



**International Convention for
the Protection of All Persons
from Enforced Disappearance**

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Committee on Enforced Disappearances

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Consideration of reports of States parties to the Convention

**Replies of Greece to the list of issues in relation to its report
submitted under article 29 (1) of the Convention****

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I. General information – Legal framework

1. As explained in Greece's initial report, Law 4268/2014 ratifying the Convention contained provisions adapting domestic legislation to the latter's requirements. Three new Articles were introduced, namely Article 322A (Enforced Disappearance of a Person), Article 322B (Aggravated Cases) and Article 322C (General Provisions).
2. In July 2019, the new Criminal Code entered into force, which, for reasons of coherence, consolidated the abovementioned Articles to Article 322 punishing abduction, which reads now as follows:

“Article 322. Abduction

1. Whoever by using deception, force or threat of force arrests, abducts or detains illegally another person, so as to deprive him/her of the protection of the State, and in particular whoever holds another person hostage or imposes any similar form of deprivation of liberty shall be punished with imprisonment of up to ten years.

If the act was committed with the aim of forcing the victim or someone else to perform, refrain from performing or suffering the performance of an act to which he/she was not obliged, imprisonment shall be imposed, unless the act is punished with a graver penalty under the rules on concurrent offences.

2. The act referred to in the first sentence of para. 1 above shall be punishable with imprisonment, notwithstanding that the means referred to therein were not used, if committed by agents of the State or by persons or groups of persons acting with the authorisation, support or acquiescence of the State, provided that it is followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person (enforced disappearance). An enforced disappearance committed against a pregnant woman, a minor or a person who cannot defend himself/herself shall constitute an aggravated form of the crime.

3. A superior who ordered the commission of the act referred to in the previous paragraph shall be punished with imprisonment of at least ten years, provided that this act was committed or attempted.

4. A superior who failed to take all necessary and reasonable measures within his/her power to prevent or repress the commission of an enforced disappearance or to submit the matter to the competent authorities for investigation and prosecution shall be punished with imprisonment of at least three years, unless his/her act is punished with a graver penalty under the provisions on aiding and abetting.

5. Invocation of Articles 20 to 25 CC cannot preclude the wrongfulness of the acts referred to in paras. 2 and 3.

6. The conviction of an agent of the State for the offences referred to in paras. 2, 3 and 4 above shall automatically lead to dismissal from service. If these acts are committed under a state of usurpation of the democratic regime, the limitation period shall commence upon the restoration of the lawful authority”.

II. Replies to the list of issues (CED/C/GRC/Q/1)

Reply to paragraph 1

3. There are no plans, at this stage, to make the declarations provided for in Articles 31 and 32 of the Convention. However, we are following closely the Views and Decisions adopted by the Committee and we are looking forward to further indications as to how the Committee will implement the Convention under the communication procedure.

Reply to paragraph 2

4. There are no cases where the provisions of the Convention have been directly invoked by national courts or administrative authorities.

Reply to paragraph 3

5. The report was drafted by the Legal Department of the Ministry of Foreign Affairs, in close cooperation with the competent Ministries. The draft was sent to the National Commission for Human Rights (GNCHR), Greece's national human rights institution, with Status A accreditation, in which forty-one institutions, whose activities cover a wide spectrum of human rights issues, are currently represented; the comments of the NCHR, adopted in December 2018, have been taken into consideration in the finalization of the report.

6. Recently, law 4780/2021 proceeded to an important overhaul of the legislative framework governing the GNCHR. The GNCHR has acquired legal personality and her functional independence and administrative and financial autonomy have been strengthened. The composition of the Commission has been amended so as to become even more pluralistic and to encompass all human rights fields.

Reply to paragraph 4

7. There have been no allegations/reports concerning cases of enforced disappearances in Greece so far, nor related allegations/reports concerning unaccompanied children.

Reply to paragraph 5

8. The right of any person not to be subjected to enforced disappearance is absolute. There is no legislative provision, according to which, under any exceptional circumstances, a person might be excluded from the enjoyment of such right. For this reason, it does not seem necessary to adopt national legislation providing for the prohibition of the invocation of exceptional circumstances as a justification for enforced disappearance. This issue is further explained in detail in para. 17 of the report.

9. Furthermore, successive joint ministerial decisions, as well as Article 15 of Law 4727/2020, provide for the possibility of electronic transmission of urgent requests to the Public Prosecutor's Offices and the Courts, which can be used as evidence by citizens in matters of their concern. As a result, Greece has ensured everyone's right to report incidents of enforced disappearance to the authorities.

10. The Act of Legislative Content of 20/03/2020 "Urgent measures to address the consequences of the risk of spread of COVID-19 coronavirus, support society and entrepreneurship and ensure the smooth functioning of the market and public administration" provides for urgent preventive measures to contain the pandemic in the country. The authorities imposed a number of restrictive measures, in particular to economic activities and freedom of movement, but without resorting to derogations to the relevant European and international human rights treaties. The implementation of the Convention has not been affected by the pandemic and the measures to address it.

Reply to paragraph 6

11. As explained above under "General Information – Legal Framework", former Articles 322A, B and C of the CC have been replaced by the new Article 322 CC, as quoted there. In this new Article, the crime of enforced disappearance is described in paragraph 2. Nonetheless, its definition shares certain elements with the crime of abduction, described in para. 1, including the phrase "so as to deprive him/her of the protection of the State", which is similar to the phrase "which place such a person outside the protection of the law", included

in former Article 322A CC. This phrase should be understood as a constituent element of the crime of enforced disappearance.

Reply to paragraph 7

12. Article 322 para. 2 CC, in conjunction with para. 1 of the same Article applies to whoever commits the offence of enforced disappearance and does not fix any numerical thresholds or other conditions for the punishment of such offence.

Reply to paragraph 8

13. As explained in paras 28 and 29 of the report, Law 3948/2011, adjusting the provisions of domestic law to the Rome Statute of the International Criminal Court, criminalizes, under certain circumstances, enforced disappearance as a crime against humanity.

14. Article 8, para. 1 (entitled “Crimes against humanity”) of the above law provides that “Whoever, in the framework of a widespread or systematic attack against a civilian population that is directed or encouraged by a State or an organization that exercises de facto state authority in a certain place causes the disappearance of another person with the intention of removing such person from the protection of the State for a prolonged period of time: (i) by abducting that person with the authorization or acquiescence of a State or a political organization or by depriving him or her of his or her freedom of movement, without providing direct and accurate information on the fate or whereabouts of that person or (ii) refusing, with the authorization or acquiescence of a State or a political organization or in violation of a relevant legal obligation, to immediately provide information on the fate or whereabouts of a person against whom the act laid down in case (i) was committed or by providing false information, shall be punished with imprisonment of at least ten years, or, in case death was caused, with life imprisonment”.

