rapporteur, as a permanent member of the National Council against Racism and Intolerance of the Ministry of Justice, Transparency and Human Rights aims at promoting human rights education at schools, in collaboration with the Ministry of Education. The main objective is to educate students at a young age about fundamental rights, sexual and reproductive health.

### **Para 8 (b)**

#### **Assistance to victims of trafficking provided by state agencies**

78. The National Centre for Social Solidarity (EKKA) is a State Organization under the supervision and monitoring of the Ministry of Labor, Social Security & Social Solidarity. It

is funded solely by the State. As a Social Service, its mandate is crisis intervention. In this framework, EKKA offers protection and psychosocial support also to victims of violence, mainly domestic violence and trafficking.

79. The services provided to victims, according to their individualized needs, are:

- Shelter to women victims;
- Counselling/Psychotherapy;
- Social Support;
- Material assistance;
- Mediation to Health care;
- Mediation to Legal Counselling;
- Mediation to Legal Representation;
- Mediation to Issuing of residence permit;
- Repatriation procedure;
- Translation services.

80. EKKA operates one (1) emergency shelter in Attica for women and girls — victims of violence, as well as two (2) short term shelters in Attica and Thessaloniki (*part of which operates also as an emergency shelter for the region*). The two latter are funded by the National Structural Fund, in cooperation with the Region of Attica and Central Macedonia, respectively, as well as the General Secretary of Equality of Sexes. In the shelters, integration actions are organized, such as Greek lessons and orientation in the Greek administrative system as well as tutorial lessons for the children who go to school. Additionally, a small nursery school with specialized nursery school teachers operates in the shelter.

81. The General Secretariat for Gender Equality (GSGE) of the Ministry of Interior, as the competent state entity regarding combating violence against women, is implementing the “National Program for the Prevention and Combating Violence against Women”, which is the first comprehensive and coherent national program and was funded by the National Strategic Reference Framework (European Social Fund). The total project budget for the period 2010–2015 reached EUR 28,000,000 and it is allocated to combat all forms of gender-based violence, including trafficking.

82. In the new programming period (2016–2020), the GSGE has secured funding so that the structures and actions of the above described program will continue to operate. Services will be expanded to provide labor counseling. The target group of the services will be both women victims of gender-based violence and women victims of multiple discrimination (refugees, single parents, Roma etc).

83. The services provided to the victims by the structures (SOS helpline, Counseling Centers and Shelters) include psychosocial support, legal counseling as well as counseling in labor issues, emergency shelter and, where necessary, legal aid in cooperation with local Bar Associations. Networking with local agencies and relevant associations is also provided.

84. These services are provided by the 62 state structures of the network against violence that was established by the above-mentioned program. This network includes the SOS telephone helpline 15900, 40 Counseling Centers and 21 Shelters in operation throughout the country.

85. The abovementioned services are dedicated to all forms of gender-based violence against women (domestic violence, sexual harassment, rape, trafficking in women for sexual exploitation, etc).

86. The number of women who had visited all the above-mentioned structures from the beginning of their operation until 31 Dec 2016 is 53 women victims of trafficking and 12 victims of prostitution. All the structures provide help to victims regardless of whether they

have been identified by the public prosecutor or not, only by their statement that they are victims of trafficking. The SOS telephone helpline 15900, since the beginning of its operation on 11 Mar 2011 until 11 Jan 2017, has received 13 calls from trafficking victims and 12 calls from victims of prostitution, given that GSGE considers prostitution a form of violence.

87. The above structures provide services only to adult women victims of gender based violence. All structures (Counseling Centers, Shelters and the 15900 SOS Helpline) were established and formed under strict terms to support special needs of people with physical disabilities.

88. Furthermore, the GSGE has developed and is currently operating a Monitoring Mechanism (Observatory) for strengthening gender perspective and achieving the goal of gender equality in the planned and implemented policies. The Mechanism, apart from the monitoring system of policies of all agencies of the Government and local authorities and Regions, has also a rating system of policies results regarding gender (gender impact assessment). The follow-up and evaluation of the policies is based on statistical data and the development of gender indicators according to the UN (12 critical areas of the Beijing Platform for Action) and EU criteria.

89. The GSGE in cooperation with the National Statistical Authority publishes monthly newsletters on issues covering 12 thematic areas and raises awareness about the existing gender gaps in all fields of life. In the March 2017 Newsletter which deals with trafficking issues, in 2014, in a total of 64 trafficking victims, 16% were men and 84% were women, according to Hellenic Police data. In 2015, in a total of 50 victims of trafficking, 34% were male and 66% were female, according to Hellenic Police data.

90. **Concerning the elimination of root causes of trafficking in persons**, on 27 Apr 2017, by decision of the Secretary General for Gender Equality, a Working Group of 21 Experts has been established, to prepare proposals and legislative interventions to protect women and girls from prostitution in accordance with the Swedish model.

#### **Para. 8 (c)**

##### **Cooperation with countries of origin, transit and destination**

91. The Office of the National Rapporteur on THB promotes public-private partnerships between state agencies, NGOs, International Organizations and other stakeholders in EU projects. In this framework, the Office participated as Associate Partner in the TACT Project 2015–2016 (*Transnational Action-Safe and Sustainable Return and Reintegration for Victims of Trafficking returning From Greece, Italy, France, Poland and Spain to Priority Countries/Albania, Morocco and Ukraine*). TACT project was implemented by the International Organization of Migration (IOM) and primarily funded by the European Union Asylum, Migration and Integration Fund (AMIF).

92. The Project aimed to provide assistance helping returning victims of trafficking from France, Italy, Greece, Spain and Poland to resettle to the 3 priority countries of the project, namely Albania, Morocco and Ukraine. The project lasted 18 months and was completed in May 2016. The Project Outcomes included the organization of information meetings with the 3 priority countries representatives based in the 5 participating EU Member States within Embassies and Consulates. The project also supported capacity-development processes between EU MS and the priority countries for improving national and transnational cooperation and exchange of information between responsible authorities, in strategic partnership with civil society. This approach aimed at ensuring that identification, referral and assistance mechanisms are set up, including for returning victims of trafficking, who need a dedicated support upon return in their countries of origin.

93. The project addressed the issue of safe and sustainable return and reintegration of children and adult victims by developing a coordinated victim-centered transnational approach, targeting the abovementioned countries.

94. The TACT project assisted up to 15 victims of trafficking, either adult or minor, returning voluntarily to one of these priority countries. In the context of the TACT Project,

the Office of the National Rapporteur, in cooperation with IOM- Athens, organized information meetings with the 3 priority countries' Consulates in Athens as well as an information meeting with partners (competent state authorities and NGOs) in November 2015 and participated in 2 launch events of the Project (Albania/October 2015 and Paris/July 2015).

95. As regards the updated statistical data on trafficking in human beings, including the number of submitted complaints, prosecutions, convictions and acquittals, the information, relating to the period 2013–2015 is as follows.

96. Statistics on Trafficking (Articles 323A' P.C. "Trafficking in persons" and 351 of Penal Code "Trafficking in human beings", regarding-inter alia-sexual exploitation of women and children, forced labor etc., as applicable):

	2013	2014	2015
Criminal prosecutions for sexual exploitation	36	35	32
Criminal prosecutions for forced labor etc.	6	5	5
Convictions at first instance for sexual exploitation	39	12	12
Convictions at first instance for forced labor etc.	7	1	3
Acquittal decisions for sexual exploitation	13	7	5
Acquittal decision for forced labor etc.	3	3	1
Suspended sentences for sexual exploitation	34	9	16
Suspended sentences for forced labor etc.	8	2	1
Appeals against the judgments at first instance for sexual exploitation	17	10	7
Appeal against the judgments at first instance for forced labour etc.	0	1	0
Convictions at second instance for sexual exploitation		1	6
Convictions at second instance for forced labor		1	0

97. Tackling effectively trafficking in human beings is achieved by continuously training police officers and reinforcing cooperation on the exchange of relevant information. More specifically, the Hellenic Police Authorities are making good use of international police cooperation to exchange relevant information and, within that framework, in 2015 and 2016, they have sent 31 requests for information regarding cases of trafficking in human beings both to EU member states (via Europol) as well as to third countries (via Interpol).

Relevant data are as follows:

<i>Year</i>	2013	2014	2015	2016
Cases	37	36	32	25
Victims	99	64	50	46
Perpetrators	142	125	117	99
<i>Type of exploitation per year</i>	2013	2014	2015	2016
Labor exploitation	6	4	3	3
Exploitation of begging	5	2	3	4
Sexual exploitation	24	30	26	18
<b>Total cases</b>	<b>37</b>	<b>36</b>	<b>32</b>	<b>25</b>

#### Para. 9

98. The National Commission for Human Rights (NCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection. It was established by Law 2667/1998 in accordance with the UN Paris Principles and has been operating since January 2000. The Commission enjoys "status A" accreditation by the Global Alliance of

NHRIs. Its members are nominated by independent authorities, NGOs, universities, bar associations, the Parliament, political parties, trade unions, and the Administration (without the right to vote).

