



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

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**Committee against Torture
Forty-eighth session**

Summary record of the 1065th meeting

Held at the Palais Wilson, Geneva, on Thursday, 10 May 2012, at 3 p.m.

Chairperson: Mr. Grossman

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The meeting was called to order at 3.05 p.m.

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

Combined fifth and sixth periodic reports of Greece (continued) (CAT/C/GRC/5-6; CAT/C/GRC/Q/5; HRI/CORE/1/Add.121)

1. *At the invitation of the Chairperson, the delegation of Greece took places at the Committee table.*
2. **Mr. Ioannidis** (Greece) said that Greece was in the midst of an economic and political storm. The recent elections had seen the rise of a radical party from the extreme right, which posed unique challenges for the country. Nonetheless, it should be noted that the great majority of political parties and social forces in Greece were aware of the inherent dangers, and that the party in question was excluded from talks to establish a government. The authorities made every effort to tackle the root causes of the racism emerging in certain sectors of society and to eradicate the phenomenon. A bill had been submitted to Parliament to modernize the existing anti-racism law and bring it into conformity with the European Union Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, and particular attention would be given to prosecuting racially motivated offences.
3. **Mr. Kastanas** (Greece) said that all children of Greek parents acquired Greek nationality at birth, without distinction as to origin or any other factor. Recent legislative amendments allowed the children of second and third generation immigrants to acquire Greek nationality. A law allowing the withdrawal of Greek nationality had already been repealed in 1998. In addition, Greece recognized the muslim minority in Thrace, which enjoyed special rights. Naturally, all persons falling under the jurisdiction of the Greek State benefited from the guarantees provided for by the Convention, without discrimination.
4. **Mr. Ioannidis** (Greece) said that the judiciary and the police were not closed professions and that any Greek citizen could join them. Admission to the National School of Judges was by open competition. Courses focusing specifically on human rights were taught there, including courses on constitutional law and fundamental freedoms, on the protection provided by the European Convention on Human Rights and related criminal procedures, on the protection of minorities, persons with disabilities and minors, on the protection of victims during criminal proceedings, on the rights of the accused, and on international human rights protection. The National School of Judges also organized continuing professional development seminars for judges. Police schools also provided human rights training. The Greek authorities were very strict regarding public officials' shortcomings in the area of human rights and made every effort to train judges and police officers and raise their awareness of human rights issues.
5. The definition of torture in the Greek Criminal Code was no narrower in scope than that established in the Convention; it covered cases where acts of torture were committed at the instigation or with the express or tacit consent of a public official. Under article 137 (b) of the Criminal Code, any superior who issued an order to commit an act of torture was liable to a minimum prison term of 10 years; a superior could also be punished for complicity if an act of torture was committed with his or her explicit or tacit consent. Article 137 (b) also provided that the systematic perpetration of acts of torture constituted an aggravating circumstance to the offence and carried a minimum prison term of 10 years. Regarding the *Zontul v. Greece* case, the European Court of Human Rights had ruled that the penalty handed down by the Greek court was insufficient in the circumstances, but had not ruled that the definition of torture in the Greek Criminal Code was inadequate or that

the penalties provided for acts of torture and other humiliating or degrading treatment were insufficient.

6. Greece made significant efforts to implement the final judgements of the European Court of Human Rights. It therefore paid the damages awarded by the Court within the stipulated time and, where necessary, took whatever measures were necessary to put a stop to the violation concerned, to remedy its consequences and to avoid any reoccurrence of similar violations. In addition, a case leading to the delivery of a final judgement by a national court could be reopened if a violation of the European Convention on Human Rights had been found by the European Court of Human Rights.

7. The current method of collecting and managing data on justice should be reviewed, modernized and computerized, because it did not provide the basic information required to ensure the proper administration of justice, to revise policies on combating crime, to produce reports for treaty bodies in accordance with the country's obligations, and to follow up cases. A special working group had been set up for the purpose with the task of submitting a proposal by the end of 2012, the aim being eventually to computerize the collection of data and the records of criminal cases.

