



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

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Summary record of the 1764th meeting*

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Chair: Mr. Modvig

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Seventh periodic report of Greece (continued) (CAT/C/GRC/7;
CAT/C/GRC/QPR/7)

1. *At the invitation of the Chair, the delegation of Greece took places at the Committee table.*
2. **Mr. Alexandris** (Greece) said that human rights had been included in his mandate as Secretary-General of the Ministry of Justice and that he intended to spare no effort to protect and promote them. To that end, he would seek the guidance of the Committee and other United Nations human rights treaty bodies.
3. **Ms. Kourti** (Greece) said that individuals were informed of their rights and the reason for their detention as soon as they were taken to a police station; special assistance was provided to persons who did not understand Greek, and all necessary information was provided to foreign nationals who applied for asylum. Detainees had guaranteed access to legal assistance irrespective of the type of procedure they were facing. Where necessary, detainees in need of medical services could be transferred to local medical facilities for treatment. All detainees were subject to registration, which covered their identity, the reasons for their detention and their health condition, and was continuously monitored. Minors could be placed in protective custody, on the orders of the prosecution service, while awaiting placement in a facility for juveniles. Protective custody was not considered as detention or arrest.
4. The use of violence during investigations was prohibited. Interviews were duly recorded in writing, while ensuring the protection of personal information, and were conducted with a court secretary or second investigator present. Every step of an investigation was also recorded. Complaints of ill-treatment by police officers lodged by foreign nationals were investigated as a matter of priority. Crowd control measures, such as tear gas, were used only in open spaces and when considered absolutely necessary to protect police personnel and restore public order. Police personnel who committed human rights violations were held accountable by the criminal justice system and were also subject to strict disciplinary procedures. In addition, the Greek Ombudsman, as the national mechanism for the investigation of arbitrary incidents, investigated cases of misconduct and abuse of power by law enforcement bodies, thus serving as a further guarantee of the independence of investigations.
5. In 2018, 29 administrative inquiries had been ordered in connection with complaints of torture and ill-treatment during police detention. Disciplinary proceedings had been terminated in seven of the cases and were pending for the rest. No criminal charges had been laid in 24 of the cases, while a police officer had been tried and acquitted in 1 case; the remaining cases had been referred to the prosecution service. Between 2017 and the present day, the Greek Ombudsman had dealt with more than 370 cases, 244 of which remained under examination. In three of the cases, lesser penalties had been imposed on the police officers involved. Every effort was made to avoid exceeding the limitation period applicable to cases of torture and ill-treatment. Disciplinary proceedings could be reopened when the officer concerned faced a fine or dismissal and the penalty imposed by the criminal court was also dismissal. In keeping with the Government's zero-tolerance policy regarding human rights violations, instructions had been issued to all police personnel to preserve human life and dignity and prevent discrimination and torture. Non-compliance carried strict disciplinary sanctions.
6. The curriculum of the Police Academy included courses on human rights. Seminars, webinars and lectures on topics such as fundamental rights and police ethics, managing diversity, hate crimes, refugee law and border controls were offered to police officers as well. Over 250 police officers had received such training every year since 2015. Furthermore, frontline personnel who dealt with domestic violence and human trafficking cases were provided with ongoing specialized training.

7. **Mr. Karageorgos** (Greece) said that the registration procedure was the same for foreign nationals held in pre-removal centres and hotspots, and a special system was being developed with the European Border and Coast Guard Agency (Frontex) to enhance the monitoring of migrants at all stages of the return process. As for fundamental legal safeguards, all migrants and refugees held in police facilities were informed of their rights and could communicate with the person of their choosing and access legal services throughout administrative procedures. They could receive visitors in designated private areas for a fixed amount of time that was the same for all. Communication with their lawyers was not time-barred, and efforts were made to provide them with free legal services through the Asylum, Migration and Integration Fund. Migrants and refugees were always examined by a doctor, regardless of whether they were identified or apprehended at the border or once inside the country. Non-governmental organizations (NGOs) provided essential support in that regard. It was not the police's intent to violate the right to privacy during medical examinations; however, while migrants and refugees were under its responsibility, they could not move about unescorted. The presence of an officer was necessary only when the examination was performed in a space from which the person could conceivably escape.