99. The mission of the NCHR is to constantly monitor human rights protection and promotion, formulate relevant policy proposals, submit reports, recommendations and proposals on human rights issues, inform the public and advance research on such issues, and to cooperate with international organizations active in the field of human rights, as well as with other NHRIs. The NCHR does not have the mandate to examine and decide on individual complaints alleging a violation of the CAT; such complaints may be lodged before the Office of the Ombudsman.

100. It is to be noted that recent legislative amendments have further strengthened the Commission in the discharge of its mandate, including with regard to state financing of its operation.

101. During the last years, the NCHR has been very active in discharging its tasks, including on issues falling within the scope of the UNCAT. The Commission has adopted a number of recommendations on the impact of the economic crisis on the enjoyment of all human rights, focusing both on the national and the European dimensions of the crisis. It has paid particular attention to the fight against racism and adopted a number of in-depth reports. In this context, the NCHR, in cooperation with the Office of the UNHCR in Greece, NGOs and other bodies created, in 2011, the "Racist Violence Recording Network" for the documentation of racist incidents. Furthermore, the NCHR has also considered issues such as the accountability of law enforcement personnel, conditions of detention of irregular migrants, the rights of refugees and asylum seekers, protection of unaccompanied minors, the fight against trafficking in human beings, domestic violence and violence against women, the rights of the child, the situation of the Roma, etc.

102. Furthermore, the NCHR closely cooperates with UN Special Procedures, in particular in the context of visits to Greece by Special Procedures mandate holders, as well as with regional human rights bodies. The work and the recommendations of the NCHR are very often referred to in the reports of universal and regional human rights mechanisms and the decisions and judgments of quasi-judicial and judicial bodies. (NCHR reports have been referenced in more than 30 judgments of the European Court of Human Rights concerning Greece). In its relevant reports, the NCHR takes fully into consideration and explicitly refers to the recommendations of the Committee against Torture.

### **Article 3**

#### **Para. 10**

103. Despite the pressure exercised on Greece to return large numbers of irregular entrants to Turkey, practically no asylum seekers were returned to Turkey, unless their claims had been examined on their merits, or unless they had withdrawn their asylum applications or not made asylum applications. Since March 2016, and with the exception of very few persons who may have been returned to Turkey who however had not applied for asylum, the principle of non-refoulement has never been violated.

#### **Para. 11**

##### **(a) Number of asylum applications registered**

104. By 31 May 2017, 102,184 claims for international protection had been registered by the Asylum service. This number of claims represents a 587.8% increase since the beginning of the Asylum Service's operation. Syria, Afghanistan, Pakistan and Iraq are the main countries of origin of asylum seekers in 2017. According to the most recent EUROSTAT data, the number of asylum seekers per million of inhabitants places Greece proportionately in second position as a receiving country. Of the registered asylum seekers, 32,983 are women, 69,201 are men and 32, 272 are minors. 0.5% of the asylum seekers are

over 65 years old, while the highest percentage of registrations (49,2%) was found between the ages of 18 and 34 years old.

105. The most recent statistical data on asylum applications are annexed to this report, updated until 30 September 2017.

**(b) Number of applicants in detention**

106. Especially during the first months of 2016, asylum claims submitted by asylum seekers in detention, even though prioritized, required a longer period of time to be registered, given the overwhelming numbers of persons claiming asylum in the mainland and in the islands. According to the data of the Asylum Service, however, in March 2017 the average duration of the examination of those detained in Elliniko pre-removal centre was less than a month.

107. According to the data of the Asylum Service, 2,829 asylum applications were registered in 2016 by persons who were detained at the moment of filing their application for international protection. The vast majority of these applicants (2,670 persons) were under administrative detention while only 159 persons were detained on criminal grounds. Respectively, during the first five months of 2017, 2,045 persons registered an international protection application while under administrative detention and another 256 persons while under criminal detention.

**(c, d) Number of applications accepted on accounts of torture or fear of torture in the future**

108. During 2016, according to the data of the Asylum Service, 577 applicants claiming to be “Victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation” were identified as such in the electronic platform “Alkyoni” of the Asylum Service their claim being based either to the applicants’ statements or based on the submission of relevant documentation by the applicants. 52 applicants who were characterized in “Alkyoni” as: “Victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation” were granted international protection during 2016 after first instance examination of the application.

109. During the first five months of 2017, 711 applicants were characterized in the electronic platform “Alkyoni” as “Victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation”. Respectively, 91 such applicants received international protection after first instance examination of the application.

**Para. 12**

110. As far as the practice of foreign judicial authorities on the provision of diplomatic assurances towards the Greek authorities in case of extradition requests is concerned, in most of the cases, assurances are granted at the time of submission of the request for extradition. In case assurances are not provided or when extradition requests come from states which have not ratified the relevant conventions, common practice of the competent Greek authorities is to refuse extradition.

**Para. 13**

111. The specific UNHCR document referred to in the List of Issues was published two years before the establishment of the Asylum Service. We believe that the data mentioned above regarding the results achieved by the Asylum Service in terms of the numbers of international asylum applications registrations and of the relevant decisions issued within four years of operations marking an average 42,7% recognition rate of international protection beneficiaries should provide sufficient evidence of efficiency, despite any unavoidable shortcomings.

112. Regarding provision of free legal assistance to applicants, Law 4375/2016 (article 44 para. 3), regulated the provision of legal assistance free of charge at the stage of administrative procedure at second instance before the Appeals Authority. In application of the abovementioned provision, the relevant Joint Ministerial Decision (no

12205/16.8.2016/GG 2864/B'9 Sep 2016) issued, provided for the creation of a relevant roster of lawyers kept by the Asylum Service. Such roster has recently been established following a written exam and the lawyers included therein already provide their services to asylum seekers.

113. The NGO “Metadrasi-Action for Migration and Development” has been providing interpretation services in the Asylum Service by contracts for time periods covering 2014 to 2017. Furthermore, the European Asylum Support Office has been providing interpretation services to the Asylum Service in the context of implementation of the relocation program as well as of the procedure of examination of international protection applications submitted on the islands.

## Articles 5 and 7

### Para. 14

114. In 2016, there has been no extradition request towards the Greek authorities related to individuals suspected for having committed acts of torture.

## Article 10

### Para. 15

115. Reception and Identification Service personnel attend regularly seminars, conferences and workshops organized by the European Asylum Support Office (EASO) on international and European migration law and various thematic units regarding migration, asylum procedures, reception of applicants etc. Similar training sessions that RIS personnel have attended, have been organized by UNHCR and various UN offices, NORCAP (Norwegian Capacity), IOM, EU Fundamental Rights Agency (FRA).

### Para. 15 (a)

116. PRISON STAFF: A number of initiatives in the field of correctional staff training have been undertaken since 2015, aiming at developing human resources and empowering prison personnel in performing their tasks. Initial and life-long training programs have been organized in cooperation with competent public bodies for all staff levels and coherent efforts are made in order to restructure the training curricula in order to meet the various needs of prison employees.

117. Initial training: Two (2) courses for custodial staff and external prison guards, of 120 hours duration each, were organized in 2016 (School for Correctional Staff) and initial training courses are planned to continue in order to cover all needs.

118. Life-long training: Training courses are organized in cooperation with the Institute of Training (INEP) of the National School of Public Administration (EKDDA) which is the national body responsible for public servants' training. Two training modules and in total eight (8) training seminars have been scheduled for the first semester of 2017 and a total of more than 200 prison officers will participate, under the titles: “*Mental health and prevention of serious incidents in prison*” and “*The role of prison staff in treatment and reintegration of prisoners*”. Life-long training in cooperation with EKDDA is planned on a long-term basis. Additional training courses are planned and training material has already been drafted. It is to be noted that the NCHR, emphasizes the need for such training and supports life-long training initiatives, which are necessary for the staff, in order for them to deal with the various problems and situations that arise in daily living in prison, as well as with the prisoners, within the framework of their duties.

119. Moreover, under the Technical Assistance programme of the Austrian Federal Ministry of Justice, a number of training programmes are planned to be implemented in 2017 with the participation of Austrian experts in prison management and reform.

