



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

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COMMITTEE AGAINST TORTURE

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

Fourth periodic reports of States parties due in 2001

Addendum

GREECE*

[11 January 2002]

* For the initial report submitted by the Government of Greece, see document CAT/C/7/Add.8; for its consideration by the Committee, see documents CAT/C/SR.63 and 64 and *Official Records of the General Assembly, Forty-sixth session, Supplement No. 44 (A/46/44)*, paras. 129-153. For the second periodic report, see document CAT/C/20/Add.2; for its consideration by the Committee, see documents CAT/C/SR.181 and 182 and *Official Records of the General Assembly, Forty-ninth session, Supplement No. 44 (A/49/44)*, paras. 148-158. For the third periodic report, see document CAT/C/39/Add.3; for its consideration by the Committee, see documents CAT/C/SR.460, 463 and 469 and *Official Records of the General Assembly, Fifty-sixth session, Supplement No. 44 (A/56/44)*, paras. 83-88.

The information submitted by Greece in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in HRI/CORE/1/Add.121.

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I. GENERAL INFORMATION ON THE APPLICATION OF THE CONVENTION

1. Greece, as a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Law 1782/1988, and pursuant to the principles of the Charter of the United Nations, truly applies the Convention and makes continuous efforts towards its substantive and effective implementation. Since Greece submitted its third periodic report in November 1999, there have been new developments in the Convention's implementation, which concern the exercise of the penitentiary policy of Greece (as far as the Ministry of Justice is concerned), and new measures and new legislation have been adopted, which are described in the present report. Also, it contains the additional information in response to the conclusions and recommendations adopted by the Committee against Torture during the consideration of the third periodic report of Greece in May 2001, and on the articles of the Convention referred to by the Committee (see A/56/44, paragraph 88).

2. In accordance with the Constitution and the laws governing its operation, the mission of the Hellenic Police Force is to safeguard and maintain public order, protect public and State security, fight every form of crime, secure the civil defence of the country, participate in securing national defence in cooperation with the armed forces, and to protect individual freedoms, social rights and all constitutionally safeguarded rights of Greek citizens and persons within the Greek territory.

3. Respect for the value of human beings and the protection of human rights and freedoms of all persons in Greece, the country where freedom and democracy were born, regardless of race, nationality, language, religion or political convictions, is the primary obligation of the State and a constitutional order of paramount importance. Any infringement thereof is both unacceptable and alien to the sensitivity of the Greek people and therefore punishable.

4. All individual and social rights are constitutionally safeguarded and inviolable for all citizens without discrimination.

5. Greek police officers struggle day and night, in adverse and sometimes unpredictable conditions, to enforce the laws and secure conditions of order and unhindered social coexistence. The legal requirements are the guidelines and rules governing the actions of the Hellenic Police Force, all of whose activities are characterized by legality. At the same time, Greek police officers have proved by their behaviour that they respect the rule of law and the human rights of citizens which they make every effort to safeguard.

II. NEW LEGISLATIVE MEASURES AND NEW DEVELOPMENTS

A. Ministry of Justice

6. In addition to the legislative measures described in the third periodic report, a new Prison Code entered into force in December 1999 (Law 2776/99), which codifies all respective laws previously in force and further enacts a number of progressive provisions with regard to the improvement of living conditions in prisons, the education and professional training of inmates,

conditional release and social rehabilitation, having as its aim to prevent the inhuman treatment of prisoners in Greek prisons. It also aims at improving relations between prisoners and penitentiary personnel, and at achieving the best administration of prisons and their effective supervision by the prosecutors and supervisors.

7. This Code is the cornerstone of the penitentiary policy of the Ministry of Justice and essentially improves the previous legislation on the treatment of prisoners and their social rehabilitation, by enacting the following new regulations:

(a) It establishes three new councils which take care of the prisoners' problems: the three-member Prison Board, the five-member Labour Board for prisoners, and the Disciplinary Board which also handles matters related to the leave of prisoners;

(b) It facilitates prisoners' rehabilitation after their release from prison through the creation of the legal body of private law *Epanodos*, under the supervision of the Ministry of Justice;

(c) It regulates the system of "work credits", whereby a prisoner who works can decrease the duration of imprisonment. Following a recent presidential decree, the calculation of these credits depends on the activity, the maximum being in agrarian activities and technical workshops, where each day's work counts for two and a half days of imprisonment;

(d) It significantly expands the circle of persons who may be entitled to visit a prisoner, other than those already provided for by the Code, subject to the authorization of the Prison Board;

(e) It establishes that prisoners may work for their own account, either in the prison or outside it;

(f) It introduces semi-liberty centres, which will become fully operational once the first of the nine new prisons under construction is finished. The prisoners are thereby given the opportunity, if they fulfil the necessary requirements, to attend courses outside the prisons corresponding to all degrees of education;

(g) It amends the composition and the functions of the Central Scientific Board of Prisons, a special advisory body to the Ministry of Justice already described in the previous report (CAT/C/39/Add.3, paras. 8 and 9). The membership of the Board has been increased to 11, as follows: five members of the scientific teaching staff of the Greek higher education institutes (mainly lawyers); an expert in penitentiary, criminal or constitutional law; an expert in penology, prisoner psychology or the treatment of drug addicts; a district attorney to the Court of Appeal; the director general of penitentiary policy; the head of the supervision directorate; the health control inspector and the head of the social work service of the Ministry, all for a three-year term in office.

