



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

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Committee against Torture

**Information received from Greece on follow-up to
the concluding observations on its seventh periodic
report***

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1. Greece has the pleasure to hereby submit, in accordance with article 19 (1) of the International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and rule 71 of the Committee against Torture's rules of procedure, information on the implementation of the recommendations made by the Committee in paragraphs 17 (c), 23 (b), 25 (d), 49 (a) of its Concluding Observations on the seventh periodic report of Greece, dated 7 August 2019.

Follow-up information relating to paragraph 17 (c) of the concluding observations (CAT/C/GRC/CO/7)

2. In any case where the competent border services locate a third-country national who enters the Greek territory without the legal formalities, they strictly apply all criminal and administrative procedures provided by the current legislation (indicatively articles 83 para. 1 of Law 3386/2005 and 76 para. b) of Law 3386/2005), based on the full respect for human rights and without any discrimination.

3. At the end of the police preliminary investigation, the identified persons are taken to the Reception and Identification Centers in order to be subjected to first reception procedures as defined by legislation. There, they are informed about their rights and obligations, at the stage of reception, as well as their possibility to apply for international protection or participate in programs of voluntary return, if they so wish. If they wish to apply for asylum, their application is submitted for examination at the Regional Asylum Office operating in the area.

4. On 01-01-2020, Law 4636/2019 "On International Protection and other provisions"(Government Gazette A'169) entered into force, which brought about changes to the existing legal framework on asylum and to the relevant procedures for examining requests for international protection (in particular with regard to those under administrative detention in view of return, to whom it is given immediate priority). Also, other legal issues regarding the possibility to detain applicants for international protection(through the full transposition of Directive 2013/33/EU laying down standards for the reception of applicants for international protection (recast)into Greek Law) and the examination of appeals lodged against relevant return decisions have been resolved, while at the same time the relevant judicial procedures of examination of appeals lodged (such as applications for annulment) before the competent administrative courts have been accelerated.

5. It is clarified that, in full compliance with domestic and international law and in full respect of the requirements of the Geneva Convention and the procedures provided for in Directive 2013/32/EU, which was transposed into Greek national legislation by Law 4375/2016 ("Organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service" (...) "on common procedures for granting and withdrawing international protection (recast)"(L. 180/29.6.2013), provisions on the employment of beneficiaries of international protection and other provisions"), as well as the relevant case-law of the Council of State (Supreme Administrative Court), no third-country national in detention who seeks international protection (that is: wish to submit a request for international protection, registration of a request, examination at first instance, examination of an appeal on admissibility), is returned until his or her request has been examined.

6. In addition, in order to fully safeguard the non-refoulement clause, experts from the Ombudsman's Office, acting within the responsibilities of the Independent Authority, such as arises from Law 3907/2011 and international, European and Greek legislation, carry out external monitoring of the planned return operation under the EU-Turkey Statement (Brussels, 18-03-2016). More specifically, they visit the detention facilities, supervise all official files, talk to returnees and monitor the entire procedure, with a view to securing the rights of the latter, during the operation, up to the delivery of those concerned to the Turkish authorities. Greek Police provide all necessary data and information in order to facilitate the Independent Authority in the individual assessment of each case of a third-country national, during the inspection, in accordance with article 4 para. 5 of Law 3094/2003.

7. It is emphasized that Greece has for many years cooperated with the UN High Commissioner for Refugees (UNHCR) and other International Organizations and Non-Governmental Organizations (NGOs) that are active in the protection of human rights.

Greece wishes to fully capitalize and further expand their rich experience in the areas of asylum and handling of newly arrived irregular migrants, with priority given to the creation of open structures of accommodation for unaccompanied minors.

8. In particular, in the area of Evros river, the operational actions of the Greek Police are aimed at the prevention of illegal entry into Greek territory, through timely detection within the Turkish territory of groups of prospective irregular migrants moving to the Turkish river bank. Immediately, after the latter are noticed, patrolling police and military are informed and make their presence felt with the use of light and sound signals, so that irregular migrants do not even enter in boats waiting to transfer them to the Greek bank of the river. Instead, they reverse course and flee inland into Turkish territory.