8. Complaints of ill-treatment during arrest or preliminary investigation were referred to the prosecution service or the competent lower court and had to be investigated by police officers belonging to a different unit than the one accused, in addition to the prosecutorial and judicial authorities. Reception facilities were equipped with metal detectors, which were used to inspect people and their belongings. Body searches were performed only when mechanical tools were broken or inadequate, for example in the search for drugs.

9. Greece expended significant efforts to effectively control its borders in accordance with European Union and international law, with the technical support of various European agencies. When migrants were detected making an irregular crossing, all the usual procedures, namely apprehension, registration and custody, were applied. Under the readmission agreement with Turkey, the Greek authorities submitted a readmission request to their Turkish counterparts provided that no decision on an asylum application or other administrative procedure was pending with regard to the person concerned. Greece strived to enhance cooperation with Turkey on the implementation of the agreement. The possibility of breaches of the principle of non-refoulement was virtually eliminated by the presence of specialized Hellenic Police officers and staff from European Union member States at the borders. Nevertheless, any allegations of such a breach were thoroughly examined by the competent police service, as well as the Greek Ombudsman, who also monitored return operations. While some allegations of breaches had been confirmed, they should not overshadow the considerable efforts made to appropriately serve the thousands of migrants who were identified at the borders or were rescued from treacherous conditions along the Evros River.

10. Regarding the incident of April 2018 on Lesbos island, the police had acted in accordance with their role to preserve the peace and bring to justice anyone who committed an unlawful act. On Samos island, tensions between groups of migrants or refugees occasionally escalated, causing concern for their well-being and that of the local inhabitants. In such situations, the police acted to protect the life and property of all individuals involved, using proportionate force where necessary. There was only one officially recognized minority in Greece, namely the Muslim minority in Thrace. The police did not resort to ethnic profiling of Roma, who were Greek citizens and enjoyed the same rights under national law.

11. **Ms. Kaplani** (Greece), quoting from article 137A, said that the Penal Code defined as torture acts committed for a number of specific purposes, and provided for acts of physical or psychological violence that did not constitute torture per se but were nonetheless punishable and were considered a serious offence when they resulted in the victim's death. In keeping with the general goal of reducing prison terms, the penalty for torture had been lowered to a term of 5 to 15 years' imprisonment so as to ensure that perpetrators were effectively punished in accordance with the seriousness of the offence and did not ultimately avoid serving their full sentence owing to early release. Under the reform of penalties, the possibility of converting prison terms into pecuniary penalties had

been abolished. Amendments to the Penal Code had introduced motives based, inter alia, on race, religion, ethnicity, sexual orientation and disability, as aggravating circumstances in relation to any offence. Furthermore, particular cruelty in the commission of an offence and the fact that a victim was unable to protect him or herself also had a bearing on the calculation of the penalty. The limitation period for acts of torture was 15 years, or 20 years when the act resulted in the death of the victim. The limitation was not intended to diminish the seriousness of the offence; on the contrary, it had been set to preserve legal certainty and to ensure that perpetrators were convicted on the basis of untainted evidence.

12. Between 2012 and 2018, six cases of torture had been brought before the courts, leading to five convictions. Under article 137 (9) of the Penal Code, victims of torture and ill-treatment were entitled to sue the perpetrator and the State for compensation for the physical and psychological harm suffered and for property damage. The Integrated Civil and Penal Justice Case Management System, which had been rolled out in the four districts accounting for the majority of court cases, was designed to manage workflows, monitor the progress of cases and generate statistics and reports. The Ministry of Justice planned to expand its use to the rest of the country, though the System would have to be modified once the amended Penal Code entered into force. The authorities would endeavour to include data on compensation in the System.

13. Criminal proceedings in connection with the case of Alexis Gregoropoulos were nearing completion. The court of appeal was expected to render a decision later that month. The victim's mother and sister had eventually reached a settlement with the State for approximately 1 million euros, which had been disbursed in late 2017.

14. The initial and in-service training of judges and prosecutors was a high priority for the Ministry of Justice. Further courses, including a programme on racism and seminars on migrants and refugees, the protection of minorities, persons with disabilities, minors, rulings of the European Court of Human Rights and trafficking, had been provided since 2017 pursuant to an agreement between the Supreme Court and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe. A special course on trafficking offences had been introduced in the curriculum of the National School of Judges in 2019, and a capacity-building unit had been set up in the Office of the Supreme Court Prosecutor in February 2018. Finally, judges and prosecutors took part in training sessions on various topics held by the European Union Agency for Law Enforcement Training, the European Judicial Training Network and the Office of the United Nations High Commissioner for Refugees.