8. Furthermore, the new Prison Code contains the following provisions:

(a) In the case of an illegal action or order against prisoners, they are entitled to address a written complaint to the Prison Board. Every letter or report is transmitted to it by the director within a period of three days; its content is confidential and it is kept in a special protocol book (art. 6);

(b) If the director recommends the transfer of a prisoner for specific reasons, the opinion of the Prison Board, meeting under the presidency of the competent judicial officer, is required (art. 9);

(c) Young prisoners who attend continuous educational or vocational training programmes are allowed to remain in juvenile detention centres until the age of 25 (art. 12);

(d) Women offenders with young children are permitted to keep their children with them until the age of 3, in a separate space of the prison (art. 13);

(e) Special attention is provided for accused prisoners in matters of therapeutic treatment (art. 15);

(f) Access to the personal records and files of a prisoner is restricted to the prison administration, the prisoner himself/herself, his/her legal representative, and, subject to the district attorney's decision, to a third party if there is a legal interest (art. 23);

(g) Besides the obligatory medical examination upon arrival at the prison, a medical examination is made every six months, or whenever a prisoner asks for one (art. 27);

(h) The prisoner, or his/her legal representative, as well as the supervising district attorney and the competent prison administration may, if required, have access to the medical file of a prisoner (art. 28);

(i) Any kind of medical or similar experiments on prisoners are prohibited, even if they consent thereto. Also, the confidentiality of their medical information is ensured (art. 29);

(j) The competent officers take a positive view of prisoners' active participation in individual or artistic events and the creative use of their time, with a view to granting them benefits or privileges (art. 38);

(k) Under the responsibility of the prison director, a post office box of the Greek postal services is kept in a place accessible to the prisoners, and the timely sending and delivery of cables or registered letters from and to the prisoners is ensured (art. 53);

(l) A prisoner whose sentence has been converted to a fine may ask the court to allow the partial service of the penalty (arts. 63 and 64);

(m) As far as disciplinary proceedings for petty ("A" class offences) are concerned, the presence of a lawyer during these proceedings is permitted (art. 66);

(n) A disciplinary petty offence is time-barred after six months following its commission (art. 68);

(o) Disciplinary penalties are not taken into account for the granting of regular leave and conditional release (art. 69).

9. Law 2721/1999 establishes that external employees of the Ministry of Justice may be employed as prison guards; 1,300 persons have already been recruited and after receiving appropriate training at the School of Penitentiary Personnel, have already taken up their duties. For the moment they are assisted by policemen, until the latter give up this function completely due to the insufficient number of policemen. Another 350 penitentiary employees have been recruited in 2001, and the employment of another 150 staff from various technical specialties is foreseen, who will work in prisons and other penitentiary services.

10. As regards complaints from prisoners for acts of torture by staff of the Ministry of Justice, none has been reported since the consideration of the third periodic report.

B. Ministry of Public Order

11. The protection of human rights and freedoms is secured both by the basic provisions of the Constitution of our country and by a series of laws which have ratified or incorporated relevant recommendations of international bodies such as ECRI (European Commission against Racism and Intolerance), CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), etc., as well as by a series of new legislative measures relating to the implementation of the Convention against Torture.

12. Articles 6 and 7 of the Constitution provide major guarantees for the respect and protection of human dignity. In particular, article 6 determines the form and conditions for the treatment of arrested and detained persons, as well as compensation for the moral prejudice they incurred. Article 7 prohibits torture and any form of humiliating treatment.

13. On the basis of these constitutional provisions, torture and any insult against human dignity are penalized and constitute an independent crime as defined in article 137A of the Penal Code, in accordance with which:

“Any official or military officer whose duties include the prosecution or interrogation or examination of punishable acts or disciplinary offences or the enforcement of sentences or the custody or care of detained persons, is punished by imprisonment if they subject to torture during the performance of such duties any person under their authority, aiming at:

“(i) Extracting from such person or from a third person a confession, testimony, information or statement, mainly for renouncement or acceptance of political or other ideology;

“(ii) Punishing such person;

“(iii) Intimidating such person or third persons.”

14. The fact that torture became a criminally punishable independent crime prevents the risk of violence becoming a means of exercising State authority and protects the foundation of the State itself.

15. Compensation by the State for such acts is provided for in article 105 of the Civil Code Introductory Law, in accordance with which:

“For illegal acts or omissions of the State bodies in the exercise of public authority entrusted to them, the State is liable for compensation, unless the act or omission was made in violation of a provision for the benefit of general interest. The responsible person is liable in full together with the State, subject to the special provisions on the liability of Ministers.”

