



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

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Committee against Torture

Concluding observations on the seventh periodic report of Greece*

1. The Committee against Torture considered the seventh periodic report of Greece (CAT/C/GRC/7) at its 1761st and 1764th meetings (see CAT/C/SR.1761 and 1764), held on 24 and 25 July 2019, and adopted the present concluding observations at its 1779th meeting, held on 7 August 2019.

A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure, as this allows for a more focused dialogue between the State party and the Committee. It regrets, however, that the report was submitted more than a year late.

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the State party's delegation, and the responses provided to the questions and concerns raised during consideration of the report.

B. Positive aspects

4. The Committee welcomes the ratification of or accession to the following international instruments by the State party:

- (a) The Convention on the Rights of Persons with Disabilities, in 2012;
- (b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2014;
- (c) The International Convention for the Protection of All Persons from Enforced Disappearance, in 2015;
- (d) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, in 2018;
- (e) The Council of Europe Convention on Action against Trafficking in Human Beings, in 2014.

5. The Committee also welcomes the State party's initiatives to revise its legislation in areas of relevance to the Convention, including:

- (a) The enactment of Law 3907/2011, providing for the establishment of the Greek Asylum Service, which became fully operational on 7 June 2013;

* Adopted by the Committee at its sixty-seventh session (22 July–9 August 2019).



(b) The enactment of Law 4228/2014, which provides for the designation of the Greek Ombudsman as the national preventive mechanism under the Optional Protocol to the Convention;

(c) The enactment of Law 4322/2015, which includes provisions aimed at reducing the prison population;

(d) The enactment of Law 4554/2018, regulating the institution of guardianship of unaccompanied and separated minors.

6. The Committee commends the State party's initiatives to amend its policies and procedures in order to afford greater protection of human rights and to apply the Convention, in particular:

(a) The adoption of the strategic plan for the prison system for the period 2018–2020;

(b) The creation in 2016 of the National Mechanism for the Investigation of Arbitrary Incidents within the Office of the Greek Ombudsman;

(c) The establishment in 2015 of the National Council against Racism and Intolerance, an interministerial multi-stakeholder body in which civil society organizations participate;

(d) The establishment in 2013 of the Office of the National Rapporteur on Combating Trafficking in Human Beings;

(e) The implementation, since 2010, of the National Programme for the Prevention and Combating of Violence against Women.

7. The Committee values the significant efforts made by the State party to respond to the exceptionally large influx of asylum seekers, persons in need of international protection and migrants arriving in its territory.

8. The Committee appreciates the State party's standing invitation to the special procedures of the Human Rights Council, which has allowed independent experts to carry out visits to the country during the reporting period.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

9. In its previous concluding observations (CAT/C/GRC/CO/5-6, para. 32), the Committee requested the State party to provide follow-up information on the steps it had taken to implement the Committee's recommendations relating to allegations of torture and ill-treatment (para. 10); prompt, impartial and effective investigations (para. 13); conditions of detention (para. 14); and the administrative detention of asylum seekers and migrants (para. 20). The Committee appreciates the State party's replies in this regard (CAT/C/GRC/CO/5-6/Add.1), received on 5 June 2013 under the follow-up procedure. In the light of the information provided, the Committee finds that the recommendations in paragraphs 13 and 20 of its previous concluding observations have not been implemented (see paras. 28–29 and 20–21, respectively, of the present document) and that the recommendations contained in paragraphs 10 and 14 of the previous concluding observations have been partially implemented (see paras. 26–27 and 36–37, respectively, of the present document).

Definition and criminalization of torture

10. While noting the entry into force of the new Penal Code on 1 July 2019, the Committee considers that the definition of the crime of torture set forth in article 137A remains incomplete, to the extent that it does not mention acts based on discrimination of any kind, as outlined in article 1 of the Convention. In addition, there is no specific mention of acts of torture committed by a third person at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. Despite the

explanations provided by the State party's delegation regarding the requirement that the infliction of severe pain would have to be "planned", as mentioned in article 137A of the Code, the Committee considers that the definition in the Code is significantly narrower than the one contained in the Convention, and establishes a higher threshold for the crime of torture by adding elements beyond those mentioned in article 1 of the Convention. The Committee observes with concern that the maximum penalty for the basic offence of torture – without aggravating circumstances – has been reduced from 20 years to 10 years of imprisonment (arts. 1 and 4).

