



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

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COMMITTEE AGAINST TORTURE
Thirty-ninth session
Geneva, 5-23 November 2007

**List of issues prior to the submission of the
combined fifth and sixth periodic reports of GREECE***

Article 2

1. With reference to the previous conclusions and recommendations of the Committee, please provide detailed information on steps taken by the State party to ensure effective implementation in practice of adopted legislation, including the Prison Code (Law 2776/99), Law on Compensation (2001), Law on Combating Trafficking in Human Beings (Law 3064/2002), Law on Arms Possession and Use of Firearms (Law 3169/2003), and Law on Legal Aid (Law 3226/2004) (CAT/C/CR/33/2, para. 6 (b)).
2. Please provide information on the steps taken by the State party to further guarantee the rights of detained persons from the very outset of detention, including prompt access to defence counsel, medical examination, and contact with family members, and any restrictions that may be imposed on these rights.¹
3. Please inform the Committee on whether legislation prohibiting torture and cruel, inhuman and degrading treatment contains specific provisions regarding gender-based breaches of the Convention, including sexual violence. Please also describe all, if any, effective measures taken to

* The present list of issues was adopted by the Committee at its thirty-ninth session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

¹ Report to the Government of Greece on the visit to Greece by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), (CPT/Inf (2006) 41), paras. 31-34.

monitor the occurrence of and to prevent such acts, and please provide data, disaggregated by the sex, age and ethnicity of the victims, and information on the investigation, prosecution and punishment of perpetrators.²

Article 3

4. With reference to the previous conclusions and recommendations of the Committee, please inform the Committee of any measures taken by the State party, including legislative measures, to ensure access to a fair and impartial individual asylum determination procedure (para. 6 (c)). Please elaborate on steps taken by the State party to ensure that its competent authorities strictly observe article 3 of the Convention.

5. Please inform the Committee of the specific safeguards against *non-refoulement* that are in place and the practice of the State party in this respect. Please provide examples of cases where the authorities did not proceed with extradition, return or expulsion because of fear that the persons might be tortured. Does the State party have a list of “safe third countries” for removal? If so, how is it created and maintained?

6. The Committee has received allegations which express concern at the continued use of ill-treatment against irregular migrants and asylum-seekers by police officers and in detention centres as well as allegations of impunity accompanying these acts. What has the State party done to address these allegations?³

7. Please inform the Committee if necessary instructions to respect asylum principles have been given to border guards and the military, in order to ensure that they are fully aware of the rights of persons in need of international protection.

8. Please provide disaggregated data, by age, sex and nationality, on:

- a) the number of asylum requests received and the number of those that have been granted asylum or humanitarian status in 2005, 2006 and 2007, including on the basis of having been victims of torture;
- b) the number of undocumented migrants arrested in 2005, 2006 and 2007;
- c) the number of persons expelled or deported indicating if any of these were rejected asylum-seekers.

Article 4

9. Please provide data with respect to persons tried and convicted, including the punishments received, for the crime of torture, attempted torture and complicity or participation in torture. Please clarify for the Committee which sections of the Greek Penal Code were violated in such cases.

Article 5

² See the report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy: International, regional and national developments in the area of violence against women, 1994-2003 (E/CN.4/2003/75/Add.1), para. 1661.

³ See the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.170), paras. 68-69; and CPT/Inf (2006) 41, para. 16.

10. Please indicate whether the State party has rejected, for any reason, any request for extradition by a third State for an individual suspected of having committed an offence of torture, and thus engaging its own prosecution as a result. What is the status and outcome of such proceedings? Which sections of the Greek Penal Code were violated in such cases?

Article 10

11. With reference to the conclusions and recommendations of the Committee, please provide updated information on measures taken by the State party to 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 (para. 6 (d)).⁴ Does the training include the development of the necessary skills to recognize the sequelae of torture and sensitization with respect to contact with particularly vulnerable persons in situations of risk, including the Roma, undocumented migrants and asylum-seekers and victims of trafficking? Please specify who conducts and who undergoes the training, and if the Convention is made known in the course of such programmes. How and by whom are such training and instruction programmes monitored and evaluated?

Article 11

12. With reference to the previous conclusions and recommendations of the Committee, please provide updated information, including statistics, disaggregated by sex, age and ethnicity, on the number of imprisoned persons and the occupancy rate for the period 2004-2007 (para. 6 (j)).

13. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any new rules, instructions, methods and practices or arrangements for custody that may have been introduced. Please also indicate the frequency with which these are reviewed. Please describe steps taken by the State party to ensure effective and independent supervision of detention facilities.⁵ Has the State party considered modalities for increasing cooperation with non-governmental organizations, including visits to detention centres, as stated by the State party delegation and referred to in the previous conclusions of the Committee (para. 4 (d))?