This provision establishes a special responsibility in public law on State bodies in the exercise of the authority entrusted to them, which creates an obligation for the State to compensate for an act or omission of the State body, regardless of liability, where a private right or simple private interest protected by the violated provision has been prejudiced.

16. By virtue of Law 2667/98, the National Commission for Human Rights was established. Its duties include the investigation of fundamental and individual rights. Represented on the Commission with the right to vote are non-governmental organizations active in the field of human rights. It is assisted in its tasks by representatives of State bodies, without the right to vote.

17. Law 2472/97 (Official Gazette A-50) establishes the conditions for the processing of personal data with a view to protecting the rights and fundamental freedoms of individuals, especially the right to privacy.

18. Law 2477/97 (Official Gazette A-59) establishes the institution of Ombudsman as an independent administrative authority.

19. Presidential decrees 358 and 359/97 enable the legalization of the status of illegal immigrants.

20. Law 2721/99 provides for the appointment of an attorney when the defendant is not able to pay for one.

21. Presidential decree 61/99 grants additional rights to asylum-seekers and provides for the special treatment of vulnerable groups such as women and children.

22. Article 8 of presidential decree 14/2001 (Official Gazette A-12) concerning the “Organization of Services of the Hellenic Police Force” provides for authority of the department of refugees and political asylum of the Directorate of Foreign Citizens of the Hellenic Police Force Command (HPFC) to handle matters related to racism and xenophobia, as well as to provide guidance to the regional police services in dealing with such cases, in cooperation with the competent directorates of HPFC. It should be noted that acts of racism and xenophobia are now prosecuted ex officio by virtue of article 39 of Law 2910/01.

23. Joint Resolution No. 137954/12.10.2000 of the Ministers of Foreign Affairs, Justice and Public Order provides for the temporary stay in the country of aliens whose deportation has been ordered by a court decision and whose immediate departure is unfeasible. In particular, it stipulates that even in the case where a deportation ordered after serving a prison sentence cannot be executed immediately, the competent public prosecutor presents the case to the three-member Magistrate's Court for a decision to allow the temporary stay of the person concerned in the country under restrictive terms. This provision addressed the problem of long periods of detention of foreign citizens in cases where the execution of court decisions on deportation were unfeasible for any reason.

24. The new Law 2910/2001 "Entry and stay of foreign citizens on Greek territory. Acquisition of Greek citizenship by naturalization", in force since 2 June 2001, includes arrangements concerning aliens under deportation order in accordance with international practice, and provides guarantees for their detention on remand. Specifically:

(a) Article 44, paragraph 1, provides for cases in which the deportation of an alien may be permitted under administrative procedures. In particular, administrative deportation is permitted if the foreign citizen is convicted of a crime carrying a sentence of deprivation of liberty of at least one year and for certain other crimes;

(b) It provides for the issuance of resolutions for administrative deportation by the competent police commissioner (art. 44, para. 2) instead of the Chief of the Hellenic Police Force, as under the previous law, in an effort to expedite the procedure by decentralizing responsibilities;

(c) Article 44, paragraph 3, stipulates that an alien detained until departure because he/she was suspected of flight or considered dangerous to public order is entitled:

(i) To be informed of the reason of his/her detention in a language he/she understands;

(ii) To appeal against the decision of detention before the chairman of the administrative first instance court, who decides immediately on its legality;

(d) The same article stipulates that the period of detention of an alien awaiting administrative deportation cannot exceed three months;

(e) Another beneficial new arrangement is that an alien who has received a deportation order may, if not suspected of flight or considered a danger to public order, or who has been released from detention by the administrative first instance court, be granted a 30-day period to prepare for his/her departure (art. 44, para. 4);

(f) A foreign citizen is entitled to appeal against the deportation order before the General Secretary of the competent region. The appeal, which has suspensive effect, is reviewed by a body independent of the police authority that issued the deportation order (art. 44, para. 5);

(g) Other beneficial arrangements include the possibility of a temporary suspension of the deportation order by the General Secretary of the region for humanitarian, force majeure or public interest reasons, such as exceptional reasons concerning the life or health of the person and his/her family (art. 44, para. 6);

(h) Article 45 provides for the possibility of temporary stay of aliens in the country under restrictive terms, if the deportation order cannot be carried out immediately. Such a decision is taken by the General Secretary of the region and applies to cases of deportation under administrative procedures;

(i) Finally, article 48 stipulates that pending the completion of deportation procedures, the foreign citizen may remain in temporary detention premises, established by the General Secretary of the region and run by the Prefecture. All these provisions are innovative and are certain to bring about an improvement in the conditions of detention of aliens.

25. Order No. 4803/4/76-ta/3.11.2000 repeats to all services the obligation to assign custody duties to female police officers when and where women are detained.