120. Meetings and training events have been organized for higher level prison staff, such as prison directors and chief prison wardens. Every semester, prison directors have a one-

day meeting in order to share developments and coordinate future activities. Further, in cooperation with the Criminal Law Cooperation Unit of the Council of Europe, a two day seminar for prison directors was held in December 2016, with the participation of European experts on prison management and in the framework of the ongoing cooperation between the General Secretariat for Crime Policy and the Council of Europe.

121. For chief prison wardens as well as for prison scientific personnel, five (5) training two-day programs were implemented on drug rehabilitation and on mobilizing drug addicted prisoners to participate in treatment programmes in prisons. These programmes were organised in collaboration with the Swiss VEBO Association.

122. Specialised training for all external prison guards is scheduled for 2017, to be implemented by the educational departments of the Hellenic Police.

123. Tertiary education: A course of study on issues of correctional policy and prison management is planned as part of a university degree on public service management that will be offered by the Hellenic Open University for public servants and a memorandum of cooperation has been signed in 2016 between the Ministry of Justice, Transparency and Human Rights and the Hellenic Open University. The Ministry of Justice will offer scholarships for 20 prison officers each year, students of the above course.

124. As regards the content of training, particular emphasis is placed on issues related to international standards and commitments of international conventions, as well as on the prevention of serious incidents, including ill-treatment, sensitisation on vulnerable groups (women, young people, foreign nationals, drug addicted, mentally ill, elderly, non-heterosexual prisoners), intercultural understanding, suicide prevention and dynamic security. The expertise of the Greek Ombudsman is expected to be utilized in drafting and implementing prison training programs and for this reason a memorandum of cooperation was signed in 2016 between the Ministry of Justice, Transparency and Human Rights and the Greek Ombudsman.

125. Probation staff: Considerable attention has also been paid since 2015 to the training and human development of probation staff in order that their role in implementing community sentences is strengthened and their position in the criminal justice system enhanced, with the view to increasing the overall use of non-custodial sentences.

126. In cooperation with the Institute of Training (INEP) of the National School of Public Administration (EKDDA), two (2) training modules and a total of six (6) training programs were developed in 2016 and all probation staff was accordingly trained. Moreover, within the framework of the Technical Assistance programme, 25 probation officers were trained as trainers for the rest of the probation staff. A 14-days training programme was implemented with the participation of experts from Greece, United Kingdom and Austria. A training manual was also issued, titled "*Practical Guide for the work of the probation officers for juveniles and probation officers for adults*" which was distributed to all probation officers countrywide.

127. JUDICIARY: The same priority, however, is given by the Ministry of Justice, Transparency and Human Rights to the basic and continuing training of the judiciary, as regards the State party's obligations under the CAT. In the light of the above, within the framework of the training activity of the National School of Judges (E.S.DI.), a seminar was organized in May 2013 entitled "Foreigners-Citizenship-Asylum (Special Issues Disputes at the Administrative Courts)". More specifically, the seminar which examined critical issues concerning the obligations of Greece under the Convention, was addressed to National School of Judges students.

128. Also, it should be stressed that, under the cooperation of the Ministry of Justice, Transparency and Human Rights with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), there has been promoted, with European Commission funding, the conclusion of a Memorandum between the ODIHR and the National School of Judges with a view to: a) training 25 Prosecutors as trainers in PAHCT (Prosecutors and Hate Crimes Training) programme of ODIHR, b) adjusting the PAHCT educational material to the national situation in Greece and the creation of a customized course and, last, c)

permanently integrating this customized course into its existing training structures using the trained trainers.

129. In this framework, in 2016, students of the 21st class of the National School of Judges — direction of civil-criminal justice and of administrative justice — attended a seminar organized by the Greek Council for Refugees with the title “Hate Crime Management”. As to the year 2017, the National School of Judges has included lessons on racism and xenophobia as well as on crimes of violence issues with emphasis on acts of torture in its initial education curriculum for judges and prosecutors.

130. All Hellenic Coast Guard’s personnel, as well as the participants in the activities coordinated by Frontex at the external sea borders of Greece, perform their duties in full compliance with national legislation and the applicable international and European law.

131. Additionally, the Hellenic Coast Guard Academy has elaborated and incorporated a new amended curriculum in compliance with the European Common Core Curriculum of Frontex, which includes a specific module for the protection of Fundamental Rights and a chapter about the prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In the same direction, all HCG’s Academies are planned to adopt the Common Core Curriculum (CCC) of Frontex too.

132. Furthermore, since 8 Aug 2013, a circular has been issued with clear instructions for the prevention and prohibition of torture and other cruel, inhuman or degrading behavior by the HCG’s personnel.

133. Moreover, a Fundamental Rights Officer has been designated as a contact point for HCG and Frontex on respective issues and one of his/her main duties is to monitor the implemented disciplinary procedures in cases of potential violation of fundamental rights by HCG’s personnel.

134. Finally, the Hellenic Coast Guard has established close cooperation with respective stakeholders and international organizations, especially in the field of organizing common training activities aiming to the promotion of awareness by the personnel on topics related to the full and efficient implementation of national, EU and international human rights protection system.

#### **Para. 15 (b)**

135. In cooperation with the Criminal Law Cooperation Unit of the Council of Europe, a two-day training seminar is being organized for medical staff (including doctors and nursing staff) of prison establishments entitled “*Prison health care and medical ethics*”.

136. On paras. 15(a) and 15(c), see also under Para. 4 (c) here above.

### **Article 11**

#### **Para. 16**

137. Law 4375/2016 (FEK A’-51/3 Apr 2016) “Organization and Operation of the Asylum Service, the Appeals Authority, Reception and Identification Service... and other provisions” introduced significant changes to the management of migration flows and, in particular, to the asylum procedure, through the establishment of the Reception and Identification Service, which also comprises Reception and Identification Centres in the islands of Lesbos, Chios, Samos, Leros and Kos. This legislative initiative, combined with the EU-Turkey statement dated 18 March 2016 (readmission to Turkey), had as a result that the detention of migrants having just entered the country is subject to the requirement of ensuring at the same time the necessary institutional guarantees of respecting the human rights of those foreign citizens subject to the readmission procedure.

138. Regarding further handling of foreign citizens who are not immediately readmitted to Turkey for various reasons, and especially those who remain for twenty five (25) days at the Reception and Identification Centres because of the lack of pre-removal detention centres in the islands of the Eastern Aegean, a series of relevant orders have been issued, so

that decisions on deportation/re-admission (based on the re-admission procedure) be suspended, by virtue of article 78 of Law 3386/2005 and article 22 par.3 of Law 3907/2011 (alternative means, more favourable provisions), with the obligation for the foreign citizens concerned to remain at a specific area (organized hosting areas such as Kara Tepe in the island of Lesbos) and, in addition, not to depart from the island where they are located.

**Para. 17**

139. Greece has ratified by Law 4228/2014 (GG 7, v. A') the Optional Protocol to the Convention against Torture (OPCAT). According to the provisions of Laws 3094/2003 (GG 10, v. A') and 4228/2014, the Greek Ombudsman, as the National Prevention Mechanism against torture and other cruel, inhuman or degrading treatment or punishment, may carry out visits to all detention facilities, without notice, any day (work day or not) and time. Also, the Greek Ombudsman can collect information by every available means, such as examination of persons (direct contact with prisoners, with or without the presence of third parties, or staff), taking pictures, accessing any file, document, item or folder and take copies of them. Furthermore, in May 2016, a Memorandum of Cooperation between the Ministry of Justice, Transparency and Human Rights and the Greek Ombudsman was signed, aiming, inter alia, at the enhancement of transparency and accountability in prisons and the enhancement of the relevant role of the Greek Ombudsman against ill-treatment.

140. For purposes of strengthening transparency and accountability in prison facilities, in line with the NCHR's concern,<sup>3</sup> the following initiatives have been taken:

- Appointment of a new Inspector, Head of the Monitoring and Control Body of Prison Establishments of the Ministry of Justice, Transparency and Human Rights;
- Legislation to provide more strict sanctions for cases of violence both between inmates and against staff (Law 4322/2015);
- Introduction of legislation appointing the Greek Ombudsman as National Investigation Mechanism of Incidents related, inter alia, to prison staff arbitrariness (Law 4443/2016, see above under Para. 4b);
- Ministerial Decision on monitoring and ensuring proper financial management within the prison facilities (MD 31271/2016, GG 1206, v. B');
- Operation of the Integrated Information System for the interconnection of prisons.

141. As regards visits to the Reception and Identification Centres and Open Accommodation Facilities, apart from the collaborating NGOs, whose visit requests are prioritized, other NGOs working in the field of migration are called upon to submit their visit request to the competent department; such request is being examined on an ad hoc basis, in relation to the facility's/centre's weekly schedule.