Reply to paragraph 9

15. According to Article 322, para. 2 CC, the offence of enforced disappearance is punishable with imprisonment of 5 to 15 years, i.e. with the most severe penalty, with the exception of life imprisonment. An enforced disappearance committed against a pregnant woman, a minor or a person who cannot defend himself/herself constitutes an aggravated form of the crime. If the commission of this offence was ordered by a superior, the latter is punished with imprisonment of 10 to 15 years. If a superior failed to take all necessary measures to prevent or repress the commission of an enforced disappearance or to submit the matter to the competent authorities for criminal investigation and prosecution, he/she is punished with imprisonment of at least three years.

Reply to paragraph 10

16. Article 322, para. 5 of the new CC also applies to the military crimes, according to Article 3 of the Military Criminal Code. The level of protection afforded by the provisions of the Penal Code is considered to be adequate.

17. Article 322 CC explicitly provides that the invocation of Articles 20 to 25 CC (exercise of a right or performance of duty, order, defence and excess of defence, culpable state of defence, state of emergency) does not preclude the wrongfulness of the acts referred to in paras. 2 and 3, i.e. enforced disappearance. Moreover, as already stated, Article 322, para. 3 CC provides for the punishment of a superior who ordered the commission of an act of enforced disappearance with imprisonment of at least ten years, provided that this act was committed or attempted. Furthermore, disobeying a superior’s order to commit a crime is not a disciplinary offence.

Reply to paragraph 11

18. The crime of enforced disappearance, as defined in Article 322 CC, is continuous, which means that the statute of limitation commences from the date this illegal situation has been terminated. Due to the fact that enforced disappearance is a felony, the limitation period is 15 years (Article 111, para. 2 CC). As a result, the responsibility of the agents of the State continues to exist as long as their criminal responsibility is active. Consequently, the statute of limitation for civil claims commences from the date that the liberty of the victim has been restored.

Reply to paragraph 12

19. Article 322 CC also applies when the acts described therein were committed by a Greek national abroad and these acts are punishable under the laws of the country where they were committed, or if committed in a country where there is no lawful state authority (Article 6 of the new CC). According to Article 7 CC, if a foreign national committed enforced disappearance under Article 322 CC against a Greek national outside Greece, Article 322 CC applies. Moreover, according to Article 8, para. 3 CC, if an enforced disappearance was committed by an agent of the Greek State abroad, Article 322 CC applies, irrespective of the laws of the country where the act was committed.

Reply to paragraph 13

20. During criminal proceedings, the procedural enforcement measures against an alleged perpetrator of an enforced disappearance are as follows: (a) The Public Prosecutor of the Court of First Instance, after instituting criminal proceedings, may issue an order, subject to endorsement by the competent Judicial Council, prohibiting the alleged perpetrator's exit from Greece. (b) While the Investigating Judge may impose the measure of pre-trial detention on the alleged perpetrator of the act of abduction if there are more than one victims, in the case of enforced disappearance, even if there is only one victim, the Investigating Judge may impose provisional detention on the accused by only invoking the particular characteristics of the act. (c) In all the cases provided for in Article 322 CC, restraining conditions may be imposed on the alleged perpetrators (e.g. residence in a specific area, prohibition to exit Greece, payment of bail, obligation to report regularly before a police authority). Consequently, there are procedural guarantees so that the alleged perpetrator does not abscond and is available to the authorities when necessary. Moreover, during the preliminary inquiry and the investigation, the alleged perpetrator is obliged to provide his/her accurate address and, as a result, can be summoned before the competent organs through service of a writ of summons at the address given.

Reply to paragraph 14

21. There are no provisions excluding the competence of military authorities to investigate and/or prosecute persons accused of enforced disappearance nor any plan to adopt such provisions. The guarantees of the Code of Criminal Procedure also apply to military criminal proceedings, in accordance with Article 213 of the Military Criminal Code. Military personnel shall be subject to the jurisdiction of military courts either as perpetrators or as victims of enforced disappearance in accordance with Article 193 of the Military Criminal Code.

22. In any case, the Greek Military Courts have no jurisdiction to hear enforced disappearance cases involving members of the military when the alleged perpetrator, being a member of the military, has acted together with a citizen (not a member of the military) or an agent of the State.

23. The alleged perpetrator of enforced disappearance enjoys, according to the Greek criminal laws and relevant international conventions, the right to a fair trial, hence the case will be heard by a mixed jury court, in accordance with Article 109 of the Code of Criminal

Procedure (CCP). The mixed jury court is composed of seven members: a Court of First Instance President (professional judge) as Presiding Judge; two Court of First Instance Judges (professional judges); and four jurors (lay judges), chosen by lot from a list prepared at the start of the judicial year. A Public Prosecutor of the Court of First Instance participates in the court as representative of the Prosecuting Authority, who is a tenured judicial functionary, like the other professional judges. As a result, the mixed jury court provides all the safeguards of an independent and impartial tribunal.

Reply to paragraph 15

24. No allegations of enforced disappearance have been received since the submission of the report to the Committee.

25. According to Article 37 of the Code of Criminal Procedure (CCP), every agent of the State, including police officers, upon being informed by anyone (a victim or a third party) of a criminal offence, is obliged to report it to the competent Public Prosecutor. Thus, effective access to justice and action by the Public Prosecutor are ensured. The Public Prosecutor may also order an inquiry without having received information from the police authorities, simply upon being informed in any manner (e.g. from the press or the internet), even anonymously, including on the phone. The informant may be placed under discreet police protection after the competent police director has been informed. Besides, Article 330 CC inflicts a criminal sanction (imprisonment) on anyone who tries to threaten a person who has reported an offence such as enforced disappearance, in order for the latter to withdraw the report. In such a case, the *in flagrante delicto* procedure may be moved against the perpetrator who threatens a witness. Furthermore, according to Article 251 CCP, once the Public Prosecutor or the police authorities have been informed about an enforced disappearance, they are obliged to collect without delay information on the crime and take all necessary procedural actions to collect the evidence and arrest the offenders. Therefore, it is ensured that Greece provides all the procedural guarantees so that, upon simple receipt of information on an enforced disappearance, an inquiry is immediately launched. It should be noted that, in case of an *ex officio* preliminary inquiry by the police, the police officers have the right, under Article 255 para. 2 CCP, to promptly conduct investigative actions, even without prior order by the competent Public Prosecutor.