15. Diplomatic assurances in extradition cases tended to be given at the time of submission of the extradition request and contained guarantees regarding the motives of the request and the treatment of the person in the requesting State. Greece typically denied extradition in cases where assurances were not provided or when the requesting State was not a party to the relevant conventions.

16. Providing a statistical overview of cases of domestic violence, she said that the number of cases had risen between 2016 and 2018, but that the proportion of convictions had increased as well. The proportion of cases that went to mediation or in which legal aid was granted had fallen.

17. **Mr. Koulouris** (Greece) said that detention was one of three measures available in the pretrial phase, together with restrictions and house arrest with electronic monitoring. It was intended as a last resort in the case of the most serious offences and when a person was likely to reoffend or fail to appear in court. About a quarter of all inmates were in pretrial detention; the continued appropriateness and duration of the measure were reviewed by the judicial authorities every six months or at the inmate's request. Pretrial detention could never exceed 18 months, or 6 months in the case of juveniles between the ages of 15 and 18 years. There were currently nine juveniles, all boys, being held in pretrial detention or as convicted offenders. They were all in the same institution, separated from the adult inmates. The prison system did not currently allow for the separation of pretrial detainees and convicted offenders, owing in part to the prioritization of other separation criteria, namely age, sex, ethnicity, health and religion. In line with recommendations of the United Nations and the Council of Europe, Greece did not have a prison construction policy; therefore, the

distribution of the prison population was conditioned by existing infrastructure and efforts to control its size.

18. Since 2017, about 30 per cent of custodial and perimeter security officers had attended seminars on security issues, crisis management and social reintegration of prisoners. Training in operational security had been provided to more than 155 staff with the technical assistance of the Ministry of Justice of Austria, while administrative and health-care staff and probation officers had been provided with training, including on the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), in cooperation with the Council of Europe.

19. The number of prisoners had been reduced by 20 per cent between 2014 and 2017 and had stabilized at between 10,000 and 10,500, though a recent uptick indicated that the potential of emergency early release measures was nearing exhaustion. The reorganization of the sentencing system and the reform of penalties were expected to help keep the prison population at a manageable level. The lower numbers improved detention conditions, in combination with the introduction of a range of educational, vocational, therapeutic and leisure activities for prisoners and the gradual enhancement of contact with the outside world.

20. The draft Penitentiary Code had been submitted for public consultation but had not been forwarded to the Hellenic Parliament because the former Minister of Justice, Transparency and Human Rights had decided to prioritize the amendments to the Penal Code and Code of Criminal Procedure.

21. **Ms. Konsta** (Greece) said that, to avoid invasive body searches, prisoners, staff and visitors were subject to metal detector searches and conventional drug tests in all prisons, while electronic drug detectors were also employed in certain establishments. In the event of the detection of illicit substances or items, the individual in question was transferred to a public hospital for the appropriate examinations. As a disciplinary measure, on the order of a public prosecutor, prisoners could be placed under close supervision in a special area of the prison for a period of 3 days while, for the most serious disciplinary offences, they could be held in solitary confinement for up to 10 days. Guidance had recently been issued to prison directors on their legal obligations regarding the cumulative effect of such measures on prisoners. Solitary confinement was only to be used in exceptional circumstances and was to be avoided when disciplining juvenile prisoners.

22. With regard to sentenced prisoners with disabilities, such individuals were eligible for early conditional release on the basis of their disability. Their condition was also taken into consideration when allocating cells and work placements. Over the previous years, agricultural prisons had been used as a means of alleviating the burden on the country's other prisons and of facilitating the social reintegration of prisoners. Prisoners were transferred to such facilities at their own request; the transfer decision was taken on the basis of the length of their sentence, the condition of their health, their disciplinary record and their social needs.

23. Life sentences were being served by around one in nine convicted prisoners in Greece. Regarding their right to hope, those individuals had the right to appeal their sentence, were eligible for conditional release and, more generally, received the same treatment as other prisoners in terms of work and education opportunities, prison leave and participation in constructive activities.