26. Aiming at improving the quality and quantity of food provided to detained persons, the catering allowance was increased by 100 per cent on 1 August 2001, namely from 1,000 drachmas to 2,000 drachmas daily.

1. Rights of detained persons and prohibition of abuse

27. Orders of the HPFC to all police services have repeatedly underlined the importance given by the Ministry of Public Order to the application of legislation and circulars concerning the rights of detained persons (right of access to legal and medical assistance, right to contact consular authorities of their country, right to visits and contacts with relatives, organizations and authorities, right to be informed of their rights) and the severe punishment (penal and administrative) of police officers who violate such rights in any way.

28. However, in the event that it is ascertained that certain police officers have not embraced, to the extent required, the need to fully apply the measures aimed at protecting the rights of detained persons in practice, or if their commanders and superiors do not exercise the necessary preventive or punitive control over the full application of the legislation, regulations and other relevant orders, the provisions of the disciplinary law and penal legislation are applied.

29. By way of indication, it may be mentioned that from 1996 to 2000, a total of 163 complaints against police officers for abuse and ill-treatment of citizens were investigated, with the following results:

(a) Disciplinary:

- Disciplinary sanctions were imposed on 24 police officers;
- 121 cases were filed;
- 18 cases are pending for investigation;

(b) Penal:

- 111 cases were found not to involve criminal violations;
- 18 cases were filed (exonerating decisions or acquitting decrees were issued and criminal proceedings ceased);
- 34 cases are pending before the judicial authorities.

Contact with relatives of the detained person

30. The content of circular No. 4803/22/14/3.11.95 and, in particular, paragraph 2 of the information bulletin on detained persons establish that the arrested person is entitled to inform his/her relatives of his/her arrest, as well as the consulate of his/her country if he/she is a foreign citizen. Police officers are obliged to allow and facilitate the immediate contact of the detained person with his/her relatives and to inform them of the place of detention and the reasons for the arrest.

31. The circular does not specify any special reasons for delaying contact with the relatives of the detained person; however, article 105 of the Code of Penal Procedure provides that this right may be restricted in order to protect the interests of the investigation.

Right of access to an attorney

32. The right of access to an attorney is inviolable for any defendant, in accordance with the Code of Penal Procedure (arts. 96-108). Foreign citizens are naturally entitled to the same right in the course of administrative deportation procedures; they are informed of such a right at the time they are arrested and taken to the police station.

Information on the rights of detained persons and aliens under deportation order

33. Information leaflets have been repeatedly issued, and relevant reminders are sent on the application of the circular that provides for the issuance, distribution and application of information sheets; also, controls are made to ascertain that the measure is applied in practice. Moreover, by order No. 4803/22/14 of 24 October 2000 issued by the HPFC Organization Directorate, information sheets were printed in 14 languages and in large sizes, with the order that they be posted in conspicuous places so that all detained persons could see them.

Appointment of attorney in case of financial inability of the detained person

34. The applicable legislation (article 96 (a) of the Code of Penal Procedure, as supplemented by article 17 of Law 2721/3.6.1999) also provides for the appointment of an attorney if the detained person cannot afford one. The attorneys appointed ex officio from the list of attorneys receive the lowest fee provided for by the code of lawyers for handling such a defence. The chairman of the court or the council or the examining judge or examining official may fix an increased fee if the length of the defence task performed by the attorney so warrants.

Unhindered access of representatives of international or non-governmental organizations to detention premises

35. Confirming the fundamental importance of the Office of the United Nations High Commissioner for Refugees (UNHCR) as an international body for the provision of international protection to refugees, and recognizing the valuable contribution of non-governmental organizations (NGOs) to the welfare conditions of asylum-seekers and refugees during reception, they are given the right of unhindered access to detention facilities, in consultation with the competent services.

2. Training of police officers on human rights

36. In the framework of the continuous modernization of education in police academies, by integrating in the curricula developments taking place around the world, new problems and ways and methods for dealing with them, the Hellenic Police Force Command made innovative changes, giving special importance to the respect for and safeguard of human rights. The most important innovations introduced in this field are described below:

Senior officers academy

37. In the second and third years, there is detailed analysis of the applicable constitutional provisions on human rights underlying those problems with which the trainees will be dealing in the future, in the performance of their duties. Special emphasis is given to the following topics:

- The value of human beings;
- Equality;
- Judicial protection;
- The Ombudsman and Public Administration Supervising Auditors;
- The Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The Basic Rules for the Treatment of Prisoners;
- The Code of Conduct for Law Enforcement Officials;
- 12-point programme for the prevention of torture;
- Racism and xenophobia;
- Police competence with respect to asylum;
- Police interventions;
- Obligations of the Hellenic Police officers (legal and joint actions);

- Conditions for the use of weapons;
- The use of force by public bodies;
- Control of police authority;
- Penal, disciplinary and civil liability of Hellenic Police officers.