26. The organizational chart of the Hellenic Police does not include any Services having as their sole responsibility the investigation of enforced disappearances. An investigation may be initiated by any operational service of the Hellenic Police, to which a complaint has been made or corresponding information has been received. The investigation takes place under the direct supervision of the Public Prosecutor and, where necessary, “special investigative techniques” may be used.

Reply to paragraph 15 and 20

27. In order to effectively protect citizens’ rights against arbitrary acts by agents of the State, criminal provisions have been adopted, providing for severe penalties, such as those laid down in Articles 239, 259 and 325 CC (abuse of power, violation of duty, illegal detention). In cases of violations of Articles 239 and 259 CC by police officers, preliminary investigations are also carried out by the Internal Affairs Department, which is an autonomous special service of the Ministry of Citizen Protection, directly under the responsibility of the Minister of Citizen Protection and supervised by a Public Prosecutor of the Court of Appeal. The Internal Affairs Department, when carrying out a preliminary inquiry or preliminary examination of offences involving staff of the Hellenic Police, shall forward copies of the relevant reports to the competent Directorate of the Hellenic Police, which may also constitute evidence for the investigation of the disciplinary aspect of the case.

28. Consequently, complaints against police officers in cases of human rights violations are investigated as a matter of priority, in accordance with the provisions of the current Disciplinary Law of Police Personnel (Presidential Decree 120/ 2008).

29. In addition, Law 4443/2016 designates the Greek Ombudsman, an independent administrative authority, as the National Investigation Mechanism of incidents of arbitrariness by law enforcement personnel and prison officers, which constitutes the main mechanism for the external control of police officers for arbitrariness.

30. The above law has been amended by Article 188 of Law 4662/2020, according to which the competence of the Ombudsman includes the collection, registration, evaluation, investigation or further referral – for the exercise of disciplinary control – of complaints for acts or omissions of the personnel of the Hellenic Police (as well as of the personnel of the Hellenic Coast Guard, the Fire Brigade and the employees of the Detention Centers), which occurred in the performance of their duties or by abusing their authority and concern:

(a) Torture and other abuses of human dignity within the meaning of Article 137A CC;

(b) Unlawful intentional offences against life or physical integrity or health or personal or sexual freedom;

(c) Unlawful use of a firearm, and

(d) Unlawful conduct, for which there are indications that it was carried out with a racist motive or which involves other discrimination on the grounds of race characteristics, colour, national or ethnic origin, descent, religious or other beliefs, disability or chronic disease, age, family or social status, sexual orientation, identity or gender characteristics.

31. The Ombudsman intervenes either following the submission of a complaint, *ex officio*, or following referral of the case by the competent Minister or Secretary – General. In the event of an investigation by the Ombudsman, the competent disciplinary organs are obliged to suspend the adoption of their decision until the finding/decision of the Ombudsman. Moreover, if a complaint or incident is forwarded by the Ombudsman to the competent services, the latter are obliged to take the necessary steps for its administrative investigation and further handling, and then they have to transmit copies of all the information in the relevant file, suspending their decision, until the finding/decision of the Ombudsman. In addition, the national mechanism deals with cases in which the European Court of Human Rights has delivered judgments against Greece, in cases which reveal deficiencies in the disciplinary investigation or new evidence that had not been evaluated, from a disciplinary point of view.

32. According to Article 147 CCP, any person having a legitimate interest may obtain any document from the criminal case file after the end of the criminal proceedings, if a trial had taken place. If the trial has not yet taken place, any person having a legitimate interest may obtain any document from the criminal case file by decision of the Investigating Judge and the Public Prosecutor during the investigation, if criminal proceedings have been instituted and an investigation has been ordered by the Investigating Judge. Even if no criminal proceedings have been instituted yet and a preliminary inquiry is being conducted, any person having a legitimate interest may obtain copies, by decision of the competent Public Prosecutor, after the completion of the preliminary inquiry. During the criminal proceedings, the victim of an enforced disappearance has the right to make a statement in support of the charge under Article 82 CCP. Thus, he/she has the right to be informed about the progress of the case, appoint a counsel, obtain copies of the case file and be represented by a counsel during investigative actions other than the questioning of witnesses and the accused. According to Articles 107 and 100 CCP, the victim of an enforced disappearance that has made a statement in support of the charge has access to the case file. Thus, in addition to the right to be present during investigative actions under Article 92 CCP, he/she has the right to be informed about the contents of the case file by obtaining copies and, thus, can know the truth about the circumstances of the disappearance, the progress and outcome of the investigation.

Reply to paragraph 16

33. The authorities responsible for investigating enforced disappearances are the Hellenic Police, the Hellenic Coast Guard and the judicial organs (Public Prosecutor, Investigating

Judge, Magistrate). The seriousness of a case may require the involvement of a large number of persons in the investigation. Thus, there is no limit to the human resources that will be made available. During an investigation, the above organs have the right of access to any premise, whether public or private, and are not subject to any restriction: they can seize any piece of evidence that may be useful to prove the offence, are not bound by any personal data protection limitations and enjoy independence in their investigation. Due to the fact that the Public Prosecutor supervises preliminary inquiries or preliminary investigations conducted by the police and the Investigating Judge supervises the investigation, these organs have the right to exclude from the investigation any official (of the Hellenic Police or the Hellenic Coast Guard) when he/she is suspected of having been involved in the offence.

Reply to paragraph 17

34. By Law 4489/2017, Greece transposed into national law Directive 2014/41/EU regarding the European Investigation Order in criminal matters. Thus, when an EU Member State requests, by a European Investigation Order, any investigative measure that is in compliance with Greek law, this measure is executed promptly, as if it had been ordered by a Greek competent authority. If an investigative measure is requested by a third country, it can be executed in accordance with a relevant bilateral treaty, and, in case no such treaty exists, in accordance with the provisions of Articles 459 et seq. CCP. According to Article 459 CCP, a request for an investigative measure may be satisfied if such a measure is compatible with Greek law and when there is any doubt or objection as to its compatibility, the matter is decided by the competent Board of Court of Appeal Judges. As a result, there are sufficient procedural guarantees for examining the possibility of implementation of the investigative measure.

Reply to paragraph 18

35. The competent Hellenic Police services use the official channels of international police cooperation (EUROPOL, EUROJUST, INTERPOL, Liaison Officers, etc.) to exchange relevant information.

36. Subsequently, taking into account the procedural restrictions of the criminal proceedings, the applicants are informed (similarly through the channels of international police cooperation) and communicate such information to the relatives of the victims.

