



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

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## Committee against Torture

### List of issues prior to submission of the eighth periodic report of Greece\*

#### Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

##### Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations,<sup>1</sup> the Committee requested the State party to provide information on the follow-up to the Committee’s recommendations on non-refoulement; detention of unaccompanied migrant and asylum-seeking children; sexual and gender-based violence against refugee and asylum-seeking women and girls; and human rights defenders and humanitarian workers and volunteers (paras. 17 (c), 23 (b), 25 (d) and 49 (a), respectively). Noting that replies concerning the information sought by the Committee were provided on 19 August 2020,<sup>2</sup> and with reference to the letter dated 15 October 2020 from the Committee’s Rapporteur for follow-up to concluding observations, the Committee considers that the recommendation included in paragraph 23 (b) of the previous concluding observations has been partially implemented, and that the State party has not provided enough information on the measures taken to implement the recommendations contained in paragraphs 17 (c), 25 (d) and 49 (a).

##### Articles 1 and 4

2. With reference to the Committee’s previous concluding observations,<sup>3</sup> please indicate whether the State party’s criminal laws have been amended to ensure that all acts of torture as defined in article 1 of the Convention are punishable by appropriate penalties which take into account their grave nature, in accordance with article 4 (2) of the Convention. Please also provide information on the measures taken to ensure that such acts are not subject to any statute of limitations.

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\* Adopted by the Committee at its seventy-third session (19 April–13 May 2022).

<sup>1</sup> CAT/C/GRC/CO/7, para. 52.

<sup>2</sup> See CAT/C/GRC/FCO/7.

<sup>3</sup> CAT/C/GRC/CO/7, paras. 10–13.



**Article 2<sup>4</sup>**

3. With reference to the Committee's previous concluding observations,<sup>5</sup> please provide information on any new measures taken by the State party during the reporting period to ensure that all persons who are arrested or detained are afforded, in practice, all fundamental legal safeguards against torture from the very outset of their deprivation of liberty. Please indicate the measures taken to monitor compliance by law enforcement officials with the fundamental legal safeguards. Please provide information on any disciplinary measures taken since the consideration of the State party's previous periodic report against law enforcement officials who did not immediately allow persons deprived of liberty to benefit from those safeguards.

4. In the light of the Committee's previous recommendations,<sup>6</sup> please provide detailed information on the measures adopted to ensure the operational autonomy of the national preventive mechanism. Please also indicate what measures have been taken to ensure that this mechanism is equipped with the necessary financial and personnel resources for the performance of its work.

5. Bearing in mind the Committee's previous recommendations<sup>7</sup> and the State party's follow-up replies,<sup>8</sup> please provide information on measures taken by the State party to combat all forms of violence against women, in particular with regard to the cases involving the actions or the omissions of the State authorities or other entities that engage the State party's international responsibility under the Convention. Please also provide updated information on the protection and support services available to victims of gender-based violence. Please include statistical data on the number of complaints of gender-based violence and the investigations, prosecutions, convictions and sentences resulting from those complaints since the consideration of the State party's previous periodic report. Please indicate whether the State party has adopted specific protective measures to prevent and respond to sexual and gender-based violence against refugees, asylum-seeking and migrant women and girls, especially those held in reception centres and other immigration detention facilities. Furthermore, please provide up-to-date information on the measures taken to strengthen training programmes on the prosecution of gender-based violence for law enforcement officers and justice officials.

6. With reference to the Committee's previous concluding observations<sup>9</sup> and the information provided by the State party in its follow-up report,<sup>10</sup> please provide statistical data, disaggregated by age, sex and ethnicity or nationality, on the number of complaints, investigations, prosecutions and sentences recorded in cases of trafficking in persons since the consideration of the State party's previous periodic report. Please also provide information on the provision of redress to victims of trafficking during the reporting period, including data on the number of people that benefited from protection and support measures for victims.

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<sup>4</sup> The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also section V of the same general comment.

<sup>5</sup> CAT/C/GRC/CO/7, paras. 14–15.

<sup>6</sup> Ibid., paras. 42–43.

<sup>7</sup> Ibid., paras. 24–25.

<sup>8</sup> CAT/C/GRC/FCO/7, paras. 26–33. See also letter dated 15 October 2020 from the Rapporteur for follow-up to concluding observations, available at [https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/GRC/INT\\_CAT\\_FUL\\_GRC\\_43527\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/GRC/INT_CAT_FUL_GRC_43527_E.pdf).