8. **Mr. Karageorgos** (Greece) said that an Incident Response Office of Arbitrariness had been established by law within the Ministry of Citizen Protection. The Office was responsible for collecting, recording and evaluating allegations of torture, ill-treatment and abuse of authority by the law enforcement agencies. It comprised a committee of three members who had previously occupied the position of a judge, Ombudsman, Deputy Ombudsman or Inspector General of the Public Administration. The committee evaluated each complaint to decide whether the Office was competent to deal with it and whether it could be followed up. In the case of a serious complaint, the Ministry of Citizen Protection could, at the suggestion of the committee, delegate the inquiry to a member of the committee. The committee also dealt with cases where the European Court of Human Rights had condemned Greece for violating the European Convention on Human Rights and where there was new evidence that had not been considered during the initial investigation. The Office could, if it deemed it necessary, order the police or the service concerned to open a new inquiry.

9. Pursuant to article 12 of Act No. 3064/2002, as supplemented by Presidential Decree No. 233/2003, child migrants and asylum seekers who were victims of sale, trafficking and sexual or economic exploitation received protection and help designed to meet their needs and guarantee access to care and psychological support for as long as required. If the victim was a non-national, he or she also received the services of a legal counsel and an interpreter, and was protected against extradition. The repatriation of such children needed to be carried out according to a set procedure, subject to the authorization of the Special Prosecutor for Children and the opinion of the Commissioner for Children. In that connection it should be pointed out that the Greek and Albanian Governments had concluded an agreement on arrangements for the repatriation of child victims. The agreement stipulated that children were repatriated on a voluntary basis, that they received legal assistance and that repatriation should be in the best interests of the child. Special programmes should be available in the children's countries of origin to facilitate their reintegration, provide them with the required material, medical and psychological support and guarantee their protection. The children's situations should also be followed up.

10. The recent law ratifying and applying the United Nations Convention against Transnational Organized Crime and the protocols thereto extended the assistance available to victims of the crimes referred to in article 12 of Act No. 3064 to victims of sex tourism and child pornography. It also stipulated that any proceedings initiated against those persons for offences such as illegal entry into the country, working illegally or prostitution were suspended while proceedings were conducted against the perpetrators of the crimes

against them. If those proceedings led to conviction, no case was brought against the victims for the above-mentioned offences. Furthermore, non-nationals who had been listed as undesirables for the perpetration of such offences but who were ascertained to have been the victims of trafficking were removed from the list. Measures could also be taken to protect victims and their families from reprisals, even if the offence against them was not committed in the context of organized crime. The law also provided for the possibility, under certain conditions, of granting a residence permit on humanitarian grounds to non-citizens who were victims of trafficking, and extending the reflection period for victims of trafficking from one to three months; in the case of children, the delay could be extended by a further two months. The person concerned was not expelled during the reflection period.

11. A national programme to prevent and combat violence against women had been adopted in the period 2009 to 2013, and a plan of action to protect women and combat violence against women at the national and local levels had been introduced by the General Secretariat for Gender Equality. The main measures taken in that regard were the establishment of 12 consultation centres and 13 shelters in different regions of the country, training centre staff and professionals working with women victims of violence (police officials, judges and medical personnel in particular), training judges with a view to their involvement in legal assistance programmes for women victims, the introduction of an emergency telephone hotline and the launch of awareness-raising campaigns. Legislative initiatives had also been undertaken, notably the drafting of a bill aimed at combating gender-based violence against women.

12. **Mr. Kastanas** (Greece) said that children of refugees, asylum seekers and foreign citizens whose legal residence status had not yet been established could receive an education in State schools, even if they did not possess complete documentation. Asylum seekers and foreign nationals suffering from an infectious disease received free medical and hospital care, irrespective of whether they were in an irregular situation. All foreign nationals had access to emergency hospital care, regardless of their situation. Victims of trafficking had access to public health care facilities, as did foreign minors, regardless of their or their parents' situation.