11. The State party should bring the contents of article 137A of the Penal Code into line with article 1 of the Convention by: identifying discrimination of any kind among the purposes for inflicting torture; ensuring that the infliction of torture by or at the instigation of or with the consent or acquiescence of a public official or any other person acting in an official capacity is included in the definition; and eliminating all superfluous elements, such as the requirement that the infliction of severe pain has to be "planned" in advance. In this regard, the Committee draws the State party's attention to its general comment No. 2 (2007) on the implementation of article 2, in which it is stated that serious discrepancies between the Convention's definition and that incorporated into domestic law create actual or potential loopholes for impunity (para. 9).

Statute of limitations

12. The Committee regrets that the State party's criminal legislation still includes a statute of limitations for the offence of torture.

13. The State party should ensure that the offence of torture is not subject to any statute of limitations, in order to preclude any risk of impunity in relation to the investigation of acts of torture and the prosecution and punishment of perpetrators.

Fundamental legal safeguards

14. While taking note of the procedural safeguards to prevent torture and ill-treatment that are enshrined in Greek law, the Committee regrets that only scant information has been provided by the State party on the measures and procedures in place to ensure their practical application. In this respect, it has been reported that detainees have often had difficulty gaining access to counsel, a doctor, an interpreter or family members, and that police detention registers are not properly maintained. The Committee is concerned by reports that police officers continue to be present during medical examinations and that they have access to detainees' medical records (art. 2).

15. The State party should 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, including the rights to be assisted by a lawyer without delay, particularly during the investigation and interrogation stages, to be informed of their rights, the reason for their arrest and the charges against them in a language that they understand, to be registered at the place of detention, to have the assistance of an interpreter, if necessary, to promptly inform a close relative or a third party about their arrest, to be brought before a judge without delay and to request and receive an independent medical examination. Police officers should not be present during medical examinations of detained persons, save at the request of the medical doctor.

Non-refoulement

16. The Committee is seriously concerned at consistent reports that the State party may have acted in breach of the principle of non-refoulement during the period under review. In particular, the reports refer to repeated allegations of summary forced returns of asylum seekers and migrants, including Turkish nationals, intercepted at sea and at the land border with Turkey in the north-east of the Evros region, with no prior risk assessment of their personal circumstances. According to the information before the Committee, Greek law enforcement officers and other unidentified forces involved in pushback operations have

often used violence and have confiscated and destroyed migrants' belongings. While noting that the Division of Internal Affairs of the Hellenic Police and the Greek Ombudsman initiated investigations into the allegations in 2017, the Committee is concerned that these administrative investigations have not included the hearing of live evidence from alleged victims, witnesses and complainants (arts. 2, 3, 11–13 and 16).

17. The State party should:

(a) **Ensure that, in practice, no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would run a personal and foreseeable risk of being subjected to torture and ill-treatment;**

(b) **Enhance efforts to ensure the criminal accountability of perpetrators of acts that put the lives and safety of migrants and asylum seekers at risk, and ensure that victims, witnesses and claimants are protected against ill-treatment or intimidation that may arise as a consequence of their complaints;**

(c) **Guarantee that all asylum seekers have the opportunity of an individual review, with automatic suspensive effect against expulsion decisions, and are protected from refoulement and collective return.**

Asylum system

18. The Committee takes note of the explanations offered by the State party's delegation regarding the legal and policy reforms undertaken during the period under review, when a new asylum system was set up in line with European and international standards. According to these explanations, the Asylum Service had registered 234,536 applications for international protection as of 30 June 2019, and the average recognition rate for refugee status and subsidiary status stood at almost 44 per cent. However, the Committee notes with concern that the implementation of the European Union-Turkey statement of March 2016 instituted an accelerated border procedure on the Greek islands, on the presumption that Turkey qualified as a safe third country. Furthermore, asylum seekers hosted in reception and identification centres at "hotspots" are obliged to remain on the islands, unless their cases are deemed eligible to be further examined under the "regular procedure" on the mainland because of their vulnerability or for family reunification purposes under Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (the Dublin III Regulation). Other information before the Committee indicates that access to asylum on the mainland remains problematic, largely due to difficulties in accessing the Skype-based appointment system in place for registration, which has limited capacity and availability for interpretation. The Committee regrets that the State party has not provided complete information on the procedures in place for the timely identification of victims of torture among asylum seekers (arts. 3, 11 and 16).