24. **Ms. Christea** (Greece) said that the national asylum system had undergone a major overhaul since the establishment of the Asylum Service in 2011. When the latter had become fully operational on 7 June 2013, the responsibility for managing the procedure for determining refugee status had passed from the police to the civil authorities. Since 2016, the Service had been working in close consultation with the Office of the United Nations High Commissioner for Refugees to bring its work into line with international standards.

25. Although the number of migrants arriving at the country's borders had decreased since 2016, Greece remained under disproportionate migratory pressure. By 30 June 2019, approximately 235,000 claims for international protection had been registered by the Asylum Service and, according to recent data from the Statistical Office of the European

Communities on first-time applicants, Greece was the fourth most common country of destination for asylum seekers. Since 2013, 450 victims of torture, rape or other serious forms of psychological, physical or sexual violence or exploitation had been granted international protection following an initial assessment of their application.

26. Between 7 June 2013 and 30 April 2019, a total of 24,542 asylum applicants had been placed in detention. Third country nationals or stateless persons held in detention facilities or present at border crossing points received information on the possibility to submit an application for international protection. The Asylum Service, in cooperation with other stakeholders, ensured the provision of information on the possibility to submit an application for international protection and interpretation services were made available to facilitate that process. Where possible, organizations and persons providing advice and counselling to foreigners or stateless persons were given effective access to border crossing points. According to Greek legislation, foreigners or stateless persons who applied for international protection could not be held in detention for the sole reason that they had submitted an application for international protection and that they had entered irregularly or had stayed in the country without a legal residence permit. Fair and impartial treatment was guaranteed for all asylum seekers and appropriate operational criteria were applied to ensure that internationally specified safeguards were respected. The services of around 310 interpreters, working in a variety of languages, were provided on the Greek islands and continuous training was conducted with the personnel of the Asylum Service on subjects including evidence assessment, vulnerability assessment and the identification of torture victims.

27. **Ms. Siozou** (Greece) said that support services, including psychosocial consultations, legal counselling and accommodation, were provided for women who suffered from multiple discriminations and their children. An interministerial protocol had been signed, defining a procedure for the identification of refugee women who were victims, or potential victims, of domestic violence. Under the protocol, which had been commended by the European Commission, 612 refugee women had benefited from counselling services, while 44 migrant women and 54 children had been provided with safe accommodation in shelters. The Government had also established a bilateral partnership with the Office of the United Nations High Commissioner for Refugees in Greece, which had led to the development of a number of joint initiatives to strengthen support for women refugees and their children in the country. Those included the publication of a brochure offering information on the services provided in each region and the translation of documentation on accommodation services into Arabic, Farsi, French, Urdu and Sorani. Similar projects to improve the protection of migrant women had also been initiated in partnership with the European Union.

28. National legislation on domestic violence had undergone several amendments since the country's ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) in 2018. For example, the offences of stalking and female genital mutilation had been criminalized and forced marriage had been added to the potential purposes of trafficking in human beings. Furthermore, foreign victims of domestic violence who reported an incident to the competent authorities were now protected from deportation. The groups protected by the provisions of the above-mentioned legislation included persons living together under a civil partnership, cohabiting or non-cohabiting partners and their children, divorced spouses, and members of a dissolved civil partnership.

29. **Ms. Stamkopoulou** (Greece) said that all foreigners entering Greece irregularly and without legal documentation were sent to Reception and Identification Centres, where they were registered and underwent initial screening and nationality assessment procedures. Only under rare circumstances did the time taken for that initial registration exceed the 25 days allocated by law. That period could be extended if it was considered to be in the best interests of unaccompanied minors.

30. Since the EU-Turkey Statement of 2016, the average length of stay at the centres had varied between two and nine months. Unaccompanied minors had been known to stay for up to eight months at centres on the islands of Lesbos and Samos, where processes ran more slowly owing to the high volume of migrant arrivals. The Government placed special

emphasis on the support provided to migrant children. While staying at the centres, minors were placed in special safe zones where they benefited from additional security measures, the attention of dedicated personnel and the provision of recreational and educational activities. They were then transferred from the centres to special accommodation facilities on the islands or the mainland.

31. The Reception and Identification Service worked in partnership with the Hellenic Police, the Hellenic Coast Guard and the Ministry of Health to ensure that the centres under its administration were safe and secure. The police were authorized to intervene in the event of violent incidents, while victims of violent treatment or crimes could address their complaints to the centre's psychologists and social workers or to the local police branch. Each centre had a designated focal point for gender violence issues, who immediately reported all such incidents to the police. Any victims of rape or sexual harassment were taken to hospital, where they underwent a medical examination in accordance with the country's protocol for clinical management of rape. If the victim was a minor, the case was also reported to the competent public prosecutor.