9. As regards certain allegations that law enforcement agents of the existing border services have misbehaved, these are allegations that do not correspond at all to reality and the operational activities carried out. It is recalled that the police staff, in dozens of recorded incidents, saved, at the risk of their own life, in extreme weather conditions (snow – floods on the river Evros) hundreds of irregular immigrants and refugees at risk.

10. The legal basis of the actions undertaken by the Hellenic Coast Guard (HCG) is stemming from relevant national law, the Schengen Border Code as well as the fundamental rights regime and in particular the provisions for preventing the unauthorized crossing of the borders in conjunction with the respect of the rights of those who may be in need of international protection.

11. The Joint Operational activities implemented at the external sea borders of Greece and coordinated by Frontex in cooperation with the Hellenic Authorities are conducted under the provisions of Regulation 656/2014, in line with the principle of non-refoulement. These provisions are embedded within the respective Operational Plans and constitute a core part of their Operational Concept. More specifically, all Frontex-deployed assets are available for Search and Rescue (SAR) operations under the tactical coordination of the competent Joint Rescue Coordination Center (JRCC) according to the international SAR legislative framework, resulting in a remarkable humanitarian effort achieved during the last year. To ensure a uniform approach of all the deployed personnel, all participants are properly briefed prior to start of their deployment.

12. An internal disciplinary control mechanism is well in place within the Hellenic Coast Guard to ensure that complaints for violations of fundamental rights allegedly committed by its personnel are adequately investigated. Internal Affairs is also in place to investigate any such allegation. In addition, the Hellenic Coast Guard cooperates directly with the competent national authorities that are responsible to investigate individual official actions or omissions of law enforcement personnel, most notable the Greek Ombudsman.

13. The Hellenic Coast Guard has just recently completed a series of educational training courses relevant to the duties and obligations of Hellenic Coast Guard officers at the external border of the EU. The aforementioned training courses were designed and delivered in full compliance with Frontex Core Curricula, Human Rights manuals and dedicated material on the principle of non-refoulement with a focus also on the special management of vulnerable persons.

Follow-up information relating to paragraph 23 (b) of the concluding observations

14. During the last year (2019) and the first four months of the current year (2020), increased migration flows were recorded in the region of Evros, as well as in the islands of the Eastern Aegean, as a result of which the reception and asylum services of the country were overburdened. In total, for the 12 months of 2019, the apprehensions for illegal entry and stay amounted to 123,710 third-country nationals, compared to 93,367 in the 12 months of 2018 (i.e. an increase of 32.5%), while for the 4 months of this year there were 20,006 apprehended third-country nationals.

15. The Hellenic Police Headquarters, in order to ensure the correct application of EU Directive 2008/115/EC “on common standards and procedures in Member States for returning illegally staying third-country nationals”, has provided clear instructions to the competent Services and continues the effort not to detain third-country nationals subject to return procedures in police holding cells, but, as soon as possible, to take them to the Pre-

Departure Detention Centers for Foreigners, after their identification and the issuance of the necessary decisions.

16. At the same time, among the measures taken by the police authorities as alternatives to detention, was the stay of third-country nationals in the open or semi-open Reception and Identification Centers (KYT) on the islands of the Eastern Aegean, until their return to Turkey is achieved. Instructions were given by the Hellenic Police Headquarters on the suspension of deportation/readmission decisions, in accordance with art. 78 of Law 3386/2005 and art.22 para. 3 of Law 3907/2011 (alternative measures, more favorable provisions), while the third-country nationals are obliged to stay in a certain place (organized hosting centers, such as in Kara Tepe in Lesvos) with the additional condition of not leaving the island where they are located.

17. In addition, among the measures taken by the Hellenic Police Headquarters regarding the handling of third-country nationals hosted in the Reception and Identification Centers (KYT), in the islands of the Eastern Aegean, is included the provision of instructions which allow voluntary returns (through IOM programs), as an alternative for irregular migrants who cannot continue their journey to Central and Northern Europe.