19. The State party should:

(a) **Reinforce the capacity of the Asylum Service to substantively assess all individual applications for asylum or international protection;**

(b) **Guarantee that the accelerated border procedures under the European Union-Turkey statement of March 2016 and other readmission agreements are subject to a thorough assessment, on a case-by-case basis, of the risks of violations of the principle of non-refoulement, ensuring respect for all safeguards with regard to asylum and deportation procedures;**

(c) **Ensure that any measures restricting the freedom of movement of asylum seekers are consistent with its obligations under the Convention and other international human rights treaties;**

(d) **Formulate clear guidelines and related training on the identification of torture victims and others in need of international protection among asylum seekers and migrants.**

Immigration detention

20. Notwithstanding the explanations offered by the delegation regarding the procedural guarantees that have been established in domestic legislation and that are applicable to administrative detention, the Committee remains concerned at reports that, in practice, detained migrants and asylum seekers are often denied fundamental legal safeguards, such as access to a lawyer and the right to challenge the lawfulness of their detention, and other safeguards on related issues. The Committee also observes with concern that the containment policies applied as part of the implementation of the agreement of 18 March 2016 between the European Union and Turkey have resulted in migrants and asylum seekers being exposed to appalling and unsanitary living conditions, especially in the case of those held in overcrowded reception and identification centres at “hotspots”, such as the centres in Samos and in Moria, Lesbos. In that regard, the Committee draws the attention of the State party to reports that there has been a systematic failure to provide and ensure access to medical care and safe shelter, and that those living in the camps have been inadequately protected and, therefore, exposed to violence, including gender-based violence, on a daily basis. The Committee is further concerned at reports of ill-treatment, including beatings, of detained asylum seekers and migrants by police officers (arts. 2, 11–13 and 16).

21. **The State party should:**

(a) **Refrain from detaining asylum seekers and irregular or undocumented migrants for prolonged periods, use detention as a measure of last resort and for the shortest period possible and continue the application of non-custodial measures, in conformity with international standards;**

(b) **Guarantee that detained asylum seekers and migrants have access to counsel, including legal aid services;**

(c) **Guarantee judicial review or other meaningful and effective avenues to challenge the legality of administrative immigration detention;**

(d) **Take the necessary measures to ensure appropriate reception conditions for asylum seekers and migrants;**

(e) **Strengthen its efforts to ensure adequate living conditions in all immigration centres;**

(f) **Ensure that asylum seekers and migrants held in detention are provided with adequate medical and mental health care, including a medical examination upon admission and routine assessments;**

(g) **Establish an effective and independent oversight mechanism for the Reception and Identification Service, to which individuals held in immigration detention can bring complaints;**

(h) **Ensure that all allegations of torture and ill-treatment by law enforcement officials are promptly, thoroughly and impartially investigated by the authorities, that the perpetrators are prosecuted and, if found guilty, punished, and that victims are provided with redress.**

Unaccompanied migrant and asylum-seeking children

22. The Committee notes with concern that, while the existing regulations provide that minors are not to be detained except in exceptional circumstances, unaccompanied migrant and asylum-seeking children continue to be placed in immigration detention (“protective custody”) until a shelter placement becomes available. This lack of shelter space leads, in many cases, to the prolonged detention of unaccompanied children in police holding cells, pre-removal centres and reception and identification centres at the above-mentioned “hotspots”, where living conditions are substandard and basic services are often not available (arts. 11 and 16).