37. The SIRENE Department is the central authority for the exchange of supplementary information on data registered in the SCHENGEN Information System (SIS II). With regard to the search for missing minors, that Department shall:

- (a) Exchange information with the SIRENE National Bureaus of the other Contracting Parties to the Convention implementing the Schengen Agreement (CSA);
- (b) Ensure cooperation with other competent national agencies and international bodies;
- (c) Handle cases of disappearance of persons sought in the framework of Article 32 of Decision 2007/533/JHA, and
- (d) Ensure the cooperation and coordination of all the competent bodies.

38. Furthermore, Greece, as a Member State of INTERPOL, may use the Agency's secure network for the exchange of information with the other 193 Member States, as well as the General Secretariat of INTERPOL, with a view to preventing and combating transnational crime, including cases of Enforced Disappearance.

39. INTERPOL's Yellow Notices, which are issued for the purpose of identifying/locating missing persons and are accessible to all Member States, contribute substantially to the investigation of such cases, through the exchange of relevant information.

40. With regard to unaccompanied missing children, the following steps are taken.

41. First of all, the person who has undertaken the daily care of the child is the one responsible to declare the disappearance before the competent authorities. However, if such persons show negligence, the appointed guardian or representative of the minor should declare the disappearance so as not to waste valuable time.

42. The competent authority where the disappearance must be declared is the nearest Police Department to the place of residence. The officer in charge must file the declaration of disappearance as soon as possible and notify the competent local General Police Directorate and the competent Prosecutor for Minors or the local Public Prosecutor in case of absence of a Prosecutor for Minors.

43. In addition, in cooperation with the Police, the Prosecutor for Minors/Public Prosecutors and the NGO Smile of the Child, and provided that the guardian of the minor consents and the relevant special conditions are met, there is the possibility to activate the AMBER ALERT mechanism, which is a means to promptly and accurately warn the public for incidents of child disappearance/abduction.

44. Relatives of the child who reside in other member states should have access to information on the ongoing investigations, provided that the family link is verified and it is considered that sharing relative information is in the best interest of the child.

45. According to the Code of Criminal Procedure, mutual judicial assistance is supervised by the Public Prosecutor of the Court of Appeal, a higher judicial official providing all guarantees for the safe execution of the judicial assistance. Article 459 CCP requires the execution of the investigative measure requested by another State as soon as possible. Consequently, in case the investigative measures can be executed under Greek law or are provided for in a bilateral judicial assistance agreement, the Greek judicial organs are obliged to respond promptly to a judicial assistance request. The relatives of the victim can have access to the information after applying to the competent Public Prosecutor or Investigating Judge, who, recognizing their legitimate interest, can grant them any necessary document (Article 147 CCP). The relatives of the victim may also obtain information through a counsel duly authorised to this end in Greece. Moreover, the relatives of the victim may use the services of the Red Cross to request the competent Public Prosecutor to provide relevant information. The Red Cross can also, after coordinating with the Public Prosecutor, undertake to locate the remains of victims so that they will be returned to their relatives. Once informed that the remains of the victim have been found, the relatives may authorize a counsel so that the remains are delivered to the competent Greek authorities, which will in turn deliver them to the relatives.

Reply to paragraph 19

46. With regard to references to “pushbacks” and collective expulsions, we would like to stress that States have the right and obligation to protect their national borders, which, in the case of Greece, are also European, while fully respecting human rights. Allegations about violations of the principle of non-refoulement do not correspond to the operational activities which are implemented. It is recalled that the police and coast guard staff have saved hundreds of thousands of irregular migrants and refugees at risk at the land and sea borders. Land and maritime border surveillance measures should not be confused or linked with enforced disappearances.

47. As far as land borders, and in particular the Evros region, are concerned, national and joint border control and surveillance operations take place with the participation of the EU Border and Coast guard Agency (Frontex), on a regular basis, but also on an exceptional basis, when increasing pressure occurs, as was the case during the increased migratory pressure observed in the Evros region in February–March 2020.

48. The purpose of these operational activities is to effectively prevent illegal entry into Greece, which is achieved by the early detection within the Turkish territory of groups of irregular migrants moving towards the Turkish bank of the River Evros. Patrolling police and military officers are immediately informed and make their presence known, using light and sound signals in order to prevent attempts of illegal border crossing.

49. In the framework of the joint operations of Frontex in the Evros region, the Greek border services were reinforced with personnel and technical equipment by other EU Member States. No recent report that has come to the knowledge of the competent Greek police authorities is of such a nature as to confirm the alleged incidents of ill-treatment raised by foreign nationals.

50. The European Border and Coast Guard (Frontex), in accordance with Article 111 of Regulation (EU) 2019/1896, has established a complaints mechanism for potential violations of fundamental rights during the conduct of Joint Operations of the Agency. Within the framework of this mechanism and at the relevant national contact point for Frontex issues of the Hellenic Police Headquarters, from March 2020 to the present day -3- complaints have been received, which have been examined and found not to have concerned inappropriate conduct of Greek police personnel, but the migration management procedures. The said Regulation, in its Articles 80 et seq., provides for an integrated network for the protection and monitoring of human rights at the external borders of the EU, during the Agency's Joint Operations.

51. The principle of non-refoulement, reflected in Article 33 of the Geneva Convention relating to the Status of Refugees (1951), is a cornerstone of the international protection of refugees. The prohibition of refoulement applies to all forms of forced removal, including expulsion.

52. It should be clarified that no foreign national under detention, applying for international protection and until his/her application has been examined, is returned, in full compliance with domestic, European and international law, as well as the relevant case law of the Supreme Administrative Court (Council of State).

53. Furthermore, in order to fully ensure respect for the non-refoulement clause, expert investigators from the Ombudsman carry out effective external controls on planned readmission operations under the 2016 EU – Turkey Statement, supervising the whole process, while police authorities extend their full cooperation.

54. The Hellenic Coast Guard is acting in accordance with the Schengen Border Code and the provisions for preventing the unauthorized crossing while fully respecting the rights of all the persons concerned, including those who may be entitled to international protection status. These actions taken by the Greek Authorities are carried out in full compliance with the country's international obligations, as provided for in the UN Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea and the International Convention on Maritime Search and Rescue. It is important to point out that the Hellenic Coast Guard from 2015 until 2020 has rescued 319,242 migrants in search and rescue incidents.

55. Within this framework, the primary operational goal of the Hellenic Coast Guard is the timely identification of boats carrying migrants before entering the territory of the EU, in order to communicate these sightings to the Turkish side, so that they can act in accordance with their commitments deriving from the EU – Turkey Statement of 2016.