Police officers academy

38. Cases from the news and police reports are examined and analysed for the teaching of individual and social rights. Political reporting and news are also studied for the teaching of matters pertaining to the organization and functioning of the State. Both academies organize lectures on the following topics:

- The mission and tasks of UNHCR;
- Abuse of women in the framework of domestic violence (measures for protection and intervention and settlement of the problem by police authorities);
- Trafficking in human beings;
- Sexual exploitation of children as an international organized crime;
- The prevention of cruel treatment during detention;
- Immigrants, racism and xenophobia (Greek and European experiences of discrimination).

40. Apart from the above, the Council of Europe guide *Policing in a Democratic Society* is being translated.

41. Moreover, a book entitled *Victimology* was recently published, and we are examining the possibility of distributing it to the students of police academies as an additional educational tool in matters of human rights. It covers substantial issues of victimology, a branch of penal science that examines crimes from the point of view of its victims and aims at educating the public so that they do not become victimized. Some of the topics discussed in the book are:

- A general overview, especially of victims of abuse of power;
- Victims of violence in the family;
- The elderly as victims and their legal protection;
- Dealing with victims of road accidents abandoned by the perpetrators.

42. The safeguard of human rights is the mission of police officers. The protection of law without denying humanity will always be the axis of the evolutionary course of education.

43. In 2000, in the framework of the week “Police - Human Rights” on the occasion of the fiftieth anniversary of the signature of the European Convention on Human Rights, speeches and lectures were given at the police academy by well-known persons who have fought for this cause. Moreover, many police officers participated in seminars, conferences and meetings on relevant subjects organized by universities, NGOs and other institutions.

44. The Directorate of Organization and Legislation of HPFC has drawn up a draft code of ethics during interrogation, which is at the stage of approval by the leadership and includes rules concerning impartiality and objectivity in the application of laws and the respect for human dignity and personality.

45. Apart from the above, in the framework of collaboration with the UNHCR office in Greece, in 2001, the following educational activities were organized for the police authorities of the country:

- (a) Recommendations to the National Security School (October 2001);
- (b) Meeting at the Athens Airport (February 2001) with the participation of 20 people involved in asylum;
- (c) Meeting at the Medical Centre for Victims of Torture with the participation of 20 people involved in asylum;
- (d) Five recommendations addressed to a police officers academy and border guards;
- (e) Seminar at the police directorate of Alexandroupoli (February 2000);
- (f) Seminar for asylum office personnel at the UNHCR offices (February 2001).

III. INFORMATION SUBMITTED BY THE MINISTRY OF JUSTICE PURSUANT TO THE REQUEST FROM THE COMMITTEE

A. Overcrowding of prisons

46. As the matter has arisen during the discussion of the third periodic report, the overcrowding of Greek prisons has not yet been solved, although the competent authorities are trying hard, on a daily basis, to address this problem. As has already been pointed out many times before, the overcrowding of prisons is the result of the great increase in imported criminality, as nearly half of the prisoners are aliens of nearly 100 nationalities. Therefore, although space is available for 5,300 prisoners, the inmate population stands at 8,600.

47. One of the most important ways of fighting overpopulation is the construction of new prisons, which will fulfil all requirements of comfortable living conditions for prisoners, and meet their needs in education and vocational training, with modern dormitories, classrooms, workshops, entertainment, etc. The Ministry of Justice has prepared, for that purpose, a building project for the construction of 10 new prisons of which 2 are rehabilitation centres for drug addicts, as provided for by Laws 1729/87 and 2161/93.

48. The project has been slightly delayed because of the approval of the land planning study by the Council of State, but it should be completed within the next five years.

49. Two prisons have nevertheless already been completed and are operative: the detention centre of Malandrinos and the centre for drug-addict rehabilitation in Eleona (Thebes). The first has a capacity of 280 inmates and is now operating in modern premises. The second is now also ready for operation, with the same capacity and with specialized personnel for drug addicts.

50. It is understood that the 3,000 places that will be added to those already existing will effectively put an end to the overcrowding of prisons and its consequences, once all the prisons under construction are completed.

51. Besides that, the following measures also successfully address this problem:

(a) The possibility for prisoners to work in various public organizations, local government organizations, hospitals, etc.; different forms of leave (regular, special and educational); conditional release before the end of a prison term; credit for days of work calculated towards reducing a sentence; and semi-liberty centres;

(b) Law 1708/87 ratified the European Convention on the Transfer of Sentenced Persons, which means that prisoners can serve the rest of their sentences in their own countries (subject to the condition that the sentence is final and irrevocable and that the prisoners wish to be transferred);

(c) Laws 1765/88 and 2313/95 ratified two similar bilateral conventions with Egypt and Albania. Many other countries have acceded to the European Convention.

52. The treatment of all prisoners, aliens and nationals, male and female and juvenile, is absolutely equal, without any distinction as to sex or nationality. The prisoner who so wishes is free to participate in any of the prison's activities.