18. Regarding the detention of applicants for international protection, the competent Police Directorates strictly apply the relevant provisions of Law 4375/2016, as amended and in force (Law 4636/2019 and Law 4686/2020). In particular, as soon as the decision rejecting an asylum request (in the first or second instance) is served by the competent Regional Asylum Office on an asylum seeker third-country national, the competent local police services are appropriately informed in order for the former to be subjected to a return process.

19. In such case, in order for the return process to be completed, a detention order is issued for the absolutely necessary period required for completing the process, with a maximum period of six (6) months, which can be extended for an additional twelve (12) months, in cases where, despite the reasonable efforts of the competent authorities, the process is likely to take longer because the third-country national refuses to cooperate or delays in obtaining the necessary documents from third countries occur. In any case, for the imposition or continuation of the detention measure, the availability of detention facilities and the possibility of ensuring decent living conditions for the detainees are taken into account.

20. Regarding the treatment of minors, the Greek Police attach special importance to the respect, protection and safeguarding of the rights of minors during their arrest and detention and for this purpose, relevant orders and instructions have been issued. In particular, it is emphasized that, in any case, all service actions must be lawful, based on the fact that every minor has fundamental rights, which correspond to his/her individual needs, and that substantial and effective assistance should be extended to minors in a spirit of sensitivity and humanity, out of respect for their dignity, individuality and idiosyncrasy.

21. As for the detention of unaccompanied minors, the latter may be placed under a protective custody status in order to avert the risk of exploitation by trafficking networks, etc., in execution of relevant prosecutorial orders, as a temporary precautionary measure, and are housed, temporarily, in structures of the Greek Police, until they are transferred, with the care of the National Center for Social Solidarity (EKKA), to appropriate open accommodation structures, the best interests of the child being the sole consideration.

22. According to Law 4375/2016, the Reception and Identification Services and, consequently, the Director of each Reception and Identification Center (K.Y.T.), are responsible for the handling of unaccompanied minors in the islands of the Eastern Aegean, in cooperation with the local prosecutorial authorities. In any case, care is taken that the unaccompanied minors are separated from the other irregular migrants and stay in specially designed areas, separate from adult detention facilities, until, with the care of the National Center for Social Solidarity (EKKA), they are accompanied to more suitable places. For this purpose, instructions have been given to the locally competent Police Directorates to be in constant cooperation with the Directors of the Reception and Identification Centers (K.Y.T.). It is emphasized the legislative initiative of enacting Law 4554/2018 (Government Gazette A' 130 / 18.07.2018) according to which issues relating to the guardianship procedure of unaccompanied minors were regulated and the responsibility for their placement in appropriate accommodation centers was assigned to the National Center

for Social Solidarity (EKKA) of the former Ministry of Labor, Social Security and Social Solidarity. In the above context, and also according to the stipulations of Ministerial Decision 60207/2717/31-12-2019 (Government Gazette B'- 4924 / 31.12.2019) of the Deputy Minister of Labor and Social Affairs, unaccompanied minors over 16 years of age are placed in a status of semi-autonomous living in supervised apartments, in order for them to be supported in an appropriate context for their gradual and unobstructed personal development, empowerment and social integration.

23. In the framework of its migratory and refugee policy, the Greek Government has set as a priority and firm objective ensuring dignified conditions and promoting the protection of all unaccompanied minor asylum seekers. It is in this spirit that a Special Secretariat for the protection of unaccompanied minors within the Ministry of Migration and Asylum has been established and the initiative for relocation of unaccompanied children, especially the most vulnerable ones, to other willing EU Member States, has been launched.

24. Both these initiatives are already bearing their fruits, as Greece has significantly contributed in bringing the necessary attention to the issue, emphasizing the need for a concerted action at European level. The initiative for the relocation of up to 1 600 unaccompanied children has started being implemented under the coordination of the European Commission and with the participation of 11 EU Member States. Following a first successful round of transfers of UAMs to Luxembourg, Germany, Portugal and Finland, amidst the Covid-19 pandemic, an agreement has been recently reached on a standardized procedure through the conclusion of the SOPs. Other Member States not participating in the relocation scheme have declared additional in kind or expertise contributions. Greece has been able to create a momentum at European level and remains committed in pursuing unabatedly this work, including through the organization of a European Conference on Children in Migration next autumn in Athens with the participation of all key stakeholders.