56. Law 4375/ 2016 introduced significant changes to the way mixed migration flows are managed, particularly in the islands of the Eastern Aegean. All refugees/irregular migrants entering the aforementioned islands, which are the main gateway to Greece and Europe, are directed to the Reception and Identification Centres, where they remain until they undergo reception and identification procedures.

57. Upon completion of the reception and identification procedures, third-country nationals or stateless persons, who do not fall under the provisions on the granting of international protection or other forms of protection (vulnerable groups), by decision of the Director of the Centre, are referred to the competent police authority for their inclusion in deportation, return or readmission procedures, in accordance with the relevant applicable provisions.

58. In addition, Law 4636/ 2019 transposed to the Greek legislation EU Directives on procedures for the recognition of international protection status and reception of asylum seekers.

59. Article 437 CCP provides for the extradition of a foreign national who is accused of an offence punishable by a prison term of more than two years in accordance with the Greek criminal law and the law of the requesting State, or has been convicted to at least three-month imprisonment. Therefore, if enforced disappearance has been committed, a foreign national can be extradited under the abovementioned provision. Extradition is also possible under a European Arrest Warrant, given the fact that extradition may take place where the requested person has committed a criminal offence punishable with imprisonment of at least twelve (12) months in accordance with the Greek criminal law and the law of the requesting State, or in case the requested person has been convicted in the State that issued the European Arrest Warrant to at least four-month imprisonment for a criminal offence that in Greece is characterized as a felony or misdemeanour.

60. Accordingly, the crime of enforced disappearance is, under the Greek Criminal Code, an extraditable offence, subject to the above conditions.

61. The competent Board of Court of Appeal Judges decides on an extradition request. The requested person has the right to appeal to the Supreme Civil and Criminal Court (*Areios Pagos*). The Minister of Justice has the final say on an extradition request. Lodging of an appeal by the requested person to the Supreme Civil and Criminal Court prevents the issuance of the decision of the Minister of Justice on extradition; therefore, in order for the Minister of Justice to consent to extradition, the Supreme Civil and Criminal Court must first deliver its ruling. Under Greek law, no one can be expelled unless the procedure set out in the relevant law 3907/2011 has been followed. A foreign national may be detained with a view to expulsion or return to his/her country of origin only if there is a risk of absconding, obstruction of the return procedure or a risk to national security. Should the procedure set out in Law 3907/2011 not be complied with, there would be a breach of duty by the police officers involved and the Public Prosecutor may take relevant action. During an expulsion procedure, an appeal may be lodged before the Administrative Courts.

62. Greek police officers are obliged to examine any information available to them in order to avert any risk of enforced disappearance, this task being a part of the preventive functions of the Hellenic Police. Therefore, Greek law provides a mechanism to prevent enforced disappearance.

63. Diplomatic assurances are evaluated on the basis of the CCP, just like any other document giving reason to believe that there is a risk of an offence being committed under Article 37 CCP; Moreover, diplomatic assurances are evaluated by the competent authorities to assess whether the need for expulsion recedes before the risk of enforced disappearance. Certainly, it would be useful for diplomatic assurances to be supported by other supplementary data, so that the need to respect human dignity prevails over the need for expulsion.

Reply to paragraph 20

64. Detention, in connection with the illegal entry into Greek territory (Laws 3907/ 2011 and 3386/ 2005), applies where there is a risk of absconding or a third-country national avoids or impedes the preparation of his/her return or the removal process or there are reasons of national security.

65. In addition to the above, other parameters are taken into account, such as:

- (a) The practical impossibility of return/deportation of certain foreign nationals, who are given a 6-month deferral of removal with the possibility of renewal;
- (b) The treatment of vulnerable groups (e.g. women, single-parent families) and in particular minors;
- (c) The submission of a request for asylum during first reception procedures;
- (d) The availability of suitable places of detention and the possibility of ensuring decent living conditions for detainees;
- (e) Any previous arrests.

66. Detention may be imposed for the period of time strictly necessary for the completion of the removal procedure, with a maximum period of six (6) months, which may be extended for an additional period of twelve (12) months [i.e. a total of up to (18) months] in cases where, despite the reasonable efforts of the competent services, the removal procedure is likely to last longer, because the third-country national refuses to cooperate or the receipt of the necessary documents from third countries has been delayed.

67. The right of foreign nationals to challenge before the competent administrative court the measure of detention in deportation cases is ensured by the existing legislation and may be exercised at any point during the detention.

68. In addition, the conditions of detention are ex officio reviewed every 3 months also by the First Instance Administrative Courts. It should also be recalled that the removal procedures are subject to an external control system operated by the Greek Ombudsman, which cooperates for this purpose with International Organizations and NGOs.

69. As regards the “rights of detainees to inform a close relative, etc.” there is no obstruction of communication whatsoever. On the contrary, the authorities facilitate communication, subject to the provisions of the CCP, the Penitentiary Code as well as the confidentiality of calls. In particular, foreign nationals in immigration detention are entitled to receive visits from relatives up to the second degree by blood or marriage. In case no such persons exist, they may be visited by another relative or friend whom they themselves declare in advance to the guard of the detention facility. The right to legal aid has been established at every stage of criminal and administrative proceedings, in accordance with the provisions of national law.

70. Foreign nationals held in detention are systematically informed about the Regulation applicable to the detention facilities, as well as about their rights and obligations, including their right to contact representatives of NGOs, the UNHCR and other bodies dealing with the issue of migration. Indicatively, it should be noted that, in the period 1.1.2020 to 31.12.2020, 209 International and European control mechanisms, NGO’s, associations and bodies were allowed to enter such detention facilities. Relevant forms have been posted in all detention areas in visible points and “Information Bulletins” are given to detainees, through which they are informed, in a language they understand, about their rights regarding detention and the asylum procedure.

71. With regard to the maintenance of detention records, it should be stressed that an individual detention file (unique for each foreign national) is drawn up following the admission of the detainee under the immigration legislation in the areas of responsibility of the Hellenic Police. In particular, the identity details are recorded, as well as the reason for detention, whether the detainee is suspected of absconding or dangerous to himself/herself or others, and any other relevant information and document. The detainees submit a statutory declaration with the contact details of a relative or friend from whom they wish to be visited at the time of their detention, if they do not have first or second degree relatives by blood or marriage. All medical data concerning detainees who are foreign nationals (e.g. hospital transfers, etc.) are recorded in the Register of Detainees.

72. More generally, as soon as a person is placed under detention, a relevant entry is made in the Register of Detainees which is kept in various Agencies and contains his/her full name, father’s name, date of birth, offence for which he/she is detained, date of entry/exit from the detention facility, etc. Furthermore, detainees, whether Greek or foreign nationals, upon being brought to the police service, are fully informed in a language they understand about the reason for their detention, as well as about all their rights, as detailed in Article 89 et seq. CCP.