53. Educational and vocational training commensurate with their capabilities is granted to all prisoners. In every prison, there are libraries with books in many of the languages spoken by the inmates, as well as a book with instructions in nine languages informing them of their rights and obligations, which is updated every time there is a change in legislation, as is the case now following the implementation of the new Prison Code.

B. Statistical data on Greek prisons

54. The elements concerning the Ministry of Justice are given below:

Total prisons: 29, of which:

3 rural prisons for adults and 1 for juvenile prisoners;

1 prison for women offenders;

2 special detention centres for juvenile prisoners;

1 psychiatric detention centre;

1 rehabilitation centre for drug addicts;

1 prison hospital; and

1 central warehouse for the prisons' material, where the prisoners work preparing bread, which is distributed in various institutions and hospitals in the Athens area.

Total prisoners: 8,600 (for a total prison capacity of 5,300), of which:

Male prisoners: 8,200;

Female prisoners: 400;

Juvenile prisoners: 600;

Foreigners: 3,711, representing some 100 nationalities.

C. Information relating to articles 3, 4, 12, 13 and 16 of the Convention

Article 3

55. In accordance with the Convention, in the case of an individual's extradition to another country, the Ministry of Justice will not proceed with that action if there are reasonable grounds to suspect that the individual will be subjected to torture. It also does not extradite persons sentenced to capital punishment in their country.

Article 5

56. Concerning offences and penalties in the Criminal Code, sections 308, 308 A, 309, 310, 311, 312 and 330 provide for the offences of simple bodily injury, unprovoked bodily injury, dangerous bodily injury, severe bodily injury, deadly injury, bodily injury to a minor and illegal violence, and the penalties for them.

Articles 12 and 13

57. Any denunciation of torture falling under the authority of the Ministry of Justice is investigated by the competent prosecutors with speed and impartiality.

Article 16

58. The same applies to cases of denunciation referred to in this article for actions committed by employees under the authority of the Ministry of Justice, for which the competent district attorney orders an immediate investigation.

59. The members of the Hellenic delegation responded to the questions posed by the Committee concerning the Ministry of Public Order, which will not be repeated here, in accordance with rule 67, paragraph 2. The questions concerned the following:

- Legislation providing for the detention of foreign citizens under deportation;
- Filing of appeals before administrative courts;
- Compensation to victims of torture, the party that initiates the procedure and whether the State is liable for such behaviour of its officials;
- Number of detained persons at police detention premises and capacity of detention premises;
- Existence of “special” instructions to police officers concerning the treatment of foreign citizens who refuse to be deported;
- Reform of the detention premises in the area of Piraeus in accordance with the recommendations of the CPT;
- Countries of origin of the five to six largest groups of detained persons;
- The detention premises of Amygdaleza; whether there is provision for the special treatment of pregnant women and women who want to have their children with them; if there were any births and how they were handled;
- Information concerning three or four cases of police officers who were punished for abuse of citizens/detained persons;
- Justification of the “cleaning” operations;
- Existence of reported cases of police officers who forced foreign women to have sexual intercourse or to engage in prostitution;
- Justification of publications on cruel treatment of Roma/gypsies.

IV. COMPLIANCE WITH THE CONCLUSIONS AND RECOMMENDATIONS OF THE COMMITTEE

A. Arrest, detention and deportation of illegal immigrants

60. The strategy of the Ministry of Public Order includes the improvement of detention conditions, especially of aliens who are detained at police stations awaiting deportation. Their situation is a matter of great concern for us and for this reason we make every possible effort to resolve it. In this regard, we seek to minimize the extended periods of detention of this category of person.

61. As a rule, the period of detention is brief. Extended detention is mainly caused by aliens who do not have travel documents, or conceal and do not produce them, or refuse to go to the consular authorities of their countries for the issuance of such documents, or do not fill in or sign the necessary forms, or declare false particulars or citizenship, or make unfounded requests for asylum, or refuse to board the aircraft by passively resisting, in which case they are deported, escorted by police officers. Moreover, some consular authorities obstruct the process or refuse to issue documents to their citizens. The delay in deportation is also aggravated by the fact that with some countries, air connections are rare, or that there is no consular authority of the foreign citizen's country in Greece to issue travel documents. In such cases, the Ministry of Foreign Affairs is notified and it intercedes through its competent consular authority abroad.