25. There is of course much space for improvement when it comes to the conditions for reception of unaccompanied minors especially in the islands of Eastern Aegean. In any case, keeping minors under protective custody is not the option for Greece and it should be used only as a means of last resort for the protection of children according to international standards. In this framework, Greek authorities are moving towards the gradual abolition of this measure in two phases: initially, by prioritizing, under certain conditions and according to their best interest assessment, those unaccompanied children under police custody for being relocated to other States; and as a second step, through the creation of two new special hosting facilities for the temporary accommodation of minors before their transfer to more permanent shelters.

Follow-up information relating to paragraph 25 (d) of the concluding observations

26. Specific cases of sexual violence, where the perpetrator and the victim are members of the same family or the perpetrator sexually exploits the victim, are treated by the State as offenses of domestic violence and trafficking in human beings for the purpose of sexual exploitation, respectively. The Hellenic Police, assessing the specific circumstances, the nature and the frequency of such crimes, take each time the most appropriate and pertinent measures and carry out the necessary and appropriate, as the case may be, actions for the protection of the victim, bringing the perpetrator to justice.

Domestic Violence

27. The Hellenic Police, through a network of actions and activities, are active both in dealing with this phenomenon and in protecting its victims, in the context of its preventive and repressive role, while defending and promoting human rights in general. For this purpose:

(a) In the context of the implementation of the Anti-Crime Policy Program, instructions are given to all the Police Services on how to handle cases of domestic violence;

(b) During the implementation of a series of organizational reforms in the Greek Police, undertaken by the Ministry of Citizen Protection and aiming at a more effective response to incidents of domestic violence and the provision of even better assistance and protection to the victims of such cases, on the basis of the provisions of Presidential Decree 37/2019, a "Department for Combating Domestic Violence", within the General Police

Directorate of the Hellenic Police Headquarters, was established, with a coordinating role for the supervision – guidance of the regional Services for the prevention and tackling of domestic violence crimes;

(c) Continuous training is carried out for students of Police Academies on matters of combating this phenomenon and protecting human rights in general, while the staff of the Services in whose responsibilities falls the tackling of cases of domestic violence and the contact with victims, are undergoing continuous and up-to-date training, in cooperation with other responsible Bodies, with the ultimate goal of optimizing the way of dealing with relevant cases.

Trafficking in human beings for the purpose of sexual exploitation

28. The recruitment – trafficking of persons for the purpose of exploitation is a criminal phenomenon that brutally insults human dignity and a blatant violation of fundamental rights, as it reduces human beings to the object of exploitation for profit. The effective tackling of human trafficking is a key priority of the Anti-Crime Policy Program of the Hellenic Police Headquarters and is defined in specific objectives, the achievement of which is pursued through specialized actions.

29. In addition, aiming at the effective investigation of human trafficking cases and the provision of assistance and protection to the victims, the Hellenic Police set up Departments and Teams to Combat Trafficking in Human Beings:

(a) At Headquarters level, where, from September 2002 onwards, the competent Directorate deals specifically with human trafficking issues and provides guidance to the regional operational Services;

(b) At the operational level: twelve (12) Anti-Trafficking Teams and two (2) Anti-Trafficking Departments are active in the Sub-Directorates for Combating Organized Crime and Trafficking in Persons at the Security Directorates of Attica and Thessaloniki, respectively, whose staff have received specialized training regarding the approach of (potential) victims and the investigation of human trafficking cases. A crucial contribution to the effective tackling of trafficking cases is also the ongoing-up-to-date training of the staff that handle these cases and may come into contact with victims. In this perspective, Greek Police officers participate in educational activities at home and abroad, with the ultimate goal of fostering synergies with other competent bodies and adopting a holistic approach to handling relevant cases, while this thematic is an integral part of the curriculum in Police Academies.