<sup>9</sup> CAT/C/GRC/CO/7, paras. 50–51.

<sup>10</sup> CAT/C/GRC/FCO/7, paras. 28–33.

### Article 3

7. With reference to the Committee's previous concluding observations<sup>11</sup> and the State party's follow-up replies,<sup>12</sup> please provide information on the measures that have been taken to revise domestic legislation on refugees and asylum seekers to fulfil all the obligations under article 3 of the Convention. In this regard, please describe the measures taken during the period under review to ensure that, in practice, no person is returned to a country where that person would be in danger of torture. In particular, please provide information on the adoption in November 2019 of a new law on asylum (Law No. 4636/2019, the International Protection Act), which was subsequently amended in May 2020 by Law No. 4686/2020; the adoption in September 2021 of Law No. 4828/2021, which amends various provisions in the area of deportation and returns procedures; and the adoption on 2 March 2020 of the Act of Legislative Content on the suspension of the submissions of asylum applications with effect as of 1 March 2020. In view of the provisions of circular No. 411695/24.11.21, please indicate what steps are being taken to guarantee effective access to the procedure for determining refugee status. Furthermore, please indicate what measures the State party has put in place to avoid pushback operations and collective expulsions and to ensure that all expulsion orders are based on an individual assessment and are conducted in strict compliance with the principle of non-refoulement.<sup>13</sup> Please also include detailed information on the results of the investigations into allegations of pushback operations involving the apprehension of third-country nationals inside Greece by enforcement officers and other unidentified auxiliaries, followed by their informal enforced return to Turkey. Please comment on allegations of ill-treatment and torture of asylum seekers and migrants in the context of violent pushback.

8. Please indicate whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision, including through a judicial procedure. If so, please also indicate whether such an appeal has a suspensive effect. Please provide detailed information on the measures taken to identify vulnerable persons seeking asylum, including victims of torture or ill-treatment, trauma or trafficking, and to ensure that their specific needs are taken into consideration and addressed in a timely manner, including by providing access to medical services. Please indicate how the State party guarantees access to free legal assistance and interpretation during the asylum procedure. Please also indicate how the State party guarantees effective access to the procedure for determining refugee status to those applicants who are not in a position to pay the administrative fee of 100 euros per family member.

9. Please provide information on the number of asylum applications received during the period under review, the number of successful applications and the number of asylum seekers whose applications were accepted because they had been tortured or might be tortured if returned to their country of origin. Please provide updated information on the type of appeal mechanisms that exist, and on any appeals that have been made and their outcome. Please include information, disaggregated by sex, age and country of origin or receiving country, on the number of persons who have been returned, extradited or expelled since the consideration of the State party's previous periodic report. Please provide details of the grounds on which they were sent back, including the list of countries to which individuals were returned. Please also indicate whether the State party has put in place mechanisms to monitor the situation of vulnerable individuals and groups in receiving countries after their deportation. Please also comment on information before the Committee according to which on 7 June 2021, in a joint ministerial decision, Greece unilaterally declared Turkey as a safe third country for asylum seekers originating from Afghanistan, Bangladesh, Pakistan, Somalia and the Syrian Arab Republic. Please indicate what the situation is with respect to those persons whose asylum applications were found inadmissible due to safe third country considerations, taking into account that returns to Turkey have not taken place since March 2020. Please also indicate what steps are taken to verify if Turkey will readmit an individual, before considering the asylum claim inadmissible?

<sup>11</sup> CAT/C/GRC/CO/7, paras. 16–19.

<sup>12</sup> CAT/C/GRC/FCO/7, paras. 2–13.

<sup>13</sup> A/HRC/47/30, para. 55.

10. Taking note of the Committee's previous concluding observations,<sup>14</sup> please indicate the number of returns, extraditions and expulsions carried out by the State party during the reporting period on the basis of the acceptance of diplomatic assurances or the equivalent thereof. Please provide information on any instances in which the State party has offered such diplomatic assurances or guarantees, and the measures that have been taken in such cases with regard to subsequent monitoring.

#### **Articles 5–9**

11. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please also inform the Committee of any extradition treaties concluded with other States parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties. Please describe the administrative and legislative measures taken by the State party to ensure that the Convention may be invoked as a legal basis for extradition in respect of the offences referred to in article 4 of the Convention when it receives an extradition request from a State with which it has no extradition agreement or treaty. Please indicate what measures have been adopted by the State party to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). Please clarify what treaties or agreements on mutual legal and judicial assistance the State party has entered into, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. If so, please provide examples.