23. **The State party should:**

(a) **Ensure that children are not detained solely because of their immigration status. Detention should be used only as a measure of last resort and for the shortest period possible;**

(b) **End 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.**

Sexual and gender-based violence against refugee and asylum-seeking women

24. While taking note of the information provided by the State party during the dialogue on the measures taken to address gender-based violence in the context of migration, the Committee remains concerned at the reported high incidence of violence, including sexual violence, against refugee, asylum-seeking and migrant women and girls occurring in Greece. The Committee is concerned, in particular, at reports indicating an increasing incidence of sexual harassment and assaults at some refugee reception centres, mainly due to a lack of adequate and secure accommodation and facilities. According to the information received, the areas around latrines and showers are usually not well lit, and therefore women and girls do not feel safe using them at night. The Committee draws the attention of the State party to reports indicating the difficulties that victims of rape face when seeking care, including limited or no access to emergency contraception and post-exposure prophylaxis. It is further concerned at reports that police officers and prosecutors often do not take adequate steps to protect victims of gender-based violence (arts. 2, 11 and 16).

25. **The State party should:**

(a) **Take effective measures to ensure that all cases of gender-based violence – in particular against refugee, asylum-seeking and migrant women and girls, and especially those cases involving actions or omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention – are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately, and that the victims or their families receive redress, including adequate compensation;**

(b) **Ensure that police officers and prosecutors refrain from turning away alleged victims of gender-based violence. The State party should also consider revising police practices that may deter women from seeking protection from the authorities in cases where they have been subjected to or are at risk of gender-based violence;**

(c) **Provide mandatory training on the prosecution of gender-based violence to all justice officials and law enforcement personnel and continue awareness-raising campaigns on all forms of violence against women;**

(d) **Adopt specific protective measures, including the establishment of a mechanism to prevent and respond to sexual and gender-based violence against refugee, asylum-seeking and migrant women and girls, especially those held in reception and identification centres at “hotspots”, in other reception centres and in other immigration detention facilities;**

(e) **Ensure that survivors of gender based-violence are able to access shelters and receive the necessary medical care, psychological support and legal assistance they require;**

(f) **Compile and provide to the Committee statistical data, disaggregated by the age and ethnicity or nationality of the victim, on the numbers of complaints, investigations, prosecutions, convictions and sentences recorded in cases of gender-based violence, and on the measures adopted to ensure that victims have access to effective remedies and reparation.**

Excessive use of force

26. The Committee is concerned at reports of excessive use of force by law enforcement officers acting to disperse demonstrators during the period under review. These include beatings of, and the shooting of tear-gas canisters directly at, people during an anti-fascist protest in Keratsini in 2013, and police violence and extensive use of tear gas against migrants and asylum seekers protesting about living conditions in the reception and identification centres at the “hotspots” of Moria, Lesbos, and of Samos, in 2017 and 2018 respectively. Regarding the fatal shooting of 15-year-old Alexandros Grigoropoulos by the police in 2008, the Committee takes note of the information provided by the delegation that, while the criminal proceedings were still pending following an appeal, a settlement was reached on compensation, which was effectively paid in 2017. It notes, however, that no specific information was provided by the State party regarding the judgment in *Makaratzis v. Greece* and other cases of torture or ill-treatment examined by the European Court of Human Rights. The Committee is also concerned at reports about the ill-treatment of persons in police custody, including for the purpose of obtaining confessions, at the Agios Panteleimonas police station in Athens and at the Plateia Dimokratias police station in Thessaloniki (arts. 11 and 16).

27. The State party should:

(a) **Review the crowd control procedures applied by the Hellenic Police in the context of demonstrations, including the use of tear gas, handheld batons and shields, to ensure that they are not used indiscriminately and excessively or against peaceful protestors, and that their use does not result in an escalation of tension;**

(b) **Ensure that prompt, impartial and effective investigations are undertaken into all allegations relating to ill-treatment and the excessive use of force by law enforcement officers, in particular members of the Hellenic Police, and ensure that the perpetrators are prosecuted and the victims are adequately compensated;**

(c) **Increase the efforts to systematically provide training to all law enforcement officers on the use of force, especially in the context of demonstrations, taking into account the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

Prompt, thorough and impartial investigations

28. The Committee is concerned at the fact that the State party has not furnished complete information on the number of complaints of torture or ill-treatment, including excessive use of force, or on the corresponding investigations and prosecutions during the reporting period. According to the information provided by the delegation, between 2012 and 2018, six court cases were brought for acts of torture, which resulted in five convictions, with prison sentences ranging from one to seven years. However, the Committee has not received comprehensive information about the disciplinary sanctions imposed on the offenders, nor an indication whether the alleged perpetrators of those acts have been removed from public service pending the outcome of the investigation of the complaints (arts. 12 and 13).