142. Removal procedures are subject to an external control system, operating under the auspices of the Greek Ombudsman, which collaborates for that purpose with international organizations and NGOs [Joint Ministerial Decision (K.Y.A.) no.4000/4/51-ia' /GG B'-2870/24 Oct 2014)]. Foreign citizens under detention are provided with "Information Notes" so that they may be informed in a language they understand of their rights regarding detention and the asylum procedure. Furthermore, representatives of the NGO "Greek Council for Refugees" have daily access to all detention areas and contact irregular migrants, so that the latter's access to the asylum procedure and their representation, while their requests are being examined, are ensured. It is to be noted that this also applies to representatives from other actors involved in migration matters, such as the UNHCR or other NGOs.

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<sup>3</sup> The NCHR also notes that the disciplinary framework for prisons' staff needs to be strengthened in terms of accountability and effective protection and security of personnel and prisoners. It must be noted that, for the time being the Civil Servants' Disciplinary Code is also applicable to prisons' staff. The Secretary General for Crime Policy has also the authority to order a preliminary administrative inquiry from the competent prosecutor.

## Paras. 18 and 19

### Prison facilities

143. Overcrowding: Reducing the prison population is a humanitarian issue that reflects on the duty of a democratic state to care for its citizens especially the most vulnerable, while adhering to the basic principles of security for prisoners and staff, humanism and reintegration. Recent legislative initiatives (Law 4322/2015, GG 42, v. A', Law 4356/2015, GG 81, v. A', and Law 4411/2016 (GG 142, v. A')) have resulted to a considerable decline in prison population through early release provisions and special release measures for disabled and seriously ill prisoners, while they also landmarked the beginning for a more global approach to the penitentiary system (see also the report of the Greek Ombudsman, acting as a National Preventive Mechanism under OPCAT).<sup>4</sup> Prison density fell from 121.4 inmates to 97.6 according to recent European statistical data. More specifically the number of prisoners has dropped by 19% (from 11,798 in 1 Jan 2015 to 9,573 in 2 May 2017, see above under Para. (2) and remains steady until today. This stabilization is considered particularly important for further interventions to improve living standards in prisons and for purposes of ensuring the necessary conditions for the proper administration of the prison system. The decongestion of prisons is expected to continue through recent Law 4489/2017 (GG 140, v.A').

144. In parallel, important measures were introduced for restricting detention of minors only in cases of serious offences (rape and murder, see also above under Para. 2). Furthermore, since 2012, a number of legislative enactments promoted the use of non-custodial measures such as electronic monitoring and the increase in the use of suspension and conversion of prison sentences into pecuniary penalties and community service (see above under Para. 2).

145. As regards new prison spaces, in 2016 a prison wing in Chania Prison accommodating 120 inmates became fully operational, while in 2017 a prison wing in Nigrita Serron Prison accommodating 120 inmates became fully operational, as well. Funding was also secured for the construction of the building for vocational training of detainees in Chania prison. Moreover, although it is acknowledged that construction of new prisons alone is not a sufficient policy to curb overcrowding, funding was secured for the continuation of the construction of the new prison facility in Neapolis (Crete), while the new prison facility at East Macedonia-Thrace (in Nikiforos Drama) is completed.

146. Special emphasis is placed on rural prison facilities, as the NCHR has also proposed, and a number of reform initiatives and actions have been undertaken with a view to reinforce reintegration and self-financing of structures. These reform actions promote prisoners' employability rate and the acquisition of work skills, while they are also expected to contribute to curtailing overcrowding. Importantly, the first rural department for women detainees has been established in the premises of the women's prison at Eleonas Thivon and became fully operational, in 2017.

147. Living, material and sanitary conditions: The reduction in prison overcrowding has led to a considerable relief and subsequent improvement of living conditions in prisons. Moreover, overcrowding relief measures were combined with initiatives for improving living conditions and supporting rehabilitation, through refurbishment of existing establishments, health services' enhancement, development of educational, training, athletic and cultural activities for inmates, training programs for staff (see above, under Para. 15) and strengthening transparency and accountability (see above, under Para. 17).

<sup>4</sup> The Greek Ombudsman stresses out, that after the implementation of the provisions and in the context of a first assessment, the prospects look promising, while the penitentiary issues must be evaluated in the light of the overall operation of the penal system with its separate aspects, i.e. legislative, judicial and correctional, in the framework of a mid-term penal and correctional policy, a priority which the administration seems to grasp in principle (Greek Ombudsman, National Preventive Mechanism, Special Annual Report 2015, p.g 3 Greek Ombudsman).

148. New areas have been designated and refurbished in a number of prison establishments for educational and training purposes, such as in the prisons of Nigrita Serron, Patras, Malandrino and Ioannina.

149. Worth noting is that disciplinary cells in Patra and Kerkyra prison have become non-operational and new areas for these purposes have been designated following recommendations by the Greek Ombudsman and the CPT. Recently, a guideline has been issued by the Secretary General for Crime Policy strictly restricting the use of disciplinary cells for juvenile prisoners in the Corinth juvenile detention facility.

150. Furthermore, it is to be noted that frequent disinfestations take place in all prison facilities and all measures necessary are taken, in order to ensure the appropriate level of hygiene and cleanliness conditions. Also, in all prison facilities, the competent Sanitary Inspectorate of the Region conducts controls with the participation of a representative of the local Medical Association. These controls are carried out on a regular basis, every four months, and in exceptional cases, whenever it is necessary, according to a judicial order or a decision of the Health Inspector of the Ministry of Justice or the Sanitary Inspectorate of the local prefecture or the administration of prison facility. The procedure is initiated by the competent magistrate, who is present at the inspection.

151. Health care: To improve health services in prison facilities, the Ministry of Justice has established close cooperation with the Ministry of Health for purposes of planning comprehensive interventions for the rationalization of the health care system at both primary and secondary level. More specifically, there has been a mapping of health care services in all prison establishments. Following initiatives by the Ministry of Health in 2014, twenty five (25) local prisons were included as Special Peripheral Medical Centers (E.P.I.) in the national network of primary health care. Accordingly, doctors were appointed by the Ministry of Health at a number of prisons both as general and as rural doctors. Additionally, a number of 11 doctors were recruited in 2016 and are now employed by the Ministry of Justice; 4 of them are appointed at Korydallos Prison Hospital.

152. Moreover, improvements were made to Korydallos Prisoners' Hospital. Indicatively: (1) the interior of the building was fully renovated. Similarly, in 2017 the renovation of the external part as well as the visiting area was completed; (2) The medical and nursing equipment was renewed, following a donation by the Hellenic Parliament, and reinforced by unused stock from a prison facility; (3) The prisoners' entertainment room was equipped with chairs and a library. Also, the doctors' offices and the Administration offices were equipped with furniture; (4) Seats (benches) and basketball equipment were placed; (5) New bed linen was supplied, while new air conditioners were installed and the rest was repaired. A joint committee has been established with representatives from both the Ministries of Health and Justice to examine the integration of Korydallos Prison Hospital into the National Health System and to complete the plan for the development of adequate health services in all prison establishments throughout the country.

153. Finally, cooperation has been developed with the Region of Attica, University departments and specialized scientific bodies for organizing health care programs in Korydallos prison complex, especially for screening prisoners for transmittable diseases and tuberculosis.

154. Psychiatric care: The integration of Korydallos Psychiatric Hospital for Prisoners in the National Health System has already been planned and the implementation of the scheme is expected to be completed within 2017. Moreover, cooperation has been developed with non-governmental organisations offering psychiatric primary health care on a local level in order that they incorporate local prison population in their activities. Finally, a pilot programme for the provision of distance psychiatric services (tele-psychiatric services) is under way with the cooperation of the 2nd Health Region and is expected to be implemented in 3 prisons in the course of 2017.

155. Training of prison staff on mental health issues and the distribution of the practical guide on suicide prevention and information on the relevant role of the personnel that have been mentioned above is expected to improve the treatment of prisoners with mental health problems.

156. Drug treatment: Within the framework of promoting drug treatment policies within prisons, a new therapeutic community KETHEA-PROMETHEUS began to operate, as the first treatment unit housed in an independent wing in Thessaloniki prison facility.

157. Moreover, a new ministerial decision in 2016 increased the categories of drug addicted prisoners and provided the possibility for remand detainees to be transferred to the Therapeutic Centre for drug addicted prisoners, at Eleonas Thivon. This facility is a detention centre of the Ministry of Justice offering a full range of detoxification and rehabilitation services for drug addicted offenders, including support for reintegration and after care.

