

GREECE

Follow-up - State Reporting (i) Action by Treaty Bodies

CAT, A/60/44 (2005)

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CHAPTER IV. FOLLOW-UP ON RECOMMENDATIONS AND OBSERVATIONS ON STATES PARTIES REPORTS

115. At its thirtieth session, in May 2003, the Committee began a routine practice of identifying, at the end of each set of concluding observations, a limited number of recommendations that are of a serious nature and warrant a request for additional information following the dialogue with the State party concerning its periodic report. The Committee identifies conclusions and recommendations regarding the reports of States parties which are serious, can be accomplished in a one-year period, and are protective. The Committee has requested those States parties reviewed since the thirtieth session of the Committee to provide the information sought within one year.

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118. The Rapporteur has welcomed the follow-up information provided by six States parties as of 20 May 2005, when its thirty-fourth session concluded, indicating the commitment of the States parties to an ongoing process of dialogue and cooperation aimed at enhancing compliance with the requirements of the Convention. The documentation received will be given a document number and made public. The Rapporteur has assessed the responses received particularly as to whether all of the items designated by the Committee for follow-up (normally between three and five issues) have been addressed, whether the information provided is responsive, and whether further information is required.

119. With regard to the States parties that have not supplied the information requested, the Rapporteur will write to solicit the outstanding information. The chart below details, as of 20 May 2005, the conclusion of the Committee's thirty-fourth session, the status of follow-up replies to concluding observations since the practice was initiated. As of that date, the replies from seven States parties remained outstanding.

120. As the Committee's mechanism for monitoring follow-up to concluding observations was established in May 2003, this chart describes the results of this procedure from its initiation until the close of the thirty-fourth session in May 2005.

<u>State party</u>	<u>Date due</u>	<u>Date reply received</u>	<u>Further action taken/required</u>
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Greece	November 2005		
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CAT, A/61/44 (2006)

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CHAPTER IV. FOLLOW-UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS

38. In Chapter IV of its annual report for 2004-2005 (A/60/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2005. This chapter updates the Committee's experience to 19 May 2006, the end of its thirty-sixth session.

39. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2006 on the results of the procedure.

40. The Rapporteur has emphasized that the follow-up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment," as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

41. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow-up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow-up recommendations" which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' report under article 19.

42. Since the procedure was established at the thirtieth session in May 2003 through the end of the thirty-sixth session in May 2006, the Committee has reviewed 39 States for which it has identified follow-up recommendations. Of the 19 States parties that were due to have submitted their follow-up reports to the Committee by 1 May 2006, 12 had completed this requirement (Argentina, Azerbaijan, Czech Republic, Colombia, Germany, Greece, Latvia, Lithuania, Morocco, New Zealand, United Kingdom, and Yemen). As of May, seven States had failed to supply follow-up information that had fallen due (Bulgaria, Cambodia, Cameroon, Chile, Croatia, Moldova, Monaco), and each was sent a reminder of the items still outstanding and requesting them to submit information to the Committee.

43. With this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

44. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all of the items designated by the Committee for follow-up (normally between three to six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she writes to solicit the outstanding information.

45. Each letter responds specifically and in detail to the information presented by the State party, which is given a formal United Nations document symbol number.

46. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues not addressed but which are deemed essential in the Committee's ongoing work in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

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48. The chart below details, as of 19 May 2006, the end of the Committee's thirty-sixth session, the state of the replies with respect to follow-up.

A. Follow-up reply due before 1 May 2006

State party	Date due	Date reply received	Document symbol number	Further action taken/required
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Greece	November 2005	14 March 2006	CAT/C/GRC/CO/4/Add.1	
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CAT, A/62/44 (2007)

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IV. FOLLOW UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS

46. In Chapter IV of its annual report for 2005 2006 (A/61/44), the Committee described the framework that it had developed to provide for follow up subsequent to the adoption of the conclusions and recommendations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2006. This chapter updates the Committee's experience to 18 May 2007, the end of its thirty eighth session.

47. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow up to conclusions and recommendations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2007 on the results of the procedure.