32. Various measures had been taken to address the issue of overcrowding at the Centre on the island of Samos, including the improvement of the existing infrastructure, the transfer of vulnerable persons to the mainland and plans to relocate the Centre to a more suitable facility. The Reception and Identification Service placed great importance on the protection of the human rights of migrants and refugees. It therefore carried out special training courses for its frontline personnel on subjects including sexual violence, human trafficking, domestic violence, the rights of lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) persons, and vulnerability and health issues. A total of 131 employees had been trained over the course of 76 specialized seminars.

33. **Mr. Fotopoulos** (Greece) said that all unaccompanied minors underwent a provisional medical and psychosocial assessment. That procedure also included age determination techniques involving the analysis of anthropometric measurements in consideration of variations of ethnicity, race, nutritional intake and socioeconomic background. If the results were inconclusive, the minor was referred to a public hospital for further examination. In case of doubt, the person in question was regarded as a minor.

34. In 2018, the Ministry of Health had issued a circular to all psychiatric institutions in the country on the subject of patient injuries. The institutions were instructed that all injuries must be recorded in both the patient's medical record and a special record, that the doctor examining the patient should indicate whether the injury was indicative of possible ill-treatment or violence, and that all medical reports must be brought to the attention of the relevant prosecutor. In addition, the Ministry of Health had informed all private psychiatric institutions that the use of restraints was not permitted on their premises.

35. Regarding involuntary placement in psychiatric institutions, work had begun on a draft law integrating the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Those included the implementation of the two distinct categories of "involuntary treatment in the community" and "involuntary hospitalization", ensuring the objectivity of medical expertise through the provision of two separate psychiatric opinions for each case, holding court hearings in psychiatric institutions, providing patients with full information on their rights and a copy of any court decision on their involuntary placement, the application of a maximum hospitalization period of four months and the introduction of special provisions for minors in need of involuntary hospitalization.

36. Prisons now benefited from the presence and services of permanent medical staff, while the medical offices at those institutions worked in consultation with the regional services of the health-care system. Furthermore, a number of doctors carried out visits to custodial institutions that had been contracted to provide prison services. With reference to the Committee's specific question, the planned integration of Korydallos Psychiatric Hospital for Prisoners was still pending.

37. **Ms. Avraam** (Greece) said that the new curriculum of the Hellenic Coast Guard Academy included training on the Convention against Torture. The training focused on methods of recognizing and identifying torture victims by observing behavioural and

physical indicators, and placed particular emphasis on the attention provided to vulnerable groups such as torture survivors, victims of trafficking, pregnant women and children. The Hellenic Coast Guard also benefited from the cooperation of the Office of the United Nations High Commissioner for Refugees in training matters and was in the process of training eight of its officials to become fully accredited human rights experts capable of delivering the curriculum. In the future, it also intended to develop an e-learning programme on human rights with a dedicated chapter on the Convention.

38. **Mr. Kofinas** (Greece) said that, in 2018, the Government had adopted legislation establishing a mechanism for the appointment of guardians of unaccompanied minors. Those guardians were responsible for attending to the basic needs of unaccompanied minors, including representing them in administrative and judicial procedures. Suitable applicants were placed on a register of professional guardians and appointed by the competent public prosecutor. Inclusion on the register was dependent on the individuals meeting a series of criteria detailed in the above-mentioned legislation.

39. Unaccompanied minors arriving in Greece were housed either in hotels, in cooperation with the International Organization for Migration, or in supervised apartments. Approximately 90 of the children who had disappeared from the Agia Varvara Foundation had been returned to their families in Albania, while approximately 65 had been placed in Greek social care centres or foster families. Efforts to prevent trafficking in persons would be stepped up, in cooperation with the Office of the Ombudsman and civil society stakeholders, through centralized administration of social care units, improved registration of data and action to prevent victimization of minors.