29. The Committee urges the State party to:

(a) **Ensure that all complaints of torture and ill-treatment are promptly investigated in an impartial manner by an independent body, that there is no institutional or hierarchical relationship between that body’s investigators and the suspected perpetrators of such acts, and that the suspected perpetrators are duly tried and, if found guilty, punished in a manner commensurate with the gravity of their acts;**

(b) **Ensure that the authorities launch investigations whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed;**

(c) **Ensure that, in cases of alleged torture or ill-treatment, suspected perpetrators are suspended from duty immediately for the duration of the investigation, particularly when there is a risk that they might otherwise be in a**

position to repeat the alleged act, commit reprisals against the alleged victim or obstruct the investigation;

(d) Compile and publish comprehensive disaggregated statistical information relevant to all complaints and reports received of torture or ill-treatment, including information on whether such complaints led to investigations and, if so, by which authority, whether the investigations resulted in the imposition of disciplinary measures and/or prosecutions and whether the victims obtained redress, in a manner that will enable the State party to provide such information to the Committee and other relevant monitors in the future.

Redress

30. While noting the State party's assertion that its legislation provides for redress for victims of torture and ill-treatment, the Committee regrets that the delegation did not provide specific information on redress, including compensation measures ordered by the national courts and other State bodies or by the European Court of Human Rights and actually provided to the victims of torture and ill-treatment (including excessive use of force) or to their families since the consideration of the State party's previous periodic report. The Committee also regrets that the State party has not presented information on reparation programmes or on measures taken to support and facilitate the work of non-governmental organizations (NGOs) that seek to provide rehabilitation to victims of torture and ill-treatment (art. 14).

31. The State party should ensure that all victims of torture and ill-treatment obtain redress, including an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible. The Committee draws the attention of the State party to general comment No. 3 (2012) on article 14 of the Convention, in which the Committee explains the content and scope of the obligations of States parties to provide full redress to victims of torture. The State party should compile and provide to the Committee information on redress and on compensation measures, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or ill-treatment.

Coerced confessions

32. While taking note of the guarantees set forth in article 177 (2) of the Code of Criminal Procedure regarding the inadmissibility of evidence obtained by or through criminal acts, the Committee regrets that the State party has not provided it with examples of cases dismissed by the courts because of the submission of evidence or testimony obtained by means of torture or ill-treatment (art. 15).

33. The State party should:

(a) Take effective steps to ensure in practice that confessions obtained under torture or ill-treatment are ruled inadmissible and investigated;

(b) Expand specialized training programmes for both judges and prosecutors so as to ensure their ability to effectively identify torture and ill-treatment and investigate all allegations of such acts;

(c) Provide the Committee with information on any cases in which confessions were deemed inadmissible on the grounds that they had been obtained through torture or ill-treatment, and indicate whether any officials have been prosecuted and punished for extracting such confessions.

Extraditions and diplomatic assurances

34. While taking note of the information provided by the delegation on the principles governing extraditions, the Committee regrets the lack of information available on the number of extraditions carried out during the reporting period, on the number of instances and the types of cases in which the State party has offered or accepted diplomatic assurances or guarantees, and on the measures taken in such cases with regard to subsequent monitoring (art. 3).

35. Under no circumstances should the State party expel, return or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. Moreover, as is indicated in paragraph 20 of the Committee's general comment No. 4 (2017) on the implementation of article 3 in the context of article 22, diplomatic assurances should not be used as a loophole to undermine the principle of non-refoulement as set out in article 3 of the Convention. The State party should thoroughly consider the merits of each individual case, including the overall situation with regard to torture and ill-treatment in the country of return, provide for independent post-return monitoring and compile disaggregated data on extraditions.