48. The Rapporteur has emphasized that the follow up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

49. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow up recommendations" which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

50. Since the procedure was established at the thirtieth session in May 2003, through the end of the thirty eighth session in May 2007 the Committee has reviewed 53 States for which it has identified follow up recommendations. Of the 39 States parties that were due to have submitted their follow up reports to the Committee by 18 May 2007, 25 had completed this requirement (Albania, Argentina, Austria, Azerbaijan, Bahrain, Canada, Chile, Czech Republic, Colombia, Croatia, Ecuador, Finland, France, Germany, Greece, Latvia, Lithuania, Monaco, Morocco, New Zealand, Qatar, Sri Lanka, Switzerland, United Kingdom and Yemen). As of 18 May, 14 States had not yet supplied follow up information that had fallen due (Bulgaria, Bosnia and Herzegovina, Cambodia, Cameroon, Democratic Republic of the Congo, Georgia, Guatemala, Republic of Korea, Moldova, Nepal, Peru, Togo, Uganda and United States of America). In March 2007, the Rapporteur sent a reminder

requesting the outstanding information to each of the States whose follow up information was due in November 2006, but had not yet been submitted, and who had not previously been sent a reminder.

51. The Rapporteur noted that 14 follow up reports had fallen due since the previous annual report (A/61/44). However, only 4 (Austria, Ecuador, Qatar and Sri Lanka) of these 14 States had submitted the follow up information in a timely manner. Despite this, she expressed the view that the follow up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow up to the review of the periodic reports. While comparatively few States had replied precisely on time, 19 of the 25 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non governmental organizations, many of whom had also encouraged States parties to submit follow up information in a timely way.

52. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

53. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow up information at all, she writes to solicit the outstanding information.

54. At its thirty eighth session in May, the Committee decided to make public the Rapporteur's letters to the States parties. These would be assigned a United Nations document symbol number and placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies (these symbol numbers are under consideration) to the follow up and also place them on its website.

55. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill treatment.

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57. The chart below details, as of 18 May 2007, the end of the Committee's thirty eighth session,

the state of the replies with respect to follow up.

Follow up procedure to conclusions and recommendations from May 2003 to May 2007

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Thirty third session (November 2004)

State party	Information due in	Information received	Action taken
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Greece	November 2005	14 March 2006 CAT/C/GRC/CO/4/Add.1	Response under review
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(ii) Action by State Party

CAT/C/GRC/CO/4/Add.1 (2006)

**Comments by the Government of Greece to the conclusions
and recommendations of the Committee against Torture(CAT/C/CR/33/2)**

[14 March 2006]

1. With reference to the contents of paragraph 6, points (e), (h), (i), (j), (k) and (m) of the document of the Committee against Torture, the following information is provided:

2. The protection of human rights is of paramount importance to the Greek Police Force.

3. To this end, strict provisions have been made in the disciplinary Regulations of the police staff, for both the most expeditious prosecution and the punishment of such offences.

4. According to the provision of article 21, para. 1 of presidential decree 22/1996, offences committed by police officers, that are subject to disciplinary measures, owing to the nature of the duties assigned to them and their special effect on the fulfilment of the police mission, should be confirmed as soon as possible.

5. Moreover, according to article 9, para 1c of the above decree, the instigation of torture, physical injury, damage to health, psychological violence and any other act or behaviour that constitutes a serious violation of human dignity, on or off duty, is punished by removal from service.

6. The disciplinary investigation of complaints for torture or other violations of human dignity is carried out by sworn administrative inquiries. In the General Police Directorates of Attica and Thessaloniki, such inquiries are conducted by special agencies, (Administrative Inquiry Sub-directorates), on which the charged police officers have no administrative dependency.

7. In other Police Services, such inquiries are conducted by officers of the competent Police Directorates in which the charged police officers serve.

8. However, for reasons of objective administration of disciplinary justice, according to the provisions of articles 11 and 15 of presidential decree 3/2004, which amended the provisions of articles 23 (1) and 27 (2) of presidential decree 22/1996, in cases of complaints of torture or other violations of human dignity:

(a) Disciplinary proceedings against the liable police officer by the issuance of an order for such an inquiry are initiated solely by agencies superior to the Police Directorate to which the charged officer belongs administratively;

(b) The administrative inquiry is assigned to an officer of a Police Directorate other than that to

which the charged police officer belongs.

9. Para. 3g of circular order 6004/1/5-va' issued on 14 February 2004 by the Hellenic Police Marshal, entitled "Amendment of provisions- reform of disciplinary law applicable to police staff", pointed out once again to all agencies that the respect and protection of human rights is of paramount importance for the Headquarters and that the application of the above provisions offers enhanced guarantees for impartial and objective assertion of the relevant offences.