73. Finally, the full enjoyment of the abovementioned rights has not been affected by the efforts currently deployed to contain the spread of the pandemic.

74. According to Article 2 para. 1 of the Greek Constitution, the protection of human dignity is absolute and, as a result, secret detention is prohibited under Greek law.

75. According to Article 6 of the Constitution, imprisonment and detention of any person in Greece are only possible by order of an Investigating Judge, a Court, or if the accused has been arrested *in flagrante delicto*. Whoever has been arrested or is being questioned as a

suspect has the right to a counsel without undue delay. Thus, questioning by the police or another authority without respecting the right to a counsel is out of the question. Suspects have the right to remain silent and not to incriminate themselves, as well as the right to interpretation and translation. The right of accused foreign nationals to contact the consular authorities of their country, to be visited by officials of those consular authorities and to communicate and discuss with them are enshrined in Article 8 CCP, while the right of access to a counsel is enshrined in Articles 99 and 105 CCP. Moreover, under Article 97 CCP, the accused has the right to inform, without undue delay, a person of his/her choice about his/her deprivation of liberty. The above rights are absolute. When the arrested person is a minor, the Hellenic Police is obliged to immediately appoint a counsel pursuant to Law 4689/2020, and his/her questioning must be recorded electronically. A person arrested in Greece has the right to be informed about the maximum number of hours or days he/she can be deprived of his/her liberty before being brought before the Public Prosecutor as provided for in Article 96 CCP. All the above rights are respected by the police authorities.

76. Enforced disappearance is a crime prosecuted *ex officio* under the Greek criminal law (Article 322 CC). As a result, anyone can report a suspicion concerning the commission of such a crime to the Public Prosecutor (Articles 37–38 CCP). Therefore, anyone may have effective access to justice, and a criminal investigation may be launched by order of the competent Public Prosecutor, who may even order it based on a simple suspicion. Thus, even an anonymous report may lead to an investigation.

77. Under Greek law, no person may be detained on any administrative or criminal law grounds without being registered in an official register of detainees.

78. Public Prosecutors and Hellenic Police officers conducting preliminary inquiries have full access to all places of deprivation of liberty throughout Greece. Independent authorities, and, in particular, the Greek Ombudsman, the National Preventive Mechanism under the OPCAT, may conduct on-site inspections of places of deprivation of liberty.

79. When the detention term has been completed, the competent Public Prosecutor and the competent Director of the facility are informed, the latter being obliged to release the detainee as soon as the reason for his/her detention has ceased to exist; in case of administrative detention, the supervising administrative authority is informed about the reason and period of detention of the person, who can protest even anonymously to the Public Prosecutor and any competent administrative organ in order for the need to release him/her to be examined.

80. Under Article 259 CC, failure or omission to record the deprivation of liberty of any person, obstructing appeals against the deprivation of liberty and refusal to provide information on the deprivation of liberty of any person in Greece constitute breach of duty on the part of the competent agent of the State, who is subject to criminal prosecution by the Public Prosecutor.

Reply to paragraph 21

81. Law 4636/2019, as amended by Law 4686/2020, resolves legal issues concerning the possibility of detaining asylum seekers (through the full incorporation of Article 8 of Directive 2013/33/EU) and the examination of appeals against the relevant decisions on return, while at the same time the relevant procedures for examining any appeals brought before the competent Administrative Courts (application for annulment) are being speeded up.

82. Under Article 5 CCP, anyone can request the competent administrative authority to provide copies of administrative documents concerning their legitimate interest, by means of a prosecutorial order. Moreover, according to Article 147 CCP, any third person having a legitimate interest may obtain copies of the case file. As a result, Greek law ensures that anyone with a legitimate interest may have access to all information concerning Article 18 of the Convention.

83. In order to clarify the provision of information requested by a person invoking a legitimate interest in administrative proceedings, the Public Prosecutor of the Supreme Civil

and Criminal Court has issued opinion no. 1/2005; as a result, the way in which information is provided is uniform throughout Greece.

84. The means to ensure swift and effective access to the above information in administrative proceedings is an application to the competent Public Prosecutor of the Court of First Instance, who may order the competent administrative service to provide copies to the person having a legitimate interest. In criminal proceedings, copies of documents of the file are provided to the person having a legitimate interest during the preliminary inquiry by the Public Prosecutor, during the investigation by the Investigating Judge and during the criminal trial by the Presiding Judge of the Court following a simple application by such person.

Reply to paragraph 22

85. The Hellenic Armed Forces and especially military law enforcement personnel receive the appropriate training in all aspects of International Law. Such training includes, among others, all relevant issues concerning the Convention.

86. Greece provides training and education to judicial officials through the National School of Judges and the Judicial Associations (Association of Judges and Public Prosecutors, Association of Public Prosecutors, Association of Administrative Judges, etc.), as well as to State agents. Such training also concerns the Convention.

Reply to paragraph 23

87. According to Article 63 CCP, a victim is a person that suffered from a criminal offence, i.e. the holder of the protected interest affected by the offence, and may claim pecuniary compensation for moral damage and moral distress. The victim of any criminal offence, including enforced disappearance, is considered a victim without the need to initiate any criminal proceeding, simply by the fact that he/she is being directly affected by the offence. As a result, he/she is protected by the Greek Criminal Code and enjoys protection of his/her liberty.

Reply to paragraph 24

88. The victims have the right to know the truth by having full access to the case file, under the conditions explained above.

89. Victims of enforced disappearance may claim, by instituting an action against the offenders and an action against the Greek State in case of omission on the part or involvement of agents of the State, compensation for the deprivation of their liberty and for the moral distress they suffered. The civil courts have jurisdiction when the victims sue private individuals and the administrative courts when the victims sue the Greek State.

90. Compensation includes both pecuniary and moral damages. Specifically, Article 914 of the Civil Code provides that a person who intentionally and unlawfully caused damage to another person is liable for compensation, while Article 932 of the Civil Code provides that the Court may also award a reasonable amount of compensation for moral damages, to be determined by the Court at its discretion. This provision shall apply especially with regard to a person who suffered harm to his/her health, honour or integrity or who has been deprived of his/her liberty. In case of death, compensation for moral damages may be awarded to the victim's family. According to Article 937 of the Civil Code, such claims are subject to a statute of limitation of five years after the victim has become aware of the damage and the identity of the person liable for compensation and, in any case, twenty years from the commission of the offence. In the case of enforced disappearance, which is a criminal offence with a longer statute of limitation (fifteen years), the same statute of limitation also covers the compensation claim.