14. Pursuant to the conclusions and recommendations of the Committee, please provide information on steps taken to effectively implement the newly adopted Code of Police Ethics containing, inter alia, guidelines for arrest and detention (para. 6 (e)).⁶ Has the State party considered the introduction of modalities for amending interrogation rules and procedures, such as introducing audio or videotaping, with a view to preventing torture and ill-treatment?

15. Please provide information on measures taken to implement the recommendations of the Special Rapporteur on violence against women, its causes and consequences that steps should be taken to improve prison conditions and that in doing so account should be taken of the United Nations Standard Minimum Rules for the Treatment of Prisoners; that male staff should not be

⁴ See also CPT/Inf (2006) 41, para. 17.

⁵ Ibid., paras. 21 and 127.

⁶ See also the concluding observations of the Human Rights Committee (CCPR/CO/83/GRC), para. 4, and the Comments by the Government of Greece to the conclusions and recommendations of the Committee against Torture (CAT/C/GRC/CO/4/Add.1), para. 15(a).

allowed to supervise female inmates, undertake body searches, or be present where female inmates are naked (E/CN.4/2003/75/Add.1, para. 1661); and that women, men and children should be separated with regard to detention in the juvenile justice system and to the forms of deprivation of liberty outside the criminal justice process.⁷

16. Could you please comment on reports that asylum-seekers and irregular migrants, including unaccompanied minors, are arbitrarily detained, and often in poor conditions?⁸ Could you please provide statistics of the number of children in detention, disaggregated by sex, age and ethnicity? Please indicate what the situation is at present with regard to the strict separation of persons under 18 years of age from adults in places of detention.⁹

17. Further to a previous recommendation by the Committee, please provide updated information on long-term measures to address overcrowding and poor conditions in prisons and other places of detention, including the establishment of new prisons, and the consideration of additional alternative means of reducing the prison population (para. 6 (j)).¹⁰ Could you please comment on reports that undocumented aliens are detained in overcrowded facilities with poor living and sanitary conditions, are not informed of their rights, and lack any effective means of communication with their families and their lawyers?¹¹

Articles 12 and 13

18. Please provide information, including statistics, on the number of complaints of torture and ill-treatment filed in the period 2004-2007 and results of all the proceedings, both at the penal and disciplinary levels. This information should be disaggregated by sex, age and ethnicity of the individual filing the complaint.

19. Please comment on concerns expressed by the Human Rights Committee over reported cases of disproportionate use of force by the police, including fatal shootings, and ill-treatment at the time of arrest and during police custody; that police violence against migrants and Roma appears recurrent; at the reported failure of the judicial and administrative systems to deal promptly and effectively with such cases; and at the leniency of the courts in the few cases where law enforcement officers have been convicted.¹² Furthermore, could you please provide an update of the progress made in reviewing the current Disciplinary Law for police officers and the status, mandate and achievements of bodies dealing with complaints against the police?¹³

20. Pursuant to the recommendations previously made by the Committee, please provide detailed information on measures taken to establish an effective, reliable and independent complaints system to undertake prompt and impartial investigations, including immediate forensic

⁷ See also CPT/Inf (2006) 41, para. 80.

⁸ Ibid., paras. 34 and 50.

⁹ Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.170), paras. 68-69.

¹⁰ See also the concluding observations of the Human Rights Committee (CCPR/CO/83/GRC), para. 12.

¹¹ Ibid., para. 11; and CPT/Inf (2006) 41, paras. 31-34.

¹² CCPR/CO/83/GRC, para. 9.

¹³ Ibid., para. 9(c); and CAT/C/GRC/CO/4/Add.1, para. 13.

medical investigation, into allegations of ill-treatment or torture by police and other public officials, and to punish the offenders (para. 6 (f)).¹⁴

21. What steps has the State party taken to ensure that all persons reporting acts of torture or ill-treatment are accorded adequate protection? Please inform the Committee of measures taken to ensure that disciplinary measures, including suspension, are not delayed pending the outcome of criminal proceedings.¹⁵

Article 14

22. Please provide information on redress and compensation measures ordered by the courts and actually provided to victims of torture, or their families, since the examination of the last periodic report (para. 6 (h)). This information should include the number of requests made, the number granted, and the amounts ordered and those actually provided in each case. Please indicate how many victims have been compensated despite the perpetrator not being identified. Do investigations into such cases continue until the perpetrator(s) is/are identified and brought to justice?

23. Please provide information on recent steps taken by the State party to ensure medical and psychosocial rehabilitation of victims of torture and ill-treatment.