158. Furthermore, the number of drug treatment programs and consultation centers which operate within prisons has increased to 24 in total. These programs are run by the recognized treatment organizations, namely Therapy Center for Dependent Individuals (KETHEA), Organization Against Drugs (OKANA), 18 Above — Psychiatric Hospital of Attica and Psychiatric Hospital of Thessaloniki. Moreover, opiate substitution treatment programs were introduced in 2014 in two facilities (Korydallos and Patras Prison) and are operating under the Organization Against Drugs.

159. An information leaflet was recently published and is distributed to prisoners, offering information on available drug treatment programs in prisons and all rights and obligations regarding such a transfer. This material, coupled with the relevant training that has been provided to scientific personnel and chief prison wardens (see above under Para. 15) is expected to increase visibility of the treatment programs and subsequent demand for participation.

160. Other initiatives in the area of preparation of release, support and treatment of prisoners: Also of high priority is the facilitation of the social reintegration of prisoners through the enhancement of existing and the development of new educational and training, cultural opportunities for inmates.

161. Educational institutions in prison facilities are promoted in cooperation with the Ministry of Education, such as the Second Chance Schools (SCS) and distance learning. Since 2015, four new Second Chance Schools (SCS) have been established (in Korydallos Prisoners' Hospital, for HIV-positive prisoners, department of the "George Zouganelis" SCS of Korydallos, in Chania, Nigrita Serron, Malandrino and Corfu prison facilities) as well as the autonomous SCS in Patras prison facility. The SCS in Domokos prison facility has also reopened. For the moment, 10 SCS are operating.

162. In order for the State to respond to the educational needs of young detainees, Primary Schools and Secondary Schools are operating in all detention facilities for young offenders, while Lyceums operate where there is a need to cover this level. In 2016, a Lyceum operated at the detention facility for young offenders in Avlona and Corinth, while a primary school was established and operated in Eleonas Women's prison facility.

163. In addition, a memorandum of agreement has been signed with the Hellenic Open University to ensure, *inter alia*, 20 places/scholarships for prisoners to participate in undergraduate University diploma programmes. Cooperation has also been developed with OAED Manpower Employment Agency to implement training programmes in prisons and enhance productive activities.

164. Similarly, cooperation has been established with the General Secretariat for Sports. Athletic programmes were introduced in 2016 in seven (7) prison facilities, while this project is about to be implemented in all prison facilities in the course of 2017.

165. Under the policy for humane prisons as well as for purposes of smooth rehabilitation, family visiting areas have been established in a number of prison facilities. In specially designated areas outside the detention wings in Grevena, Patras, Nigrita Serron, Chania and Eleonas Thivon, prisoners can meet with their families in free visiting areas and particularly child-friendly spaces. In addition, an "e-visiting" possibility (via skype) has been introduced, at Grevena prison facility, while at the same prison, a pilot project on the possibility for "conjugal visits", in specifically designated, designed and equipped space, will soon be applicable.

166. Moreover, the General Secretariat for Crime Policy has particularly invested on cultural activities in prisons, establishing, inter alia, a channel of communication of prisoners with society. Indicatively: (1) Cooperation has been established with the National Theatre and the National Opera House and relevant cultural programmes have been implemented in prison facilities; (2) Radio broadcast by students of the Second Chance School of Korydallos organized at the radio station “105.5 In Red”; (3) “Poets enter prison” — poetic days were organised at the School for HIV-positive prisoners of Korydallos Hospital, in Domokos and Nigrita Serron in 2016 and 2017 on the event of the Poetry Day (21st of March); (4) Participation, for the first time, at the International Contemporary Art Meeting “Art-Athina 2016” with prisoners’ art work; (5) Organization of the 31th Fair with Prisoners’ art projects and prisons’ products, after 8 years of inactivity; (6) Strengthening the organization of educational and entertainment programmes (theatrical and musical performances, etc.) in prison facilities in cooperation with local communities and artistic groups.

167. With regard to the overcrowded police detention facilities and the improvement of detention conditions therein, it is to be noted that, within the framework of good cooperation with the competent judicial Authorities as to the detention and stay in police detention facilities of those in custody and those convicted, as well as due to the refusal of detention facilities to receive them, a relevant letter was sent (21 Jan 2016) to the Secretary Generals of the Ministry of Justice, Transparency & Human Rights (Crime Policy and Transparency & Human Rights), so that they are informed thereof, monitor and evaluate the issue at hand and undertake initiatives to address it.

168. The Ombudsman’s Report points to the living conditions of detainees that vary depending on the places of detention and identifies a number of shortcomings. It is to be noted that the Hellenic Police Headquarters is constantly trying to further improve the living conditions of foreign detainees. and the quality of services provided to them, in cooperation with NGOs and bodies active in the field of migration. Foreign detainees are systematically informed about the detention facility’s rules, their rights and obligations, including their right to contact representatives of the abovementioned organisations. For this purpose, printed forms are displayed on prominent spots and “Informational Bulletins” are circulated to inform them, in a language they understand, about their rights in detention and the asylum procedure. Representatives of the NGO Hellenic Council for Refugees have daily access to all detention facilities and communicate with irregular migrants and provide legal assistance in order to ensure their access to the asylum process and their representation during the examination of their requests. The same applies to representatives of other bodies dealing with the issue of migration, such as the UNHCR and other NGOs. Furthermore, it is to be noted that in the planning of the implementation of the National Programme for the Internal Affairs sector 2014–2020 (multi-annual Asylum, Migration and Integration Fund) a series of actions related to detention centres for foreign citizens have been included; their implementation will further contribute to ensuring decent living conditions therein. To this end, significant efforts are being made to complete public tendering procedures and to absorb European funds to meet the needs to be addressed. Furthermore, the Ministry of Health in collaboration with the Hellenic Center for Disease and Prevention covers the needs of Primary Health Care with doctors and nursing personnel in the three Pre-removal Centers (Amygdaleza, Tayros and Korinthos). More specifically, in Amygdaleza 2 doctors and 2 nurses are operating, in Tayros 2 doctors and 3 nurses, and in Korinthos 2 doctors and 2 nurses. In order to intensify our actions in all Pre-removal Centers, the Ministry of Health in collaboration with the Health Units SA has already assured funding for the improvement of health services for all refugees and migrants who are living there. The implementation of these interventions is already in progress.

#### **Para. 20**

169. With reference to the results of investigations conducted on the case of the children who were hosted in the “Agia Varvara” Foundation and gradually went missing during the period 1998–2002, it should be mentioned that:

170. Having received a complaint, the Public Prosecutor formed case file No D2004/1945. More specifically, following orders (a) no. D04/1945 dated 25 May 2004 and

(b) A04/1571 dated 30 Aug 2004 of the Prosecutor's Office of the Athens First Instance Court, preliminary inquiries were conducted by the Sub-Division for Minors/Division of Security of Attica, to search for evidence regarding any offences that might have been committed against minors hosted at Children's House (Paidopoli) "Agia Varvara" and were then submitted to the competent Prosecutor.

171. Following the preliminary investigation conducted by police authorities, the public prosecutor lodged criminal proceedings against unknown perpetrators. However, after the completion of the main interrogation by the investigating magistrate, the case was closed. During the period 2005–2014, the case was reopened twice (i.e. retrieved from the unknown perpetrators file) and further investigation was conducted. Nevertheless, after the completion of the interrogation by the investigating magistrate, no further evidence was obtained.

172. It is to be noted that, when it was found that a large number of children had escaped from the abovementioned institution, it was understood that the structure was inappropriate and the project was ended by transferring the rest of the children to other structures. A relevant report by the Greek Ombudsman in 2004 considers that there was no intention on the part of the institution's officers and attributes the failure of the project to the understaffing of the institution and the insufficient preparation of its officers for the realization of the new project of hosting children who were exploited by gangs that forced them to beg.

173. Additionally, it should be stressed that the Secretary General for Transparency and Human Rights took, in her previous capacity as a Member of the Greek Parliament, numerous actions (articles, interviews, questions under parliamentary monitoring procedure, etc.), demonstrating consistently her strong personal interest in the elucidation of the abovementioned case, as well as in raising awareness of the state to the critical issue of the unaccompanied minors or "street children".