Reply to paragraph 25

91. The actions that the personnel of the Hellenic Police are obliged to take, as soon as a declaration concerning a missing/disappeared person is made are set out in detail in the current regulatory framework and more specifically in Article 124 “Search for missing persons” of Presidential Decree 141/1991 & Regulation 2/1985.

92. Article 255 para. 2 CCP provides for a procedure of *ex officio* preliminary inquiry by the Hellenic Police, in the framework of which the Hellenic Police take urgent action, even without a prosecutorial order, if the nature of the case does not allow for a delay. The actions of the police authorities may be coordinated at inter-branch level, i.e. they may be supervised by a superior officer of the Hellenic Police Headquarters, and several services of the Hellenic Police may participate in the inquiry.

Reply to paragraph 26

93. According to the Criminal Code, disappeared persons are considered victims of the offence referred to in Article 322 CC and the investigation conducted by the Hellenic Police continues until their fate has been clarified. For so long as they are in a state of deprivation of liberty, they fully enjoy their property rights and are not deprived of any of them. A certificate of absence or death of a disappeared person may be issued upon the request of a person having legitimate interest by any public service. In order for such a certificate to be issued, there is no requirement of a minimum period of absence; it is enough to prove in any way that the person concerned has disappeared and his/her relatives do not know his/her whereabouts. This is why the Code of Criminal Procedure provides for a procedure of *ex officio* preliminary inquiry by the Hellenic Police without an order by the Public Prosecutor (Articles 245, para. 2 and 251 CCP). The fact that an enforced disappearance victim has been certified in writing as missing or dead does not prevent the continuation of the investigation until the offenders are identified and the fate of the disappeared person has been clarified.

Reply to paragraph 27

94. The number of unaccompanied minors in the Services of the Hellenic Police in the recent period has recently decreased significantly to just 23 minors. Law 4760/2020 abolished the protective custody of unaccompanied minors in police detention centres. The Special Secretariat for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum (SSPUAM) ensures that minors are referred to appropriate accommodation structures, following the adoption of an order by the Public Prosecutor.

95. Greece, through the SSPUAM implements a strategic plan for the protection of unaccompanied minors from all forms of violence, exploitation and abuse, including enforced disappearance.

96. More specifically, special attention has been given to children who are homeless or live under precarious conditions and are for this reason most likely to disappear, suffer physical and emotional abuse or/and become victims of trafficking.

97. During 2020, UNHCR, under the auspices of the SSPUAM and in cooperation with implementing and operational partners, started the implementation of the best interest procedures for the relocation of the abovementioned unaccompanied minors. The goal was to locate and include, if possible, these unaccompanied minors to the Relocation scheme implemented by the SSPUAM in collaboration with UN agencies and European organizations through the EC funding.

98. In this context, the SSPUAM in cooperation with national authorities (i.e. Police authorities, Asylum Service, National Centre for Social Solidarity) UN agencies and EASO put great effort into locating all minors who had been reported as homeless at some point (and were referred to competent state agencies for accommodation). More specifically, from a total of 1,094 unaccompanied minors, 25 % had been traced by early September, thus around 279 unaccompanied minors. It must be noted that it was the first time a similar effort

for tracing homeless children was ever made and this explains to a certain point the low traceability numbers as the majority of these children were included in that list for several years and, according to the Police authorities, most of them have left the country (an official confirmation by police authorities is pending to review and revise the data of UAMs). Despite the challenges, this very important exercise enabled the national system to keep more accurate data on the number of unaccompanied minors present in Greece and thus to plan their care plan accordingly.

99. In light of the above, it was considered imperative to establish an emergency response mechanism that will comprise a tracing and referral mechanism, emergency accommodation and a comprehensive case management framework, with the purpose to detect and identify all unaccompanied minors third country nationals and stateless persons and to ensure a child rights-based response for all minors including those in emergency situations.

100. Such mechanism will be coordinated by the SSPUAM and will include:

- Coordination of outreach work, in cooperation with NGOs;
- Development of SOPs for the referral of unaccompanied minors;
- A 24/7 hotline, based in the SSPUAM, for receiving and carrying through requests for emergency accommodation and guidance;
- Provision of representation and accompanying services, in particular during Police registration;
- Interpretation services supporting the hotline as well as the registration process by the Police;
- Training of all actors involved and provision of clear guidance including on the registration process by the Police.

101. Following the tracing and identification procedures, the minors will be safely accommodated in appropriate facilities. Emergency accommodation facilities shall be established in the regions of Attica and northern Greece to host unaccompanied minors in immediate need of accommodation. A comprehensive assessment framework will be developed in order to inform an individualized care plan that will include all important aspects of a minor's life.

102. With regard to unaccompanied minors victims of violence, there are particular provisions, due to the fact that, as third country nationals or stateless persons entering illegally the country, they are subject to different administrative procedures and their detection may take place at different stages or while being under the supervision of specific services or authorities. Special reception conditions and assistance are foreseen for minors found to be victims of maltreatment, exploitation or torture.

103. The National Identification and Referral System for Victims of Trafficking is immediately notified when a trafficking victim is identified. When the victim of trafficking is an unaccompanied minor, the Public Prosecutor takes all necessary action to determine his or her identity and nationality, verify the fact that he or she is unaccompanied, locate his or her family and ensure his/her legal representation. A person is characterized as "victim of trafficking" by an act of the Prosecutor, while victims of torture, rape or other type of violence are certified as such by medical examination in a public hospital or military hospital or by appropriately trained doctors of national healthcare institutions.

104. Attention is also given to unaccompanied minors going missing who are exposed to great risks and may fall victims to violence and exploitation at any time. The SSPUAM will put in place an efficient mechanism to report unaccompanied minors going missing in order to enhance the already existing procedures. A coherent process will be established, operational 24/7, without losing valuable time from searching for a missing minor. A template for reporting missing unaccompanied minors shall be available to accommodation facilities in order to be sent electronically to the Police for a swifter response.

105. Guidelines and a protocol of action regarding the investigation for missing unaccompanied minors shall be developed and implemented. Police officers will be trained on investigation methods, techniques and processes for missing minors including on

enhancing their communication skills with minors. In cases of missing minors who are found to be in conflict with the law, priority shall be given to finding the minor. Consideration will be given to cases where it is necessary to issue an Amber Alert. If the child is suspected to have left the country an alert in the Schengen Information System (SIS II) and a publication of an Interpol yellow notice will be inserted. Special attention will be paid to child trafficking cases.