Article 16

24. With reference to the conclusions and recommendations of the Committee, please provide detailed information on measures taken by the State party to reduce occurrences of ill-treatment, including that which is racially motivated, by police and other public officials (para. 6 (a)). Has the State party devised modalities for collecting data and monitoring the occurrence of such acts in order to address the issue more effectively?

25. Further to the previous conclusions and recommendations of the Committee, please provide updated information on measures taken by the State party to 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 (para. 6 (a and k)).¹⁶ Could you please comment on concerns expressed by the Committee on Economic, Social and Cultural Rights related to reported instances of police violence against the Roma, sweeping arrests and arbitrary raids of Roma settlements by the police? (E/C.12/1/Add.97, para. 11) Furthermore, please provide information on the number of members of minority groups that are recruited into the law-enforcement agencies, especially from the Roma minority.

26. Please provide updated information on any new legislation and/or measures adopted to prevent and combat sexual trafficking, particularly of children, and to provide assistance to victims,

¹⁴ See also CAT/C/GRC/CO/4/Add.1, para. 6.

¹⁵ CAT/C/CR/33/2, para. 6(g) and CAT/C/GRC/CO/4/Add.1, para. 5.

¹⁶ See also the report of the Special Rapporteur on the sale of children, child prostitution and child pornography on his visit to Greece (E/CN.4/2006/67/Add.3), para. 109; and E/CN.4/2003/75/Add.1, para. 1657.

including sensitization of law-enforcement officials in contact with these victims.¹⁷ Please provide information on measures taken to implement the recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography to establish clear rules and standards for identifying victims of child trafficking, ensure systematic verification of identity and centralized recording of unaccompanied alien minors, to rapidly inform the prosecutor for minors to be in a position to give appropriate protection, to provide separated children with suitably trained interpreters, legal representation and information about their entitlements, the services available, the asylum process, family tracing and the situation in their country of origin (E/CN.4/2006/67/Add.3, para. 112).

27. With reference to the conclusions and recommendations of the Committee, please provide updated information on measures, including legislative ones, taken by the State party to combat violence against women, including domestic violence, and to investigate all allegations of ill-treatment and abuse (para. 6 (l)).¹⁸ In particular, what steps have been undertaken to implement the recommendations of the Special Rapporteur on violence against women (E/CN.4/2003/75/Add.1, para. 1658) and to ensure full enforcement of the 2006 Law on Combating Domestic Violence, including its mediation procedure?

28. Pursuant to the conclusions and recommendations of the Committee, please provide information on any review conducted by the State party of modalities for protecting street children, in particular to ensure that those measures protect their rights, and to ensure that all decisions affecting children, to the extent possible, are taken with due consideration for their views and concerns (para. 6 (m)).¹⁹ What steps have been taken by the State party to prevent the recurrence of cases such as the Aghia Varvara children's institution? Please provide information on the fate of these children, where available, as well as the status of any judicial investigation.

Other

29. Pursuant to the recommendation of the Committee, does Greece envisage the ratification of the Optional Protocol to the Convention against Torture? (para.8) If so, does Greece envisage setting up or designating a national mechanism which would conduct periodic visits to places of deprivation of liberty in order to prevent torture or other cruel, inhuman or degrading treatment or punishment?

30. Pursuant to a previous recommendation by the Committee, please provide detailed information on any measures adopted by the State party, 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 (para. 6 (n)).

31. Please provide information on the legislative, administrative and other measures the Government has taken to respond to the threat of terrorism, and please indicate if, and how, these have affected human rights safeguards in law and practice.

¹⁷ See CCPR/CO/83/GRC, para. 10, CAT/C/GRC/CO/4/Add.1, paras. 17 and 18, CRC/C/15/Add.170, paras. 76-77, CEDAW/C/GRC/CO/6, paras. 21 and 22; E/CN.4/2006/67/Add.3, paras. 103, 104 and 112.

¹⁸ See also CAT/C/GRC/CO/4/Add.1, para. 15(b); CCPR/CO/83/GRC, para. 7; E/CN.4/2003/75/Add.1, paras. 1644 -1661; and CEDAW/C/GRC/CO/6, paras. 19 and 20.

¹⁹ See also CRC/C/15/Add.170, paras. 72 and 73; CCPR/CO/83/GRC, para. 10; and E/CN.4/2006/67/Add.3, para. 116.

**General information on the national human rights situation,
including new measures and developments relating to the implementation of the Convention**

32. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level, that have occurred since the previous periodic report and the relevant parts of the follow-up information submitted, including any relevant jurisprudential decisions.

33. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level, that have occurred since the previous periodic report and the relevant parts of the follow-up information submitted, including on any national human rights plans or programmes, and the resources allocated to it, its means, objectives and results.

34. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the previous periodic report, including the necessary statistical data, as well as on any events that have occurred in the State party and are relevant under the Convention.