62. Coordinated efforts are being made to eliminate the phenomenon of extended detention of aliens. In particular:

(a) Diplomatic authorities are notified for the issuance of passports and, when required, the Ministry of Foreign Affairs is requested to intervene with the consular authorities in Greece or the competent diplomatic authorities abroad;

(b) In cases where, for different reasons, the issuance of a passport by a consulate is not possible, and provided that the other conditions are met (air connection, agreement of an airline), the foreign citizen is provided with a Greek travel document for departure, in accordance with presidential decree 124/97;

(c) Detention cannot exceed three months. If an administrative deportation cannot be carried out for any reason, in application of article 45 of Law 2910/2001, the person is permitted to stay in the country temporarily until the obstacles are removed, albeit under restrictive conditions (residence, travel to certain places, practice of a specific occupation, or obligation to appear before police authorities). We can state that 1,274 foreign citizens were given such permission in 1999, 2,699 in 2000 and 4,000 from 1 January 2001 to date;

(d) The regularization procedures for immigrants who had been in Greece for at least one year before 2 June 2001, irrespective of whether they had entered the country legally or illegally, has substantially eased the overcrowding of detention facilities because many were released to submit their requests, provided they met the conditions of the law. We wish to mention that the number of persons detained in Greek detention facilities had fallen to 2,000 by September 2001.

63. Concerning police detention facilities, in accordance with the applicable provisions, persons are detained therein who:

(a) Are arrested as perpetrators of flagrant offences or whose temporary detention is ordered by the competent judicial authorities, and only until their transfer to prison or before the courts;

(b) Are sentenced to detention periods of 1 to 30 days, provided that the sentence cannot be served at the special sections of prisons; this is a very rare phenomenon;

(c) A deportation procedure has been initiated against them;

(d) Are put under protective custody (mentally deranged, persons under the influence of alcohol, etc.) until they are able to leave or are collected by their relatives.

64. The regulations of the Hellenic Police Force include clear and detailed provisions concerning detention facilities as well as the duties of police officers and their behaviour towards detained persons.

65. In accordance with these regulations, detention facilities should meet the requirements of hygiene and safety for the prevention of escapes and suicides or self-inflicted injuries of the detained persons. Premises should be adequate, clean and disinfected. Continuous controls are made for this purpose and clear instructions and orders are given to the competent services.

B. Renovation and construction of detention facilities

66. The competent technical directorate of HPFC has given specific instructions to all police services of the country for the repair and maintenance of all detention facilities operating in public and privately leased buildings, as well as for the upgrading of existing detention facilities and the construction of future ones, so as to secure satisfactory detention, taking into account the recommendations made by the CPT. In this framework, 235 million drachmas have been spent this year for the repair of existing detention facilities.

67. Moreover, new detention facilities have been built at many police services, including the Athens airport and the police stations of Soufli, Egaleo, Ioannina and Ferres (Evros).

68. It should also be stated that a contract was signed for the purchase of a building to accommodate the Alien Transfer Services of Athens and Piraeus, which will provide detention space for 468 persons. The total cost is 7.4 billion drachmas and the centre is expected to be completed in two years, by August 2003.

C. Asylum-seekers

69. All aliens are entitled to request asylum, even if they are illegal immigrants who have arrived in groups and make unfounded requests for asylum in order to extend their stay in our country and prevent their immediate deportation.

70. However, because (a) every request for asylum is examined on an individual basis; (b) there is an increasing trend in requests for asylum in the last two years; and (c) there is a lack of personnel specialized in matters of asylum, there are sometimes delays in the completion of procedures.

71. Naturally, an exception to this malfunction are the cases of requests for asylum made by persons belonging to special categories, vulnerable groups, patients, etc., to whom priority is given, and whose applications are examined rapidly.

72. Since requests for asylum are mainly received from citizens of Afghanistan, the Congo, the Islamic Republic of Iran, Iraq, Sierra Leone, Sri Lanka, Somalia, etc., where conditions do not guarantee their safety in the case of refoulement, as a rule they are not deported, but are given a three-month time limit for voluntary departure from our country, or a humanitarian status permit for one year, which is renewable.

73. The principle of non-refoulement (article 33 of the Convention relating to the Status of Refugees of 1951) applies to cases where the country of origin is considered unsafe and the person requesting asylum may be subjected to unfavourable treatment in the event of return.

74. In accordance with article 1 of presidential decree 61/99 “Procedure of recognition of the foreign refugee, revocation of recognition and deportation thereof, approval of entry of the members of his family and method of cooperation with the representative of UNHCR in Greece”, a person who states orally or in writing before any Greek authority at the points of entry in or outside the Greek territory that he requests asylum in our country or requests not to be deported to a country for fear of persecution on account of race, religion, nationality, social group or political convictions, is considered to be requesting asylum in accordance with the 1951 Convention and the 1967 Protocol, and cannot be deported until a final decision is taken concerning his/her request.

D. Orders and instructions to law enforcement officers aiming at transmitting the spirit of the Convention

75. Orders No. 4808/4/76-su of 1 December 1999 and No. 4808/6/76-sp of 1 June 2000 give specific instructions and orders to the regional services aimed at eliminating adverse effects and at creating the best possible conditions of hygiene and decent living of detained persons.

