



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

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COMMITTEE AGAINST TORTURE
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Conclusions and recommendations of the Committee against Torture

GREECE

1. The Committee considered the fourth periodic report of Greece (CAT/C/61/Add.1) at its 630th and 633rd meetings, held on 22 and 23 November 2004 (CAT/C/SR.630 and CAT/C/SR.633), and adopted the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of Greece and the opportunity to continue its dialogue with the State party. However, the Committee notes that the report does not fully conform to the Committee's guidelines for the preparation of periodic reports and lacks information on practical aspects of implementation of the Convention's provisions.

3. Noting that the report covers the period from November 1999 to December 2001, the Committee appreciates the update provided by the delegation of Greece during the consideration of the report and the replies to most of the questions raised by the Committee. The Committee emphasizes that the next periodic report should contain more specific data and information on implementation.

B. Positive aspects

4. The Committee notes the following positive developments:

(a) The ongoing efforts by the State party to revise its legislation and adopt other necessary measures, so as to strengthen the respect for human rights in Greece and give effect to the Convention. In particular the Committee welcomes the following:

- (i) The new Prison Code (Law 2776/99), which contains provisions intended to, inter alia, improve living conditions in prisons and prevent inhuman treatment of prisoners;
- (ii) Legislation facilitating the registration of aliens (Law 3274/2004);
- (iii) The new Law on Legal Aid (Law 3226/2004), which stipulates that lawyers must be appointed to draw up and submit complaints on behalf of torture victims and victims of trafficking, and that the prison prosecutor has the duty to offer legal counselling to detainees;
- (iv) The new Law on Arms Possession and Use of Firearms (3169/2003), which regulates the possession and use of firearms by police personnel;
- (v) The Law on Combating Trafficking in Human Beings (Law 3064/2002), criminalizing trafficking and punishing the perpetrators of such crimes with heavy sentences;
- (vi) The new Law on Compensation (2001);
- (vii) The circulars of the Chief of the Greek Police of July 2003 concerning the detention of undocumented migrants and that of November 2003 regarding the treatment of victims of trafficking;

(b) The establishment of a Department for Children's Rights in the Office of the Ombudsman (Law 3094/2003) with a mandate to, inter alia, undertake investigations and research on specific issues considered particularly important;

(c) The lifting of restrictive quotas (of 15 per cent) for the entry of women into the police force;

(d) The statement made by the delegation that it is prepared to consider modalities for increasing cooperation with non-governmental organizations, including visits to detention centres;

(e) The publication of the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its visit to Greece and the Government's response thereto (CPT/Inf(2002)31 and CPT/Inf(2002)32), which would contribute to a general debate among all interested parties;

(f) The contributions, made since 1983, to the United Nations Voluntary Fund for the Victims of Torture;

(g) The ratification by the State party, on 15 May 2002, of the Rome Statute of the International Criminal Court.

C. Subjects of concern

5. The Committee notes that many of the concerns it expressed during the consideration of the third periodic report (A/56/44, para. 87) have not been adequately addressed, and will be reiterated in the present concluding observations. Consequently, the Committee expresses its concern at:

(a) The absence of data with respect to the practical application of the numerous new legislative acts and the seemingly insufficient steps undertaken to reduce the gap between legislation and practice;

(b) Procedures related to the expulsion of foreigners which may in some instances be in breach of the Convention. It is also concerned at the low percentage (0.06 per cent) of persons who were granted refugee status in 2003. The Committee acknowledges that owing to its geographic location Greece has become an important passageway into Europe for many immigrants and asylum-seekers, the number of which has increased significantly in the past decade. The importance of providing an adequate response is therefore all the more pressing;

(c) Training provided to public officials which may be inadequate to provide an appropriate response to the numerous challenges they are faced with, including undocumented migrants and asylum-seekers and victims of trafficking, many of whom are women and children;

(d) The slow progress in adopting a code of ethics and other measures governing the conduct of police interrogations to supplement the provisions of the Criminal Procedure Code, with a view to preventing cases of torture and ill-treatment, in accordance with article 11 of the Convention;

(e) The lack of an effective independent system to investigate complaints and reports that allegations of torture and ill-treatment are not investigated promptly and impartially;

(f) The alleged reluctance of prosecutors to institute criminal proceedings under article 137A of the Criminal Code. Furthermore, the Committee is concerned at the deficiencies in according protection from ill-treatment or intimidation to victims to which they may be exposed as a consequence of filing a complaint or giving evidence;

(g) The insufficient information available relating to redress and fair and adequate compensation, including rehabilitation available to victims of torture or their dependants, in accordance with article 14 of the Convention;

(h) Continuing allegations of excessive use of force and firearms, including cases of killings and reports of sexual abuse, by the police and, in particular, border guards. Many of the victims are reportedly Albanian citizens or members of other socially disadvantaged groups, and the Committee regrets the fact that disaggregated statistical data in this respect are not available from the State party;