106. In this effort, all national and European databases have to be informed about missing unaccompanied minors according to EU and national law in order to advance the search nation- and EU-wide. An information system with data on unaccompanied minors shall include variables regarding minors going missing and updated when minors are found.

107. Lastly, improving data collection on unaccompanied minors and facilities for unaccompanied minors is a priority for the SSPUAM. Acknowledging the importance of gathering quantitative and qualitative data to ensure that the presence of unaccompanied minors in Greece is known to the full extent and to ensure their full traceability from the point of arrival and regardless of their legal status, it is imperative to advance the country's data collection mechanism. Procedures and prerequisites for timely and reliable data shall be laid down to address fragmentation of data and ensure that all necessary information is in place to make sound decisions for every minor based on his or her best interests.

108. Currently, there are various databases operated by different state agencies or authorities that serve concrete purposes. In order to collect information on unaccompanied minors, one has to ask for data from each distinct agency.

109. According to Law 4554/2018, three registries have been established, (a) that of unaccompanied minors, (b) that of accommodation facilities of unaccompanied minors and (c) that of professional guardians. A relevant information system for the referrals of accommodation requests of unaccompanied children, which was further expanded to also collect data for the registry of the unaccompanied children, has been developed since 2018 with the support of UNICEF and was provided to the responsible state organs. The registry for unaccompanied minors was designed with the aim of collecting the necessary information related to unaccompanied minors in a single database.

110. To ensure that all necessary information for unaccompanied minors is in place, standard operating procedures for the data collection have to be laid down at a national level. The SSPUAM shall be the body responsible for receiving specific information relevant to unaccompanied minors which will include data collected from the competent state agencies.

111. The National Referral Mechanism for the Identification and Referral of THB-victims (coordinated and supervised by the Office of the National Rapporteur on THB and managed by the National Centre for Social Solidarity) operates as a hub for coordinated action and partnership building within all major stakeholders who may come across persons vulnerable to THB. The Asylum Service and Reception and Identification Service (in charge of the Reception and Identification Centers) are actively involved in the NRM, as their procedures give priority to identify refugees with vulnerabilities (incl. Trafficking in Human Beings).

112. Assessments on asylum applications are based on personal and social vulnerabilities, rather than on crime indicators. As soon as a presumed victim of trafficking is initially identified, the Standard Operating Procedures (SOPs) for the formal identification, referral, protection and assistance of victims of trafficking is activated.

113. A series of extensive trainings are targeted at the personnel in the Reception & Identification Centers to follow Standard Operational Procedures about referrals and early detection of unaccompanied minors who are presumed THB-victims.

114. With the aim to broaden the scope of first line responders to identify child victims of trafficking, a three-day online seminar was addressed to the professionals working at the accommodation shelters for unaccompanied minors (psychologists, social workers) providing training for early detection, assistance, and support for the victims.

115. The Greek law foresees the possibility to challenge the adoption, in accordance with Articles 1569 and 1570 of the Civil Code, which have been amended by virtue of law 4268/2014 ratifying the Convention.

116. Adoption may be challenged only through the exercise of the prescribed legal remedies against the relevant court decision, if the conditions of the law were not met; or if the consent of one of the persons who were competent in accordance with the law to consent was invalid for any reason or was given as the result of error as to the identity of the person of the adoptive parent or adoptive child, fraud in relation to the factual circumstances or illegal or immoral threat; or when the adopted child or at least one of the natural parents are victims of enforced disappearance in the sense of the relevant provisions of the Criminal Code.

117. According to Article 1570 of the Civil Code, the adoption may be challenged on one of the abovementioned grounds by means of an appeal or a third party appeal, in the case of non-compliance with the terms of the law or in the case of an adopted child victim of enforced disappearance or in the case of an adopted child when at least one of his/her natural parents was a victim of that crime, by whoever has a legal interest or the Public Prosecutor. In cases of lack of valid consent, as well as when such consent was the product of error, fraud or threat, the adoption may be challenged by the person whose valid consent is missing or who was deceived or threatened, but not their heirs.

118. Therefore, the adopted child, who has been the victim of enforced disappearance, may also challenge the adoption decision.

119. The legal remedies against the adoption decision are exercised within the time limits provided by Article 800 paras. 3 and 4 of the Code of Civil Procedure.

120. The time limit for an appeal against an adoption decision is one year and commences in any case from the publication of the decision.

121. The time limit for the third-party appeal against the adoption decision is six months, from the moment of knowledge of the adoption and three years from the final decision on the adoption.

122. With regard to the disappearance of children from the “Agia Varvara” foundation during the period 1998–2002, in the framework of the programme “Protection and Social Care of Children on the Road”, minor foreign nationals who had been arrested for begging, following an oral order from the Athens Juvenile Prosecutor, were released and hosted directly in the Children’s Town “Agia Varvara”. This procedure was followed for minor children up to 13 years of age, who either had no parents in Greece or their parents did not show up to receive them, because they were staying illegally in the country. The Sub-Directorate for the Protection of Minors of the Attica Security Directorate, during the above period, arrested for begging about 130 children, who were then taken to the Children’s Town, at the behest of the Athens Juvenile Prosecutor. The same procedure was followed by the local Police Departments in the wider Attica area.

123. Regarding the investigations for the disappearance of minors from the “Agia Varvara” Care Unit, on 26/4/2017, the then Administration of the Unit appeared before the Prosecutor of the Athens Court of First Instance and submitted in writing – at his request and in execution of a request for judicial assistance from the Albanian authorities – all the relevant information.

124. The competent department of the Ministry of Labour and Social Affairs has no data or official complaints about disappearances of children during the years 1930–1970.

125. According to Article 322 para. 2, last sentence CC, the commission of enforced disappearance against a minor or a person who cannot defend himself/herself is an aggravating circumstance. As a result, the penalty to be imposed is 5- to 15-year imprisonment, but due to the fact that this is an aggravated form of the crime, the Court will take this into account in the calculation of the penalty. In case of falsification of documents attesting to the true identity of children, imprisonment of 10 days to 5 years and a pecuniary penalty of €360 to €36,000 are imposed (Articles 53, 57 and 216 para. 1 CC).

126. According to Article 43 of Law 4760/2010, unaccompanied minors are under the protection of the State, in particular the competent Public Prosecutor of the Court of First Instance, who acts as temporary guardian as well as the SSPUAM. Whenever there is a suspicion that a minor might have been a victim of enforced disappearance, a special investigative action may be performed, e.g. an expert investigation, provided for in

Article 183 CCP. Thus, a psychologist, psychiatrist or other specialised scientist may examine the minor and diagnose whether he/she has been a victim of human trafficking.