174. As to the national policy of preventing and/or combating violations of the rights of "street children", it should be mentioned that legislative measures have been undertaken in the past few years to combat trafficking in human beings which relates, inter alia, with child begging:

(a) As provided for in Article 323A on "Trafficking in human beings" of Greek Penal Code, as amended by Laws 3875/2010 (GG A', vol. 158), 3984/2011 (GG A', vol. 150) and 4198/2013 (GG A', vol. 215), anyone who, by use of force or threat of (use of) force or other coercive means, or by imposition or misuse of power or abduction, hires, transports, promotes inside or outside the territory, abets, delivers to another person or receives from him a third person, with or without consideration, in order ... to avail himself or the other person of the third person's begging shall be punished with up to ten years imprisonment and a fine of 10,000–50,000 Euros. Furthermore, anyone who knowingly accepts the proceeds from a third person's begging shall be punished with, at least, six months imprisonment. There is also an aggravating circumstance, provided for in the abovementioned article of Greek Penal Code, in case that this offense is committed against minors. The higher penalties applicable to such a circumstance include at least ten years imprisonment, supplemented by a fine of 50,000–100,000 Euros;

(b) Moreover, in addition to the abovementioned article, child begging is prohibited. More specifically, according to article 409 on "Neglect to deter from begging or vagrancy" of the Greek Penal Code, whoever incites to begging or neglects to prevent from it persons under his/her custody or dependent on him/her as well as whoever delivers to third persons or supplies them with persons under the age of eighteen or persons having reached this age, though physically or mentally disabled, in order to arouse pity or curiosity of the people passing by, for his/her own or another person's financial benefit, shall be punished with up to six months imprisonment or a fine.

175. Since 2012, a service has been established within the National Center for Social Solidarity (EKKA) for the Management of Accommodation Requests for Asylum Seekers and Unaccompanied Minors. Accommodation requests to shelters with proper services (social, psychological, legal, cultural mediation etc.) are received for the abovementioned population and placements are made according to certain vulnerability criteria and a

prioritization process. Unaccompanied minors who are reported homeless or in precarious housing, along with the ones who are reported in protective custody, are highly prioritized by EKKA for placement in appropriate shelters.

176. Furthermore, the five-year Anti-crime Policy Programme 2015–2019 of the Hellenic Police Headquarters includes actions to protect minors, aiming, on the one hand, at preventing the latter's involvement in criminal activities and, on the other hand, at preventing their victimization. The competent police authorities, whenever instances of child begging are identified or relevant complaints are made, always act based on the rule of the "best interests of the child", under the supervision of the competent Prosecutor for Minors, and fully investigate whether it is a case of recruiting and trafficking in human beings, with the purpose to exploit begging or for purposes of begging.

## Articles 12 and 13

### Paras. 21–22

177. The following incidents of ill treatment or violence against prisoners by prison officers have been recorded: (a) one incident which resulted in the death of a detainee (date of the event: 27 Mar 2014). 16 prison officers were involved and prosecuted for aggravated complicity in torture, which led to the death of the detainee. Fifteen of them have been convicted and their appeal is pending. All of them have been removed from service. (b) One incident of violence by prison staff against one prisoner in Kerkyra prison (date of the event: 4 Feb 2016). The incident took place during the transfer of the detainee from the local hospital back to prison and involves two (2) prison guards who were responsible for the transfer. Disciplinary procedures have been initiated.

178. As regards the independent investigation and monitoring of incidents of ill-treatment in prisons, Law 4443/2016 (GG 232, v. A') has included prison staff in the law enforcement personnel that fall under the competence of the National Mechanism for the investigation of incidents of ill-treatment that has been recently established (see also under Paras. 4 b and 22). It is expected that such provision will promote transparency in prison staff conduct towards prisoners, although it is acknowledged that a professional attitude towards detainees prevails (A/HRC/16/52/Add.4 para.35).

179. Regarding the progress of examination of complaints about incidents of violence and abuse in **2015**, (84) administrative inquiries were ordered in total, among which:

- (a) Disciplinary level:
  - (i) (58) cases were filed;
  - (ii) (16) cases are pending;
  - (iii) In (2) cases the police officers involved were referred to the competent Disciplinary Board and their hearing is pending;
  - (iv) In (8) cases, lower disciplinary penalties were imposed against (9) police officers, (4) of whom lodged an appeal and the hearing is pending before the competent disciplinary authority; as to the other (5), their penalties became final.
- (b) Criminal level:
  - (i) (22) cases did not present a criminal aspect;
  - (ii) In (17) cases, a preliminary inquiry was ordered; (3) cases were filed and (14) are pending;
  - (iii) In (14) cases, a complaint was submitted to the competent Prosecutor; (6) cases were filed, while, as to the remaining, it does not appear that a criminal prosecution has been lodged against police officers so far;
  - (iv) Case files were formed in (12) cases, which were submitted to the competent Prosecutor; so far, the competent Police Department has not been briefed about their progress;

(v) A criminal complaint (as a requirement for prosecution) was lodged in (13) cases, (2) of which were rejected; as to the other (11), charges against police officers have not been filed so far;

(vi) In (6) cases, criminal charges were filed against police officers; in (1) case the defendant was found guilty and the hearing for the appeal lodged is pending; an irrevocable acquittal was issued in (1) case for (1) police officer involved, while (2) co-defendants were found guilty and the hearing for the appeal is still pending; an irrevocable acquittal was issued in (1) case; (1) case was filed; and for (2) cases, the competent Police Department has not been briefed about their progress so far.

180. In 2016, (56) administrative inquiries were ordered in total, among which:

(a) Disciplinary level:

(i) (28) cases were filed;

(ii) (26) cases are pending;

(iii) In (2) cases, lower disciplinary penalties were imposed against (7) police officers, which have become final for (6) officers, while as regards (1) person, an appeal is still possible, since the disciplinary decision has not been served.

(b) Criminal level:

(i) (25) cases did not present a criminal aspect;

(ii) In (7) cases, a preliminary inquiry was ordered; the cases are still pending;

(iii) In (6) cases, a complaint was submitted to the competent Prosecutor; (5) cases were filed; in (1) case, it does not appear that a criminal prosecution has been lodged against police officers so far;

(iv) In (6) cases, case files were formed and were submitted to the competent Prosecutor; so far, the competent Police Department has not been notified of their progress;

(v) A criminal complaint (as a requirement for prosecution) was lodged in (8) cases; it does not appear that criminal charges have been filed against police officers so far;

(vi) A prosecution “in rem” was lodged in (1) case;

(vii) In (2) cases criminal charges were filed against police officers; in (1) of these cases, a final acquittal decision was issued, while, as to the other case, the competent Police Department has not been notified of its progress so far;

(viii) In (1) case, where (6) police officers are involved, (2) criminal case files were formed and were submitted to the competent Prosecutor; criminal charges were filed against (2) officers, on the progress of which the competent Police Department has not been notified so far, while, as to the other (4), it does not appear that criminal charges have been filed so far.

## Para. 22

181. With regard to the abovementioned (see above, under Article 2, para. 4b) National Mechanism for the investigation of incidents of ill-treatment by law enforcement and detention facility agents, which was established by article 56 of Law 4443/2016 within the Greek Ombudsman, it should be recalled that, by the same law, the “Office for the investigation of incidents of ill-treatment”, which had remained inoperative, was abolished. Furthermore, it should be stressed that, in order to be in conformity with the legal status of the Greek Ombudsman as an independent authority and with the various disciplinary codes of the security forces and in order to accomplish efficiency, effectiveness and transparency, the Ombudsman’s investigation can be enacted even *proprio motu* and is a fast track procedure (obligation to investigate a case within a time period of three months with a possibility of an extension of another three months period).

182. Moreover, the relevant disciplinary bodies of the security forces are obliged to allow full access of the Ombudsman to disciplinary files and to provide all necessary information. The disciplinary procedure is suspended until the issuance of the Ombudsman's report and its relevant findings. It should also be noted that any disciplinary decision diverging from the Ombudsman's findings should be explicitly reasoned. Last but not least, in order to fully and effectively exercise its new competences, as the National Mechanism for the investigation of incidents of ill-treatment, ten (10) new positions have been created within the Greek Ombudsman (see article 56 of Law 4443/2016).

## **Article 14**

### **Para. 23**

183. As far as victims' right to claim compensation for their personal loss or moral harm is concerned, according to Article 3 of Law 3811/2009, as applicable, victims of crimes of violence with intent or of those provided for in Articles 323 on "Slave Trade", 323A on "Trafficking in persons" and 323B on "Travel with the purpose of sexual abuse of minors", 336 on "Rape", 339 pars. 1 and 4 on "Seduction of Children", 342 paragraphs 1 and 2 on "Indecent assault against children", 348A on "Child Pornography", 348B "Enticing minors for sexual purposes" and 348C on "Pornographic performances of minors", 349 on "Pandering", 351 on "Trafficking in human beings" and 351A on "Sexual abuse of a minor in return for remuneration" of the Greek Penal Code, may claim compensation by the Greek Compensation Authority. It should be noted that the victim's claim for compensation by the State (public authorities) arises in the following cases: a) when, following an irrevocable conviction, the offender lacks the financial means required to satisfy the above claim, b) when, in case of prosecution initiated against a person or persons unknown, the offender cannot be identified, c) when the offender cannot be prosecuted due to the prosecution having been terminated by order of the competent Public Prosecutor and d) when, due to an irrevocable acquittal decree, issued by the competent Judicial Council, or an irrevocable acquittal decision issued by the Court, there can be no penalty imposed on the alleged perpetrator.