40. With regard to the alleged withdrawal of support allowances from persons with disabilities who were being held in prison, a recent circular had established that detainees with disabilities were to be considered beneficiaries of disability benefits, given that jails were not hospitals offering medical treatment. In 2018, some 372 labour inspections had been carried out jointly by the Labour Inspectorate and the police, resulting in 113 administrative sanctions for violations of labour law in areas including undeclared work, workers' pay and employment of minors without proper documentation. In 2019, some 347 inspections had been carried out, resulting in 82 administrative sanctions. Labour Inspectorate staff had attended training seminars on forced labour and how to combat trafficking in persons.

41. **Mr. Alexandris** (Greece) said that there was no overlap of responsibilities between the different mechanisms operating under the Office of the Ombudsman. The Office had a broad mandate that was both preventive and reactive; it could receive complaints by individuals and also act on an ex officio basis. Efforts would continue to be made to ensure that the resources of the Office would allow the effective discharge of all its responsibilities. The National Commission for Human Rights – which had been established in full conformity with the Paris Principles – had a different mandate and did not handle individual complaints.

42. **Mr. Moskoff** (Greece) said that the Office of the National Rapporteur on Trafficking in Human Beings was seeking to involve a greater number of frontline professionals in a more inclusive identification system for the early assistance of potential and presumed victims. Collaboration between law enforcement and the national referral mechanism was based on a “social” approach to the identification of victims that was informed by trauma and vulnerability considerations. Psychologists, social workers and other frontline professionals, for example in hospitals and labour inspectorates, provided valuable early assistance in that process. The Office of the National Rapporteur was working on an inter-agency national action plan aimed at, inter alia, reducing demand for trafficking in persons, early prevention of trafficking and raising public awareness of the issues involved. That human-rights based approach was similarly reflected in the way Greece reacted to challenges posed by the rulings handed down by the European Court of Human Rights, for example in *Chowdury and Others v. Greece*. That ruling had led to the stepping up of training and awareness-raising campaigns to prevent similar situations from occurring again, and the introduction of indicators to enable the Labour Inspectorate to better identify vulnerable persons. Following the case of the children who had gone missing from the Agia Varvara Foundation, a bilateral agreement on the humanitarian repatriation

of children had been concluded with Albania, and two bilateral meetings with that country had been held. In mid-July 2019, representatives of his Office had met with the Albanian Deputy Minister of the Interior to discuss a possible agreement with Albania and two other neighbouring countries on transnational case management and capacity-building for frontline professionals, in order to better protect and assist potential victims of trafficking.

43. **Mr. Rodríguez-Pinzón** said that the definition of torture was still problematic. It was incompatible with the definition in the Convention, since the description of torture as a “planned” act in the Criminal Code could restrict the scope of the crime and possibly exclude isolated offences. He would appreciate clarification of whether rape was classified as torture. He would also welcome confirmation of whether the maximum prison sentence for the crime of torture had been reduced from 20 to 10 years. Similarly, he wished to know more about the custodial sentences handed down in the five proceedings related to torture mentioned by the delegation. Had the five sentences in question been handed down by a first-instance court, for example, or were they final judgments? Also, did they all involve the crime of torture under article 137A of the Penal Code, or did some concern other crimes, such as ill-treatment? He would appreciate specific details of the sentences handed down.

44. He wished to know what checks were in place to ensure that detention registers in prisons, police stations and migrant detention centres could not be altered after the fact. He would also like to know if a central database was kept in that regard, covering all three types of detention register.

45. He had been concerned at the reports from various quarters regarding the excessive use of force by law enforcement officers against foreign detainees, and the lack of investigation thereof. The problem had been highlighted, for example, in the decision handed down on 11 July 2019 by the European Court of Human Rights in *Sarwari and Others v. Greece*. He called upon the State party to investigate such allegations in a more effective manner.

46. It was important to provide all fundamental legal guarantees to detainees, including the guarantee of privacy for detainees undergoing medical examinations in public hospitals, in all circumstances. After listening to the delegation’s replies in that respect, he had the impression that that was not the case.

47. He had been concerned at the reports of informal forced returns, known as pushbacks, which affected various nationals, including Turkish nationals possibly seeking asylum. In that regard, he wished to know what the specific role was of the European Border and Coast Guard Agency (FRONTEX) in dealing with border controls.

48. He still wished to know whether the family of the 15-year-old child who had been killed, Alexis Gregoropoulos, had obtained redress or compensation. He would also appreciate statistics relating to extraditions, including on the countries and the number of cases involved. He was very concerned about the alleged sexual assaults and rapes being committed against women, in Greece, in the reception centres known as “hotspots”; that was a very serious matter, for which preventive security measures needed to be implemented as a matter of urgency.