Conditions of detention

36. While welcoming the efforts made by the State party to reduce prison overcrowding and improve health-care services in prisons, the Committee is concerned that high occupancy rates and poor living conditions remain serious problems in the prison system. It also observes with concern that no concrete measures have been taken to limit the practice of remand in custody. Furthermore, as was acknowledged by the delegation, rules on the separation and categorization of prisoners according to their legal status are still not being implemented, due to the inadequate structure of the prison system. The Committee takes note of the statement made by the State party's delegation that prisoners serving life sentences are subject to the regular prison regime, but it was not provided with information on whether they can make a request for their sentences to be reviewed, with a view to their reduction. With reference to its previous concluding observations (CAT/C/GRC/CO/5-6, para. 16), the Committee appreciates the information provided by the delegation on the use of electronic metal detectors and drug urine tests to search prisoners, staff and visitors, as alternatives to invasive body searches (arts. 11 and 16).

37. **The State party should:**

(a) **Continue its efforts to improve conditions of detention and alleviate the overcrowding of penitentiary institutions, including through the application of non-custodial measures. In that connection, the Committee draws the State party's attention to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(b) **Ensure, in law and in practice, that pretrial detention is not excessively applied or prolonged;**

(c) **Ensure the strict separation of pretrial detainees from convicted detainees in all detention facilities;**

(d) **Guarantee the periodic review of life sentences with a view to their commutation, and provide the prisoners concerned with rehabilitation programmes to prepare for their social reintegration in the event of parole;**

(e) **Ensure that strip searches are conducted only in exceptional cases, by the least intrusive means possible, by trained staff of the same sex, and with full respect for the dignity of the person.**

Psychiatric institutions

38. The Committee regrets the lack of appropriate training on and strict criteria for the use of restraints in psychiatric establishments, as observed by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in paragraphs 35 to 41 of the report on its April 2018 visit to Greece. While taking note of the information provided by the State party on the content of the draft law governing involuntary hospitalization, the Committee, referring further to the report of the European Committee (paras. 42–55), notes with concern the observations that the current procedural safeguards regarding involuntary placement in psychiatric institutions are insufficient. The

Committee also takes note of the information provided by the delegation on the deinstitutionalization policies recently adopted by the State party (arts. 11 and 16).

39. The State party should:

(a) **Ensure that means of restraint are used only as a last resort to prevent the risk of harm to the individual or others and only when all other reasonable options would fail to satisfactorily contain the risk;**

(b) **Ensure that involuntary psychiatric hospitalization is strictly necessary and proportionate and is applied as a measure of last resort and under the effective supervision and independent monitoring of judicial organs;**

(c) **Ensure legal safeguards for persons hospitalized involuntarily in psychiatric institutions, including the provision of legal representation and the right to be heard in person by the judge, the judicial tribunal or the board ordering the hospitalization, and ensure that placement procedures are supported by two separate and reasoned medical opinions;**

(d) **Ensure that there are sufficient funded mental health services in the community.**

Social care settings for persons with disabilities

40. Concerning the treatment of persons in social care settings, including those with psychosocial disabilities, the Committee recalls the numerous deficiencies found by the national preventive mechanism during its monitoring activities in 2018. Problems included inadequate living conditions, a lack of specialized personnel and non-compliance with therapeutic protocols (arts. 11 and 16).

41. The State party should remedy the deficiencies in the treatment of persons in social care settings, including through the provision of adequate living conditions and the improvement of the quality of health care provided by professional staff.

National preventive mechanism

42. While welcoming the designation of the Greek Ombudsman as the national preventive mechanism under the Optional Protocol to the Convention, the Committee is concerned about the lack of stable, regular and sufficient budgetary allocations and the absence of full-time staff assigned to the Office of the Greek Ombudsman so that it can carry out its mandate as national preventive mechanism effectively (art. 2).

43. The State party should ensure the operational autonomy of the national preventive mechanism and provide it with the necessary financial and personnel resources for the performance of its work, in accordance with article 18 (1) and (3) of the Optional Protocol and referring to the guidelines on national preventive mechanisms (CAT/OP/12/5, paras. 11–12).

Training

44. While appreciating the information provided by the State party about human rights training programmes for members of the Hellenic Police and the Hellenic Coast Guard, prison staff, judges and prosecutors, the Committee is concerned at the lack of information on the evaluation of the impact of those programmes. It regrets that only scant information has been provided on training programmes for professionals directly involved in the investigation and documentation of torture and for medical and other personnel dealing with detainees on how to detect and document physical and psychological sequelae of torture and ill-treatment (art. 10).