76. In particular, they are required:

(a) To inspect all detention facilities under their authority and, if irregularities are found, to see to their immediate remedy, in cooperation with the competent directorates of the Ministry if required, and to take the necessary disciplinary measures against the persons liable for failure to act and irresponsibility;

(b) To give further strict orders and clear instructions for the continuous and scrupulous compliance of their subordinate services with their obligations concerning the cleanliness, appearance, sanitary state and equipping of detention facilities and hygienic conditions generally, the provision of food at suitable times, the provision of medical attendance and care, the impeccable behaviour of all persons involved with the detainees and the absolute respect for their rights in accordance with the Constitution and relevant laws and international conventions;

(c) To monitor, on a continuing basis and with due attention, the implementation of these orders and to punish any deviation from them without hesitation.

77. Moreover, order No. 6014/10/21 (D.P.) of 12 July 2001 from the Chief of the Hellenic Police Force entitled “Behaviour of police officers towards questioned, arrested or detained persons and measures for the elimination of the phenomenon of violence of police officers against citizens” invites all police officers, especially senior officers, to perform their duties well, in the framework of laws, regulations and service orders, in order to contribute to the elimination of cases of violation of the individual rights of citizens and of abuse of persons during routine controls or who are arrested or detained by police authorities, which reduce the prestige and blot the image of the Hellenic Police Force. The commanding officers were ordered to raise the awareness of all ranks with a view to eliminating the phenomenon, by counselling and teaching

police personnel and border guards, by imposing severe sentences and by resolving such cases fast, so as to establish that the personnel of the Hellenic Police Force protects and safeguards the dignity and physical integrity of all citizens and does not insult them, and that it is unacceptable to have cases of abuse or humiliating treatment of citizens, which should be severely punished in any event.

78. Moreover, emphasis was put on the strict provisions enacted in disciplinary law in accordance with which, apart from criminal offences, the practice of torture, psychological abuse and any other act or behaviour constituting a severe offence to human dignity during or outside the performance of duty are severe disciplinary offences for police officers, and result in their dismissal from the police force. Finally, it was demanded that this order should be applied strictly and without exception and that it should become a subject of continuous training for police officers.

E. Prevention and punishment of trafficking of women and children

79. The issue of trafficking in persons for sexual exploitation and forced labour, and especially in women and children, is the modern form of the slave trade and has become a matter of priority for the Hellenic Police Force.

80. For this reason, apart from the existing legal provisions dealing with this offence, the Hellenic Police Force makes special efforts and takes measures to restrict such activities and to protect the victims, by continuous training, instructions and guidelines for its entire staff.

81. Greek legislation that covers the broad spectrum of this specific criminal behaviour is as follows:

(a) Provisions of the Penal Code: articles 336 to 353 (“Crimes against sexual decency”), 360 (“Failure to supervise a minor”), 407 to 410 (“Beggary-Vagrancy”), 121 to 133 (“Juvenile delinquents”), 322 to 330 (“Crimes against personal freedom”), 306 (“Exposure”) and 312 (“Physical injury to minors, etc.”);

(b) The provisions of Law 2734/99 (“Prostitution for money”) as amended by article 12 of Law 2839/2000;

(c) Law 2910/2001 (“Entry and stay of foreign citizens on Greek territory”), in particular, article 44, paragraph 7, concerning the possibility of suspending the deportation of an alien who reports actions of procurement for prostitution;

(d) Law 2928/1002 (“Amendment of provisions of the Penal Code and the Code of Penal Procedure and other provisions on the protection of citizens from punishable acts of criminal organizations”), in particular, articles 1, 2, 9 and 10, in conjunction with articles 1 and 2 of Law 2331/1999 on organized crime;

(e) Presidential decree 361/99, in conjunction with article 458 of the Penal Code (“Beauty parlours”).

82. The aim of the Hellenic Government is to become, in the next two years, one of the leading countries in the EU to combat trafficking in persons. For this reason, Joint Ministerial Resolution No. 300/7/38/22/27.4.2001 of the Ministry of the Interior and the Ministry of Public Order established a project management team to handle the problem of trade in human beings and of the protection of their rights. In particular, this team is requested to:

(a) Produce a report on the trafficking of persons in Greece and on the protection of the rights and fundamental freedoms of such persons;

(b) Prepare a draft legislative framework for the prevention and suppression of crimes linked to trafficking;

(c) Draw up a programme to sensitize the public to this problem and to monitor the implementation of such an awareness-raising campaign;

(d) Plan the operation of a model special service of the Hellenic Police Force for the prevention and suppression of crimes linked to trafficking;

(e) Create an archive on the institutional framework, declarations and resolutions and other information from other countries and international organizations concerning the issue of trafficking in persons;

(f) Draw up a pilot programme for the voluntary repatriation of victims of crimes related to trafficking.

The work of this team is advancing rapidly and the draft legislative framework as well as the plan for the information campaign will be delivered soon.

V. CONCLUSION

83. The above clearly show that the applicable legal framework of our country is sufficient and that the application of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is fully safeguarded.

84. We would like to state again that the protection of human rights is considered to be of paramount and primary importance and is the basic axis of the Ministries of Justice and Public Order.