49. He remained concerned at the reports of deplorable conditions in some of those hotspots, including overcrowding and a lack of basic facilities. The Moria Reception Centre on the island of Lesbos, for example, currently housed some 9,000 refugees, which was three times more than its intended capacity. Urgent, short-term measures were required to address that situation.

50. **Mr. Hani** said he would appreciate information on the criteria used to calculate the capacity of the tents used at reception centres, bearing in mind reports that tents designed to hold 12 persons were sometimes shared by as many as 100. He also wished to know whether any investigations had been carried out into the excessive use of mechanical restraints in psychiatric institutions. He would be grateful for further information on the frequent and widespread use of ill-treatment by police to obtain confessions; in that regard he wished to know why the case concerning alleged ill-treatment in 2016 of three young Roma – Thanasis Panayotopoulos, Yannis Bekos and Vasilis Loukas – had reportedly been

closed, despite the fact that the matter had been raised by the Council of Europe Commissioner for Human Rights in a letter of concern to the Greek Government on 18 April 2017. He was still waiting for a reply to his request for an update on the implementation of general measures recommended in the decisions of the European Court of Human Rights, and further details of the practice of setting aside a judgment to ensure proper application of the law. Similarly, he would appreciate the information he had requested on the specific cases of a number of human rights defenders who had alleged ill-treatment by the police.

51. He would appreciate written data on complaints regarding police violence lodged with the national mechanism for the investigation of incidents of ill-treatment. He asked why only 3 out of 374 complaints had led to the imposition of penalties and would like details of those penalties. He would like more information concerning the detention conditions for minors held in police facilities. Conducting a medical examination of a detainee in the presence of a police officer constituted a violation of medical ethics and the privacy of the detainee in question. He asked whether another solution might be found to balance privacy and security issues, such as having the police officer wait outside the examination room.

52. Recalling that international obligations prevailed over regional agreements, he asked what guarantees were in place to prevent refoulement and collective returns of migrants. He wondered what methods were used to calculate the capacity and personnel required for hosting migrants on the island of Lesbos, including migrant women and children, and whether staff were adequately trained to attend to those vulnerable groups. He would like more details on the special procedures for handling collective arrivals. He asked what measures were envisaged to reduce the duration of detention for migrant children in reception centres, which could be as long as 12 months and which went against the very nature of an asylum request. Could data be provided on alternative measures to returns, such as transfer and relocation of migrants?

53. He wondered whether the Committee's jurisprudence would be incorporated into training modules on the prevention of torture. He asked whether written data could be provided concerning the 502 Albanian Roma street children who had gone missing following their placement during the period 1998–2002 in the Agia Varvara children's institution. He also wished to know whether the Government envisaged establishing a data-collection system concerning compensation and reparation awarded to victims of torture and ill-treatment, and whether data from the previous two years might be provided. He wondered whether extradition requests were assessed in the light of article 3 of the Convention and the Committee's jurisprudence in that area. The principal aim of the Convention was to prevent, not redress, torture, and it was essential to carry out individual assessments of extradition cases, taking into account the general human rights situation in the destination country. It would be useful to know the percentage of prisoners who had been allowed to receive family visits. He asked whether prisoners serving a life sentence had the right to a judicial review after a certain period of time. Lastly, he wished to know whether the Government intended to contribute to the United Nations Voluntary Fund for Victims of Torture.

54. **Ms. Belmir** said that the issue of police violence deserved more attention from the Government, as reports that torture was used in law enforcement and interrogations were alarming. Reports highlighted police brutality and excessive use of force against detainees, minors, migrants and sex workers. Expressing particular concern about extreme violence used against a minor during a demonstration, she wondered whether such violence was "necessary and legitimate", as reported by a police officer who had been questioned about the incident. She asked whether such reports were true and would appreciate further details in that regard.

The meeting was suspended at 5.25 p.m. and resumed at 5.40 p.m.