45. The State party should:

(a) **Provide instruction and further develop mandatory in-service training programmes to ensure that all public officials, in particular law enforcement officials, prison staff and medical personnel employed in prisons and psychiatric institutions, are well acquainted with the provisions of the Convention, especially the absolute**

prohibition of torture, and that they are fully aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted and, on conviction, appropriately punished;

(b) **Develop training modules for the police and other law enforcement officers on non-coercive interviewing and investigation techniques;**

(c) **Ensure that all relevant staff, including medical personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol);**

(d) **Develop and implement a methodology to assess the effectiveness and impact of educational and training programmes relating to the Convention and the Istanbul Protocol.**

Hate crime

46. While acknowledging the legislative and other measures taken by the State party to tackle hate crime, the Committee is concerned by reports it has received reflecting an increase in the incidence of racist and xenophobic violence, especially against refugees, migrants and members of the Roma community, and a significant rise in the number of incidents where law enforcement officials have been the perpetrators or have otherwise been involved. The Committee is also concerned at reports of widespread impunity for such crimes (art. 16).

47. **The State party should:**

(a) **Systematically investigate all forms of hate crime, including violent acts, prosecute perpetrators and, if they are found guilty, convict and punish them;**

(b) **Provide training on hate crime to law enforcement officials and the judiciary in order to improve their initial handling of hate crime reports and the subsequent investigation and prosecution of such crime.**

Human rights defenders and humanitarian workers and volunteers

48. The Committee is seriously concerned about consistent reports of intimidation and harassment of human rights defenders and humanitarian workers and volunteers. In that connection, it regrets that only scant information has been provided by the State party regarding the cases raised by the Committee, including the prosecution and later acquittal of three Spanish firefighters, Manuel Blanco, José Enrique Rodríguez and Julio Latorre, and two Danish volunteers, Salam Aldin and Mohammed el-Abbassi, who were accused of trying to help migrants enter Greece via the island of Lesbos, and the arrest and pending trial of foreign NGO volunteers Sarah Mardini and Sean Biner on people-smuggling, espionage and money-laundering charges (art. 16).

49. **The Committee urges the State party to:**

(a) **Ensure that human rights defenders and humanitarian workers and volunteers are protected against threats and intimidation, and to allow them the necessary latitude to carry out their activities;**

(b) **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. The State party should refrain from detaining and persecuting humanitarian workers and volunteers as a means of intimidating them or discouraging them from delivering vital emergency assistance to refugees and migrants.**

Trafficking in persons

50. While taking note of the information provided by the delegation on the State party's efforts to combat trafficking in persons, the Committee remains concerned at the slowness of the screening procedures to identify potential victims, especially among asylum seekers

and migrants. It is further concerned about the lack of progress on the investigation into the whereabouts of over 500 children, mostly Albanian Roma forced to beg in the streets, who had been rounded up by the police in Athens prior to the 2004 Olympic Games and had disappeared from Agia Varvara, a State-run care home. The Committee regrets to learn that, although the case was reopened twice between 2005 and 2014, it was closed both times due to lack of evidence (arts. 2 and 16).

51. The State party should:

(a) **Intensify its efforts to prevent and combat trafficking in human beings, including by putting in place effective procedures for the identification and referral of victims among vulnerable groups, such as asylum seekers and migrants, including unaccompanied minors;**

(b) **Enhance efforts to investigate claims of human trafficking, including past cases of trafficking for the purposes of labour exploitation, prosecute perpetrators and ensure that victims of trafficking obtain compensation;**

(c) **Ensure access to adequate protection and support for all victims of trafficking, especially secure shelters and counselling services.**

Follow-up procedure

52. The Committee requests the State party to provide, by 9 August 2020, information on 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 (see paras. 17 (c), 23 (b), 25 (d) and 49 (a) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

Other issues

53. The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and NGOs, and to inform the Committee about its disseminating activities.

54. The Committee requests the State party to submit its next periodic report, which will be its eighth, by 9 August 2023. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its eight periodic report under article 19 of the Convention.