#### **Article 10**

12. With reference to the Committee's previous recommendations,<sup>15</sup> please provide updated information on educational programmes developed by the State party to ensure that all public officials, in particular law enforcement personnel, military personnel, prison staff and medical personnel employed in prisons, are fully aware of the provisions of the Convention and the absolute prohibition of torture, and know that breaches will not be tolerated and will be investigated, and that any offenders will be prosecuted. Please also provide details of the training programmes for the police officers and other law enforcement officials on non-coercive investigation techniques. Please indicate whether the State party has developed a methodology to assess the effectiveness of the training and educational programmes in reducing the number of cases of torture and ill-treatment and, if so, please provide information on the methodology. Please also indicate the measures taken to give effect to the provisions of article 10 (2) of the Convention. Lastly, please provide detailed information on the training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons on detecting and documenting the physical and psychological sequelae of torture, including whether they contain specific training with regard to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

#### **Article 11**

13. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods and practices or arrangements for custody, in particular those that may have been introduced or updated since the consideration of the State party's previous periodic report. Please indicate the frequency with which they are reviewed. Please comment on allegations of the systematic use of strip searches and invasive body searches at border police stations in Evros.

14. Taking note of the Committee's previous concluding observations,<sup>16</sup> please describe the measures taken to reduce overcrowding and improve the material conditions in all places of detention, including any measures to increase the use of alternatives to imprisonment both before and after trial. Please specify what laws and policies are in force regarding the use of pretrial detention and indicate what steps are taken to prevent the excessive use of such

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<sup>14</sup> CAT/C/GRC/CO/7, paras. 34–35.

<sup>15</sup> Ibid., paras. 44–45.

<sup>16</sup> Ibid., paras. 36–37.

detention. Please provide information on measures taken to ensure that pretrial detainees are separated from convicted persons. Please indicate the measures that have been taken to continue to ensure that the methods of searching prison inmates and their visitors are not degrading.

15. Please provide statistical data, disaggregated by sex, age and ethnic origin or nationality, on the number of pretrial detainees and convicted prisoners and the occupancy rate in all places of detention. Please provide information on the State party's efforts to meet the specific needs of women and minors in detention, including vocational and rehabilitation programmes. Please also indicate whether protocols are in place to meet the requirements of other groups of prisoners with particular needs, such as persons with disabilities, older persons, and lesbian, gay, bisexual, transgender and intersex persons. Please indicate the measures taken to guarantee the periodic review of life sentences with a view to their commutation, and to provide the prisoners concerned with rehabilitation programmes to prepare for their social reintegration in the event of parole.

16. Please provide statistical data regarding deaths in custody during the period under review, disaggregated by place of detention; the sex, age and ethnicity or nationality of the deceased person; and the cause of death. Please include information on the results of the investigations into those deaths and on the measures taken to prevent similar cases occurring in the future. Please indicate whether relatives received compensation in these cases. Please also provide information about the frequency of interprisoner violence, including any cases involving negligence on the part of law enforcement personnel, the number of complaints made in this regard and their outcome. Please also indicate what preventive measures have been taken.

17. Further to the Committee's previous concluding observations,<sup>17</sup> please indicate the measures taken by the State party during the reporting period to ensure that the detention of asylum seekers and migrants, including unaccompanied children, is only used as a last resort, where necessary and for as short a period as possible, and to further implement alternatives to detention in practice. Please provide information on the State party's efforts to improve material conditions and health-care services in all immigration centres. Please indicate whether the State party has ended the practice of detaining migrants and asylum seekers, especially unaccompanied children, in police holding cells and other detention facilities that are not suitable for long stays. Please also provide information on steps taken to establish an independent oversight mechanism for the Reception and Identification Service to review complaints of individuals held in immigration detention. Please comment on allegations of arbitrary detention of asylum seekers and migrants, both in the context of pushback at the country's border, in various locations on the Aegean islands in March 2020 and in the new "closed-controlled" reception facility on the island of Samos in November and December 2021.

18. Bearing in mind the Committee's previous concluding observations,<sup>18</sup> please provide information on protocols on the use of restraints in psychiatric institutions, including in terms of duration and frequency. Please clarify the current policy regarding involuntary psychiatric hospitalization. Please also provide information on the number of persons deprived of their liberty in psychiatric hospitals and other institutions for persons with intellectual or psychosocial disabilities. Furthermore, please indicate what the situation is with respect to alternative forms of treatment, such as community-based rehabilitation services and other forms of outpatient treatment programmes.