184. Moreover, with regard to the establishment by the State party of efficient procedures, ensuring and facilitating the implementation of the abovementioned right, such as the reduction of time needed by domestic Courts to award compensation for personal damage or moral harm, reference should be made to the general provisions of Law 4239/2014 on "Just compensation for exceeding the reasonable time of proceedings in Civil and Penal Courts as well as the Court of Audit and other provisions". More specifically, by the above Law, the parties' right to claim just and reasonable compensation for exceeding the reasonable time of proceedings in Civil and Penal Courts as well as the Court of Audit has been established, as the latter (i.e. the reasonable time of civil and criminal proceedings) has been interpreted by the European Court of Human Rights. All interested parties claiming that the proceedings lasted beyond the reasonable time required to diagnose the factual and legal issues raised at the trial may exercise the aforementioned right.

185. Last but not least, a draft bill on the transposition of Directive 2012/29/EU of the European Parliament and of the Council of 25 Oct 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA in national Law has been forwarded to Parliament by the Ministry of Justice, Transparency and Human Rights.

## **Article 15**

### **Para. 24**

186. With reference to the possible steps taken in order to ensure that, in practice, evidence obtained by torture shall not be invoked as evidence in any proceedings, as explicitly stated in article 15 of the Convention, it should be stressed that, as provided for in

article 177, par. 2, of the Code of Criminal Procedure, any evidence, acquired by or via criminal acts, shall not be taken into account in criminal proceedings.

## Article 16

### Para. 25

187. As to the legislative developments on combating manifestations of racial discrimination, xenophobia and related violence, the following should be mentioned.

188. First of all, with a view to strengthening the country's criminal anti-racism legislation and adjusting the relevant legislative framework with EU Council Framework Decision 2008/913/JHA, Law 927/1979 was amended by Law 4285/2014. According to the latter, acts, such as: (a) public incitement to acts or activities, which may result to discrimination, hatred or violence against individuals or groups of individuals defined by reference to race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity, or disability, in a manner which endangers public order or threatens life, liberty or physical integrity of the abovementioned persons, (b) the establishment of or participation in an organization or union of persons of any kind systematically pursuing the commission of the abovementioned acts, and (c) the act of publicly condoning, trivializing or maliciously denying the commission or seriousness of crimes of genocide, war crimes, crimes against humanity, the Holocaust and Nazi crimes, recognized by decisions of international courts or the Hellenic Parliament, under the circumstances prescribed by this Law, are punishable. In addition, as provided for in this Law, offences under Law 927/1979, as well as any crimes committed as a result thereof, are prosecuted *ex officio*, victims of such offences are exempted from the obligation to pay a fee, when submitting a criminal complaint or participating as a civil party in a criminal procedure and the liability of legal persons in the commission of racial discrimination and related violence offences, has been introduced. In case of non-EU nationals, who are victims or material witnesses of racist acts, a residence permit on humanitarian grounds may be granted.

189. Furthermore, according to article 81A, which was inserted in the Greek Penal Code by the abovementioned Law, replacing article 79 par. 3, the commission of any offence on racist grounds (race, colour, religion, descent, national or ethnic origin, sexual orientation, disability, gender identity and, recently added, gender characteristics) constitutes an aggravating circumstance, leading to penalty enhancement. It should also be noted that Art. 81A PC has given the power to law enforcement personnel, prosecutors and judges to investigate and take into consideration bias motivation at all stages of criminal proceedings. A recent legislative amendment of the abovementioned article by Law 4356/2015, has facilitated even more its applicability by eliminating the notion of "hatred" and providing that bias motivation is established when the victim was selected (targeted) by the offender due to his/her race, colour, national or ethnic origin, descent, religion, disability, sexual orientation, gender identity or gender characteristics.

190. Most of all, it should be stressed that, according to the abovementioned Law (art. 15–19) a "National Council against Racism and Intolerance" has been established. This Council is an inter-ministerial body, tasked with the development of policies on preventing and combating racism and intolerance with the cooperation and coordination of the relevant stakeholders in this field, including civil society actors. The Council consists of representatives of the competent Ministries, the Hellenic Police, as well as the Migrants Integration Council, the National Council for Radio and Television, the NCHR, the Racist Violence Recording Network (where 35 NGOs participate), the UNHCR, the National Confederation of Disabled People, the Union of Athens Daily Press Editors, the Research Center for Gender Equality (K.E.T.H.I.), the General Confederation of Greek Workers and the Civil Servants Union Federation (A.D.E.D.Y.). The Greek Ombudsman participates, at its own request, without the right to vote. However, according to article 16, par. 4, of Law 4356/2016, the Ombudsman has the right to notify at any time the President of the Council of its will to become a full member of the Council with a right to vote. President of the Council is the Secretary General of Transparency and Human Rights of the Ministry of Justice. The role of civil society in the Council is enhanced: the Racist Violence Recording

Network (where 35 NGOs participate) has two representatives. Moreover, the NCHR, the UNHCR and the Greek Ombudsman are very active members of the Council. Furthermore, the Council may cooperate with experts, NGOs and other bodies and civil society stakeholders in all matters of concern.

191. The Council is tasked with: (a) the development of policies on preventing and combatting racism and intolerance in order to protect persons and groups of persons targeted because of race, colour, national or ethnic origin, descent, social origin, religious or other beliefs, disability, sexual orientation, gender identity or gender characteristics, (b) the supervision of the enforcement of relevant legislation and of its conformity with International and European law, (c) the promotion and coordination of the action of stakeholders, and the strengthening of cooperation with civil society, (d) taking initiatives to raise public awareness through the media and to record and combat hate speech in public life, (e) the elaboration of a National Action Plan against Racism, monitoring of its implementation in a systematic way and its regular update.

192. The Council meets on a regular basis not only in plenary, but also in working groups, which focus on the following issues: (a) hate crimes, (b) inter-religious dialogue and (c) human rights and anti-racism education. It has also started planning its work towards the identification of gaps and needs to better combat racism and intolerance, as well as hate crimes and hate speech.

193. Moreover, by the same Law (4356/2015) a new criminal offence (see article 361B of the Penal Code) has been established, punishing the provision of goods and services with the contemptuous exclusion of a person on racist grounds.

194. Another significant legislative initiative by the Ministry of Justice, Transparency and Human Rights in this field, is the ratification of the Council of Europe's Cybercrime Convention and the Additional Protocol thereto, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems (see Law 4411/2016 (GG A' 142) on "Ratification of Council of Europe's Cybercrime Convention and of the Additional Protocol thereto concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems and transposition into the Greek law of Directive 2013/40/EU of the European Parliament and of the Council on attacks against information systems and replacing Framework Decision 2005/222/JHA, penitentiary and correctional policy and other provisions").

195. Moreover, it should be mentioned that provisions of Law 4443/2016, replacing Law 3304/2005, are intended to strengthen the implementation of the principle of equal treatment, as regards access to labour market, professional development opportunities and treatment at work and combat-inter alia-all forms of discrimination on the grounds of race, colour, national or ethnic origin, descent and religion. Furthermore, the Greek Ombudsman highlights that the Office's competence now extends also to the private sector, covering all of the abovementioned discrimination grounds.

196. Last but not least, in conjunction with the strengthening of the legislative framework, a number of operational measures have been taken. Data collection with regard to racist crimes has significantly improved and is expected to further improve following the operation of the new computerization system of the Civil and Penal Courts [see project entitled "Integrated Civil and Penal Justice Case Management System"]. A unified mechanism and database for registering alleged incidents of racist and xenophobic violence (including allegations against police personnel) has been created. Further improvements to the data collection system are under consideration by a Working Group established to this end. In this respect, the need for a reliable data collection system concerning racist and xenophobic violence incidents, as well as the contribution of the Racist Violence Recording Network (a network of NGOs created by the NCHR and UNHCR) in understanding the phenomenon, is also stressed by the NCHR.

197. At the police level, there are two (2) Divisions against Racist Violence operating in the entire country (one within the Sub-Division of State Security-Division of Security of Attica and one within the Sub-Division of State Security-Division of Security of Thessaloniki) and sixty eight (68) Offices against Racist Violence (at the level of regional Security Departments throughout the country). The basic responsibility of the

abovementioned Divisions and Offices is to investigate racist crimes punished under the Law. Within that framework, and in order that victims are protected and their trust to the Police is reinforced, a special hotline “11414” (normal charge for all parts of Greece) is operating and a special form for complaints is available on the Hellenic Police website ([www.astynomia.gr](http://www.astynomia.gr)), so that those concerned may anonymously and with full respect for the privacy of their communication, complain or notify the Hellenic Police, 24h/day, about any unlawful act committed with racist characteristics or motives.