10. Any case of ill treatment, abuse of use of firearms by police officers undergoes disciplinary investigation according to the police staff Disciplinary Regulations and, if the findings of the commission of disciplinary offences are confirmed, the prescribed sanctions are imposed. At the same time, these cases undergo judicial investigation by the independent judicial authorities. In application of the provision of article 49 (1) of presidential decree 22/1996, as replaced by article 29 of decree 3/2004, facts the occurrence or non-occurrence of which was ascertained by an irrevocable judgment or an irrevocable release of a criminal court are binding on the disciplinary judges; in all other cases, the judgment of the criminal court is taken into account in the disciplinary hearing, but the disciplinary body is not prevented from issuing a judgment different than that of the criminal court.

11. The Hellenic Police Headquarters has repeatedly issued orders concerning the protection of human rights and the overall behaviour of the staff on this matter and is continuously monitoring their implementation. It will proceed to the necessary actions in the event that additional measures are warranted.

12. In addition, the independent authority Ombudsman is competent to review the legality of disciplinary procedures either ex officio or following complaints made by interested parties, and may recommend either compliance with lawful procedures or the taking of prescribed measures.

13. On the occasion of the recent (special) Report of the above authority, and Officers Committee was established to examine whether the current disciplinary law needs to be amended or improved with regard to the procedure of investigating charges against police officers for ill treatment of citizens. This Committee completed its task by preparing a report. At the same time, a Project Management Team was established by resolution of the Minister of Public Order, chaired by a higher judicial official, with the participation of police officials, whose task is to revise the disciplinary law for police staff. The said report was forwarded to the chairman of this committee in order to be taken into account.

14. The Ministry of Public Order and the Hellenic Police Headquarters are determined not to allow the development of xenophobia or the manifestation of racism within the Hellenic police force; they will not in check any illegal, irregular or improper behaviour by police officers. It should be noted that the investigation of cases to date did not establish any racist or xenophobic motivation.

15. Police Headquarters have issued the following documents:

(a) The presidential decree "Code of ethics for police officers" (N° 254/2004, Government Gazette A-238), which comprises rules for the respect of human rights and the protection of vulnerable people

and social groups. The European Code of Police Ethics, the international resolutions on rules of behaviour for police officers, the observations and suggestions of National Human Rights Committee, the suggestions of the Ombudsman, the views of the Office of the High Commission for Refugees in Greece and the views of the police staff federations were taken into account in the preparation of that decree. Copies of the code were distributed to all police officers, border guards and special guards and the subject was included in the education and training courses of all police academies;

(b) A handbook on intra-family violence, which aims at protecting human rights, especially of women and children, within the family and at informing police officers when violations occur. It is also targeted at the more systematic and complete handling of such cases, through the provision of instructions to police staff. Intra-family violence is a subject covered in police academies;

(c) A circular order (7100/22/4a of 17 June 2005) on “Arrests as preventive and repressive action in the exercise of police activity”, which aims at providing interpretative clarifications to the police agencies, on the basis of the current provisions, and demonstrating sensitivity in matters of protection of individual rights of citizens, according to the relevant proposals of the Ombudsman;

(d) A handbook entitled “Arrests, treatment and rights of persons detained by police authorities” (June 2005), which deals with matters concerning the protection of the rights of citizens in police action and specifies general principles and rules established by the Code of Ethics for police staff. It includes circular orders on checking and arresting citizens, the treatment and the rights of persons detained by police authorities, and the disclosure of the identity of arrested persons.

16. The phenomenon of “traffic lights children” surfaced in the early 1990’s, with the entry into the country of economic immigrants who, as a rule, exploited their children financially and pushed them to beggary and self-employment.

17. Today, this phenomenon tends to be eliminated through:

(a) Daily police patrols and checks in sensitive areas especially in the centre of Athens and throughout the province of Attica;

(b) The almost complete integration of foreigners in the social tissue of the Greek society, owing to the fact that the Law on Aliens resulted in legalization of all persons who had entered the country, legitimately or not;

(c) The implementation of article 7 of Law 2010/01, by virtue of which, when minor aliens, victims of instigation of financial exploitation, are deported, their guardians are deported with them, since they are deprived of resources and the financial exploitation of minors is considered as the last resort for their survival.

18. The “Aghia Varvara” foundation, a “children’s land” is a unit of the 2nd Regional Health and Welfare System of Attica (it is a legal entity in public law) and operates as a decentralized and independent unit, with administrative and financial autonomy. At present, this “children’s land” provides accommodation for teenage girls (13 – 18 years old) whose parents have particular health,

social or financial problems or who are totally deprived of a proper family environment. In exceptional cases the foundation may lodge teenage girls who have committed offences in the past, either by court order or by order of the Public Prosecutor of Athens for Minors.