55. **Mr. Kastanas** (Greece) said that cases involving the adoption of both individual and general measures remained pending before the Council of Ministers of the European Union. Compensation had been paid as "just satisfaction" in the context of individual measures recommended by the European Court of Human Rights. In response to recommendations of

that Court to adopt general measures, the Office of the Ombudsman had been designated as the competent authority to review allegations of arbitrary treatment by the police. It had full independence under the Constitution and was responsible for a broad range of functions, and was therefore an effective body for the prevention of human rights violations. The question of issuing apologies to victims applied only in cases of recommendations for individual measures and relevant cases should be assessed on a case-by-case basis. The conclusions of the Human Rights Committee following complaints submitted under the Optional Protocol to the International Covenant on Civil and Political Rights, unlike those of the European Court of Human Rights, were not legally binding. Complainants had recourse to national judicial reviews, mediation and out-of-court settlements before the national Judicial Council. Such channels, however, had not been utilized by the complainants involved in the cases brought before the United Nations Human Rights Committee, which dated back some 20 to 30 years. There had been very few recent cases.

56. **Ms. Kourti** (Greece) said that to date the National Mechanism for the Investigation of Arbitrary Incidents had handled 374 cases, 244 of which remained under examination. In three cases, penalties lower than the basic sanctions had been imposed on the police officers concerned.

57. **Mr. Karageorgos** (Greece) said that the lack of adequate medical facilities for detainees in medical centres and hospitals was due to concerns about a lack of security and the impossibility of guaranteeing that detainees did not escape. Registration of migrants, refugees and asylum seekers at hotspots consisted of a screening procedure to identify their migratory status and nationality, and record the data in the Eurodac system. Those data could only be amended upon investigation or request of the asylum seeker to ensure more comprehensive and accurate records. The data collected during registration of detainees in police facilities were generally not subject to amendment; amendments could be made, however, provided the commander-in-chief and the police headquarters were informed.

58. With funding under the national budget, additional border surveillance staff were assigned to hotspots where necessary to strengthen security in the case of tension or riots. The national authorities operating at the Greek borders had exclusive powers to, inter alia, implement action plans for border surveillance and control, and perform migrant return operations. It was not incumbent on officers of the European Police Office or the European Border and Coast Guard Agency to carry out those operations; they were employed instead to enhance the capacity of the Greek authorities. In addition, an internal complaints mechanism attached to the European Border and Coast Guard Agency served as a safeguard for respect of fundamental rights. While the 2002 readmission protocol with Turkey dealt with cooperation between Greece and Turkey relating to the management of migratory flows and returns, the readmission agreement signed between the European Union and Turkey in 2016 addressed the humanitarian crisis related to the current migration flows. Returns and readmissions were not carried out on a collective basis but were subject to individual assessments, as provided for in the protocol and agreement.

59. Regarding cases of police violence committed against minors during demonstrations, it should be noted that most participants in anti-fascist or anarchist demonstrations covered their faces; where an arrestee was found to be a minor once he or she had been taken to police facilities, the appropriate procedures were followed. In any case, the national police did not use inappropriate force with respect to demonstrators.

60. **Ms. Stamkopoulou** (Greece) said that the registration procedure was standardized across all hotspots and Reception and Identification Centres and all data collected were recorded in a single online database, overseen by the national police. The numbers of migrants arriving on the islands of Samos and Lesbos were three to four times greater than those of vulnerable migrants who were transferred to the mainland or relocated on the islands. For example, in July 2019, 140 vulnerable migrants had been transferred or relocated from Samos, while another 496 migrants had arrived there. Some 100 volunteers and NGO staff worked on Samos. The migratory flows to the other islands were not as significant and thus the situations were not as serious.

61. **Ms. Kaplani** (Greece) said that penalties for acts of torture or violence committed by the police were scaled in accordance with the degree of the offence. The basic term of

imprisonment of 5 to 10 years was increased to 10 to 15 years where there were aggravating circumstances and a life sentence in the case of the death of the victim. There were plans to include data on compensation for victims in the Integrated Civil and Penal Justice Case Management System, which was being developed to improve the data-collection process relating to prosecutions of violent crimes.

62. Regarding the case of *Chowdury and Others v. Greece*, which had come before the European Court of Human Rights in 2017, the Supreme Civil and Criminal Court (Areios Pagos), in 2019, had accepted the application for the cassation of the acquittal judgment of the Patras Criminal Court, ruling that the Court had misinterpreted article 323A of the Penal Code. The ruling established jurisprudence for similar cases.

63. **Mr. Alexandris** (Greece) said that his delegation looked forward to receiving the Committee's concluding observations, which it would carefully examine and distribute to all relevant sectors of the Administration.

The meeting rose at 6.05 p.m.