198. See also under Paras. 16 and 21 hereabove.

**Para. 26**

199. The method of intra-corporeal search of detained women entering prison facilities (the women department of Korydallos prison and the women prison at Eleonas Thivon) as new entrants or after a temporary leave, transfer or trial is no longer implemented. In every case, inspection is carried out by body search and search of their personal belongings in a particular area and in a manner not violating their dignity. More specifically the hair, ears, mouth, nose, armpits and chest are examined by the prisoner’s own moves and there is no physical contact or touch. In addition, all clothing is checked and those allowed are given to the prisoner directly, the rest are kept in storage.

200. More generally, the physical search procedure is conducted by police officers in accordance with article 96 on “Police Investigations” of Presidential Decree 141/199, since no new relevant legislation has been adopted.

**Para. 27**

201. The provisions mentioned in Para. 27 of the List of Issues refer not to the detention of foreign citizens as such, but to the conditions and procedure of administrative expulsion, which may also be ordered on the basis of public health grounds.

202. Detention of foreign citizens under expulsion may be imposed, not automatically, but under the conditions provided for by the law. For more details, see *supra*, under Para. 2.

203. It is to be noted that, according to article 24 (2) of Law 3907/2011, the police authorities that are responsible for the implementation of the return decision may, by a reasoned decision, postpone removal for a reasonable time, taking into account the specific circumstances of the individual case, in particular the third-country national’s physical state or mental capacity; in such case, the foreign citizens concerned are not detained.

204. See also Para. 2 (2) above.

**Para. 28**

205. In the case of unaccompanied minors or victims of trafficking in human beings, the competent Prosecutors or Police Authorities, after taking the necessary measures to establish that they are unaccompanied, shall do their best for the earliest possible identification of their family and shall take the necessary measures to ensure their legal representation and, where appropriate, their representation in the criminal proceedings. As provided by law (art. 19 of Presidential Decree 220/2007), the competent authorities take immediately all appropriate measures in order to guarantee their necessary representation. To this end, the competent authorities inform the Prosecutor for Minors or, when there is no such Prosecutor, the Prosecutor at the local First Instance Court, who acts as a temporary guardian. Taking into consideration the best interest of the child and with the assistance of other agencies, public bodies and NGOs, in the detention centres of irregular migrants (within the jurisdiction of the Hellenic Police) unaccompanied minors are separated from other irregular migrants and all procedures required to determine their age are activated. They are protected and temporarily housed in structures of the Hellenic Police, in specially designed spaces separated from adults, until, according to the legislation in force, they are transferred in cooperation with the National Centre for Social Solidarity (N.C.S.S.) and NGOs in appropriate open hosting structures. The above procedure is observed in all cases, even if the unaccompanied minor does not apply for asylum. Following the adoption of Law 4375/2016, especially for the Eastern Aegean islands, the authorities responsible for

the management of unaccompanied alien minors are the Reception and Identification Services and, by extension, the Director of each Reception and Identification Centre (R.I.C.). In any case and until the transfer of unaccompanied minors to appropriate open hosting structures, an effort is made to separate them from other irregular migrants as described above, and for this purpose instructions have been given to the competent Police Directorates in order to be in constant cooperation with the Directors of the R.I.Cs. A plan for the reorganisation of the “hotspots” is being implemented and emphasis is being placed on the creation of safe zones for unaccompanied minors, whereas a training plan drawn up by the Ministry of Education for refugees/migrant children is already being implemented.

206. However, Prosecutors cannot exercise themselves the rights and obligations of a guardian, especially with a view to ensuring real and effective child care. This is due to the volume of work that the prosecutors’ offices face, the limited human resources within the courts and the limited number of Public Prosecutors exclusively competent for minors. Furthermore, there is no institution or body the prosecutors can refer to, in order to appoint permanent guardians. For these reasons, a draft bill is being prepared by the Ministry of Labour, Social Security and Social Welfare establishing a new mechanism for the appointment of guardians and providing for a body of guardians. The need for a new system of guardianship is also highlighted by the Greek Ombudsman. The Ombudsman stresses that until the enactment and implementation of the new system, juveniles’ protection is not guaranteed, mainly due to the prosecutors’ excessive workload in connection with the number of minors, as well as due to the lack of competent social services. As the daily acts that require the consent of a guardian are numerous, the absence of the above system has a serious impact on all aspects of the protection and exercise of the unaccompanied children’s rights and seriously hinders their social integration. Thus, the Ombudsman highlights that the immediate enactment and implementation of the new law on guardianship is considered to be of great importance.

207. Moreover, it should be mentioned that in June 2016, the Supreme Court’s Prosecutor instructed Public Prosecutors to proceed to all necessary actions in order to guarantee that unaccompanied minors are accommodated to reception facilities designated for minors and that they are effectively protected.

#### **Para. 29**

208. Regarding police personnel training on terrorism, basic training programmes of the Police Academy have also included modules related to terrorism (forms, stages, prevention, operational types of attack, forensic assessment, means and measures to combat terrorism, other specific issues). As to further training, both within the country and abroad, trainings and seminars are organized on issues such as: (a) Terrorism, (b) Intelligence, (c) Radicalization, extremism and International Terrorism, (d) Religiously motivated radicalization, (e) explosives, arresting terrorists, control and vehicle immobilization, techniques for entering into buildings, (f) joint trainings for the Special Counter-Terrorism Unit with other relevant agencies from other countries, (g) International cooperation of Law enforcement authorities regarding terrorism, (h) organized crime and its connection to terrorism, (i) participation in programmes of international Centres-Organizations (George Marshall, CEPOL).

209. Prison staff, including high level staff such as prison directors and chief prison wardens, as well as officials at key positions in the Ministry of Justice, has often participated since 2015 in training and networking activities related to the prevention of radicalization and violent extremism in prisons. A number of seminars have been organised to date by the Security Studies Centre of the Hellenic Police Headquarters, while prison staff have taken part in European meetings and seminars run by RAN, Europris and other specialised organisations.

## Other issues

### Para. 30

210. Under the initiative of the General Secretariat for Crime Policy a strategic plan for the correctional system is being developed for the first time in Greece, with the cooperation of the Council of Europe and particularly the European Committee for the Prevention of Torture and other inhuman or degrading treatment or punishment (CPT). This strategic plan sets the overall goals and aims of the correctional system and provides a comprehensive policy for a long-term response to long-established problems. The strategic plan is now being distributed to relevant stakeholders for comments and consultation and will be finalized and publicized shortly.

211. The General Secretariat for Crime Policy has recently completed a study on assessing the capacity of Prisons, in relation to the particular groups of prisoners, a task that is being done for the first time. The result of this study is now published on the website of the Ministry of Justice and is updated on the 1st and 16th of each month, with the current data, on the number of prisoners and on any increase of the available space. In addition, in a separate column, any excess space, as well as overcrowding, are indicated. The aim was to ascertain the actual available space (in sq.m) per prisoner, a factor which in combination with the improvement of other living conditions and the enhancement of training, educational etc. programs for inmates and prison staff, illustrates a grid of decent living conditions that meet international and European standards, as the NCHR has also suggested. For the calculation of the maximum prison capacity, among others, the minimum criteria of the CPT, the European Court of Human Rights and all relevant international frameworks (excluding the space of WC, 4 square meters (m<sup>2</sup>) per detainee in a cell, 6 square meters (m<sup>2</sup>) for the first detainee plus 4 square meters (m<sup>2</sup>) for each subsequent detainee in dormitory, the dormitory being 15,9 square meters (m<sup>2</sup>) or more) were taken into account. In this way, it is immediately possible, for all parties involved (Public Prosecutors, Central Committee of Transfers etc.) who have already been formally informed about the outcome of the survey, to check the available space at each establishment, by detainee category, in order to achieve a more rational distribution of prisoners according to prison capacity.

212. In parallel, efforts are made for the organizational restructuring of prison and human resource management. A new directory under the Secretary General for Crime Policy has been set up to enhance cooperation between prisons and facilitate implementation of new policies in the field. Moreover, the organogram of Greek prisons has been evaluated by a special committee and its proposals are now under consideration. Finally, the recruitment of 639 new prison staff which has been approved and will take place in the course of 2017 is expected to facilitate the enforcement of relevant reforms and the empowerment of prison personnel, which has a key role in the successful implementation of reform policies. In addition, the medical and scientific staff of prisons has been strengthened by the establishment of 59 new staff positions.

213. The final draft of the new Correctional Code is set in public consultation.

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