19. In the light of the Committee's previous concluding observations,<sup>19</sup> please indicate whether the State party has taken measures to remedy the deficiencies in the treatment of persons with disabilities in social care settings. Please also indicate what concrete measures have been taken to address concerns about inadequate living conditions, lack of specialized personnel and non-compliance with therapeutic protocols.

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<sup>17</sup> Ibid., paras. 20–23.

<sup>18</sup> Ibid., paras. 38–39.

<sup>19</sup> Ibid., paras. 40–41.

20. Please provide data on visits to places of deprivation of liberty, including immigration detention facilities, psychiatric institutions, social care settings for persons with disabilities and residential centres for children with disabilities, carried out by the Greek Ombudsman and other existing monitoring bodies during the period under review, and please report on the measures taken by the State party in response to the recommendations made by these entities. Please indicate whether independent monitors, including non-governmental organizations, enjoy unhindered access to all places of detention without prior notice and the ability to speak with detainees in private.

### **Articles 12 and 13**

21. Further to the Committee's previous concluding observations,<sup>20</sup> please provide updated statistical data, disaggregated by the sex, age and ethnicity or nationality of the victims, on complaints of acts of torture, ill-treatment and excessive use of force, including during demonstrations and in migration control operations, recorded by the State authorities during the reporting period. Please include information on investigations, disciplinary and criminal proceedings and convictions, and on the criminal or disciplinary sanctions applied. Please provide examples of relevant cases and judicial decisions. Please also provide information on the measures taken to review the crowd control procedures applied by the Hellenic Police in the context of demonstrations.

### **Article 14**

22. Taking note of the Committee's previous concluding observations,<sup>21</sup> please provide information on redress and compensation measures, including the means of rehabilitation ordered by the courts or other State bodies and actually provided to the victims of torture or their families since the consideration of the State party's previous periodic review. Please include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually provided in each case. Please also provide information on any ongoing reparation programmes, including the treatment of trauma and other forms of rehabilitation, provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for the effective functioning of such programmes.

### **Article 15**

23. In the light of the Committee's previous concluding observations,<sup>22</sup> please provide information on the concrete measures taken to ensure respect in practice of the principle of inadmissibility of evidence obtained through torture or ill-treatment. Please also provide examples of any cases that have been dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment.

### **Article 16**

24. Further to the Committee's previous concluding observations,<sup>23</sup> please provide information on any measures taken to combat racist and xenophobic attacks, including threats and acts of violence against refugees, migrants and members of the Roma community. Please indicate what concrete measures have been taken to ensure that all hate crimes are properly and promptly investigated and prosecuted.

25. In the light of the Committee's previous concluding observations,<sup>24</sup> please provide information on the measures taken to protect human rights defenders and humanitarian workers and volunteers from threats, intimidation and harassment. Please also provide information on the measures taken to ensure that human rights defenders and humanitarian workers and volunteers are not prosecuted for engaging in aid work, including by participating in maritime search-and-rescue activities.

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<sup>20</sup> Ibid., paras. 20, 21 (h) and 26–29.

<sup>21</sup> Ibid., paras. 30–31.

<sup>22</sup> Ibid., paras. 32–33.

<sup>23</sup> Ibid., paras. 46–47.

<sup>24</sup> Ibid., paras. 48–49.

## **Other issues**

26. Please provide updated information on the measures taken by the State party to respond to the threat of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State party has ensured that counter-terrorism measures are compatible with all its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of the non-observance of international standards and, if so, what the outcome was.

27. Given that the prohibition of torture is absolute and cannot be derogated from, including within the framework of measures related to states of emergency and other exceptional circumstances, please provide information on any steps taken by the State party during the coronavirus disease (COVID-19) pandemic to ensure that its policies and actions comply with its obligations under the Convention. In addition, please specify the measures taken in relation to persons deprived of their liberty and in other situations of confinement, such as in Reception and Identification Service facilities, including designated quarantine areas, and in homes for the elderly, hospitals or institutions for persons with intellectual and psychosocial disabilities.

28. Please indicate the concrete measures that have been taken to widely disseminate the Convention and the Committee's previous concluding observations, in all appropriate languages in the State party, including through the media and non-governmental organizations.

## **General information on other measures and developments relating to the implementation of the Convention in the State party**

29. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the previous periodic report to implement the provisions of the Convention or the Committee's recommendations. Such measures may include institutional developments, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State party considers relevant.

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