(i) The continued overcrowding and poor conditions prevailing in prisons and other detention facilities, as well as the fact that it is difficult for independent bodies with a mandate to visit places of detention to obtain access;

(j) Ill-treatment of Roma by public officials in situations of forced eviction or relocation. The fact that these may be carried out pursuant to judicial orders cannot serve as a justification for ill-treatment, numerous allegations of which have been reported by national and international bodies alike;

(k) The reported prevalence of violence against women and girls, including domestic violence, and the reluctance on the part of the authorities to, inter alia, adopt legislative measures to counter this phenomenon;

(l) The inadequate measures taken to protect children picked up by the Security Police and taken into State care during the period 1998-2003. In particular, the Committee notes that of the approximately 600 children taken to the Aghia Varvara children's institution, 500 reportedly went missing and that these cases were not promptly investigated by a judicial authority;

(m) The absence of appropriate efforts to prevent and prohibit the production, trade, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment, in particular in the light of allegations of the use of electroshocks.

D. Recommendations

6. The Committee recommends that the State party:

(a) Strengthen existing efforts to reduce occurrences of ill-treatment, including that which is racially motivated, by police and other public officials. While ensuring protection of individual privacy, the State party should devise modalities for collecting data and monitoring the occurrence of such acts in order to address the issue more effectively. The Committee recommends that the State party continue to take measures to prevent incidents of xenophobic and discriminatory attitudes;

(b) Take all necessary steps to ensure effective implementation in practice of adopted legislation;

(c) Ensure that the competent authorities strictly observe article 3 of the Convention and, in doing so, that they take account of General Comment No. 1 (1996) of the Committee, in which the Committee notes that it "is of the view that the phrase 'another State' in article 3 refers to the State to which the individual concerned is being expelled, returned or extradited, as well as to any State to which the author may subsequently be expelled, returned or extradited" (para. 2);

(d) Ensure that all personnel involved in the custody, detention, interrogation and treatment of detainees are trained with regard to the prohibition of torture and ill-treatment. Training should include developing skills needed to recognize the sequelae of torture and sensitization with respect to contact with particularly vulnerable persons in situations of risk;

(e) Expedite the process of adopting a code of ethics and continue to consider modalities for amending interrogation rules and procedures, such as introducing audio or videotaping, with a view to preventing torture and ill-treatment;

(f) Take necessary measures to establish an effective, reliable and independent complaints system to undertake prompt and impartial investigations, including immediate forensic medical investigation, into allegations of ill-treatment or torture by police and other public officials, and to punish the offenders. The Committee stresses that while the State party recognizes the independence of the judiciary, it has a responsibility to ensure its effective functioning;

(g) Ensure that all persons reporting acts of torture or ill-treatment are accorded adequate protection, and that the allegations are promptly investigated. Disciplinary measures, including suspension, should not be delayed pending outcome of criminal proceedings;

(h) Inform the Committee about the possibilities of providing redress and compensation to victims of torture and their dependants;

(i) Ensure strict application of the new legislation on the use and possession of firearms, in particular by border guards;

(j) While continuing its long-term efforts to address overcrowding and poor conditions in prisons and other places of detention, including by building new prisons, consider additional alternative means of reducing the prison population as urgent measures to address the situation in places of detention;

(k) Ensure that all actions of public officials, in particular where the actions affect the Roma (such as evictions and relocations) or other marginalized groups, are conducted in a non-discriminatory fashion and that all officials are reminded that racist or discriminatory attitudes will not be permitted or tolerated;

(l) Adopt legislation and other measures to combat violence against women, within the framework of plans to take measures to prevent such violence, including domestic violence, and to investigate all allegations of ill-treatment and abuse;

(m) Review the modalities for protecting street children, in particular to ensure that those measures protect their rights. All decisions affecting children should, to the extent possible, be taken with due consideration for their views and concerns, with a view to finding an optimal, workable solution. The Committee urges the State party to take measures to prevent the recurrence of cases such as the Aghia Varvara children's institution. It should also ensure that a judicial investigation is carried out and provide the Committee with information on the outcome;

(n) Adopt measures aiming at the prevention and prohibition of the production and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment or punishment.

7. The Committee requests that the State party provide in its next periodic report detailed statistical data, disaggregated by crime, ethnicity and gender, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials and on the related investigations, prosecutions, and penal and disciplinary sentences. Information is further requested on any compensation and rehabilitation provided to the victims.

8. The Committee encourages the State party to consider ratifying the Optional Protocol to the Convention against Torture.

9. The State party is encouraged to disseminate widely the reports submitted by Greece to the Committee and the conclusions and recommendations of the Committee, in appropriate languages, through official web sites, the media and non-governmental organizations.

10. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraph 6 (e), (h), (i), (j), (k) and (m) above.

11. The State party is invited to submit its next periodic report, which will be considered as the combined fifth and sixth report, by 4 November 2009, the due date of the sixth periodic report.