30. Furthermore the following provisions adopted during 2019 and 2020 should be mentioned:

(a) Article 61 of Law 4636/2019 (article 25 of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection) regarding victims of violence and torture:

(i) The law describes the way victims of violence are certified as such by specialized medical staff and forensics, as well as the necessary care and access to treatment and psychological support they should get. It should be noted that the medical staff involved in handling such cases of violence/torture is to be regularly trained;

(b) Article 26 of the General Operating Regulation for the RICs:

(i) All possible security measures and actions are taken to deter and limit risks of sexual and/or domestic violence against women/children, both practical ones, such as fences, CCTV systems and special lighting, as well as other measures implemented by police security experts to ensure the best possible ways to avoid such incidents inside the RICs. Nevertheless, the risk of high flows in the islands presents considerable challenges for the implementation of these measures to overcrowded facilities.

31. Trying to respond to the daunting challenges deriving from both the economic and refugee crisis in Greece, the General Secretariat for Family Policy and Gender Equality

(GSFPGE) created a partnership between public stakeholders and NGOs to contribute to the needs of refugee women and their children.

32. This partnership ended up to the signing of a Protocol of Cooperation aiming at the coordination of all competent entities for the identification, referral, accommodation and provision of counseling services to refugee women, victims or potential victims of violence and their children, with regard to their special needs.¹ The provision of the abovementioned services is made through the National Network of Structures for the Prevention and Combating of Violence against Women (42 Counseling Centers, 20 Shelters, 24-hour SOS 15900 helpline). The Protocol of Cooperation includes, among others, collaboration with the Hellenic Agency for Local Development and Local Government in order to keep and update a database for refugee women, victims or potential victims of violence and their children, who are hosted by the Network's structures, and cooperation with international institutions, international or national civil society organizations for the implementation of European or national projects and interventions in favor of refugee women. Apart from this, the GSFPGE has a long-term cooperation (Memorandum of Cooperation) and undertakes joint actions with the UNHCR in Greece for the protection, temporary accommodation, provision of information and support to refugee women in danger and their children, victims of violence or multiple discrimination.

33. The GSFPGE coordinates the cooperation of all stakeholders in order to safely and effectively deal with gender-based violence incidents taking place in the hotspots. As regards preventive/protective measures, in the hotspots, training of staff on gender issues in cooperation with NGOs is provided and informational material (leaflets in the main languages) is available in the hotspots.

Follow-up information relating to paragraph 49 (a) of the concluding observations

34. The role of Non-Governmental Organizations (NGOs) in assisting the overall management of the migratory and refugee flows in Greece has been important throughout these years. The Greek government together with the EU institutions and relevant international organizations has developed a productive cooperation with NGOs in many fields on the basis of their expertise and added value. Our goal is to maintain and improve this cooperation. Given the big number of NGOs active on the spot and the multitude and complexity of their activities, increasing transparency and accountability on their extensive work has been prioritized with a view to facilitating the overall coordination among the relevant stakeholders and improving the effectiveness of their respective contributions.

35. The new legislation (article 58 of Law 4686/2020) providing for an electronic registry of Greek and foreign Non-Governmental Organizations dealing with international protection, migration and social integration issues was enacted for contributing to the much needed effort of establishing a well-defined institutional framework regarding the presence and activity of NGOs in Greece.

36. This Registry sets the conditions and guarantees for the transparency, reliability, responsibility and good terms of cooperation between the national authorities and NGOs-national and international. NGOs enrolled to the Registry cooperate with national authorities in a wide range of activities from reception of third country nationals, to medical and social support and finally to the social integration of recognized refugees.

37. Currently, 40 NGOs are operating inside the Reception and Identification Centres in the Aegean Islands and on the mainland. An additional number of NGOs are active in the overall dealing with international protection, migration and social integration issues. The accreditation process is ongoing and the efforts of the Greek authorities are towards enabling all NGOs that respect the international and European standards to continue unhindered their work in an improved legal and institutional framework, through receiving the necessary accreditation in accordance with the national legislation.

¹ Please see the English version of the Protocol here <http://www.isotita.gr/wp-content/uploads/2017/12/Protocol-on-Cooperation-for-Refugee-Women.pdf>.