13. **Mr. Ioannidis** (Greece) said that the Greek law on data protection provided for prosecutors to authorize the release of personal data on persons who were being prosecuted if required in the interest of public health. That had been the case with regard to persons affected by AIDS engaged in illegal prostitution who had been accused of having deliberately endangered the health of their clients. The persons involved had not been placed in administrative detention but had been charged, which was the reason why the prosecutor had authorized the release of their personal data. Discussion on the matter was ongoing in Greece and touched on the problems of striking a fair balance when protecting the various rights and interests involved.

14. **Ms. Arvaniti** (Greece) said that the legal aid provided in criminal cases covered court fees in full, including administrative costs and lawyers' fees, while in civil or commercial cases parties could be exempted from some of the procedural costs and lawyers' and bailiffs' fees on request. The State did not, however, cover lawyers' fees for administrative disputes.

15. Pursuant to article 3 of Act No. 3226/2004 on legal aid, the Bar was required to provide the courts with a monthly list of lawyers that could be appointed *ex officio*. Lawyers were listed in alphabetical order and worked on only one case at a time. In 2011, the legal aid budget amounted to 5,200,000 euros, a figure which had increased slightly in 2012. The General Secretariat for Youth had implemented a programme to provide minors with free access to the assistance of a lawyer in all criminal, civil or administrative proceedings. For administrative disputes, priority was given to unaccompanied minors, particularly with regard to the recording of personal data, requests for work permits, the

issue or renewal of a residence permit, asylum applications, and appeals against administrative detention or a deportation order. Despite the dedication of the lawyers involved in the programme, the great number of requests could not all be met.

16. **Mr. Karageorgos** (Greece) said that the asylum system had been reformed to be made more effective. A new asylum service that was fully independent of the police had been established under the Ministry of Citizen Protection in 2011. An independent appeals commission had also been set up to consider asylum applications rejected on first instance. Until the new service was fully operational, various interim measures had been taken to improve the procedure for the consideration of asylum applications on first instance. A procedure for granting refugee status, in full conformity with EC Directive CE/2005/85, had been established under Decree No. 114/2010. Five appeal committees had also been established under the decree: three to rule on pending appeals and two to rule on appeals filed under the procedure provided for in the decree. A representative from the Office of the United Nations High Commissioner for Refugees and a lawyer recommended by the National Committee for Human Rights participated in the work of the committees. Five additional committees were due to be established in September 2012 to speed up the processing of pending cases and consideration of new applications.

17. Training activities for police personnel on issues relating to the right to asylum had been conducted in cooperation with the Office of the United Nations High Commissioner for Refugees. Three seminars had been organized in Athens and Thessalonica with the participation of the local services responsible for receiving and examining asylum applications. Other seminars on the European Asylum Curriculum would be organized in the coming months. The results of missions by European Commission experts were duly taken into account to increase the effectiveness of the asylum procedure. The Ministry of Citizen Protection and the European Asylum Support Office had signed an action plan providing for a series of practical short and medium-term measures, whose implementation would be financed by European funds. An information leaflet outlining the key points of asylum legislation and procedure had been drafted in several languages and widely distributed, notably on the police website.

18. A Committee member had asked whether being a victim of female genital mutilation could be considered grounds for granting asylum. The authorities had not, to that day, encountered any application made on that basis. Several questions had been asked regarding the detention of asylum seekers. Under domestic legislation, asylum seekers could be placed in detention only in the following circumstances: if they did not possess any document confirming their nationality and establishing the circumstances of their illegal entry into the country; if they were considered a threat to national security or public order; or if detention was necessary for the immediate and effective examination of the asylum request. It should also be emphasized that detention did not last any longer than absolutely necessary and that all asylum seekers had access to the assistance of a lawyer.

19. Thanks to the work of the appeal committees responsible for processing backlog cases, the number of appeals filed prior to 22 November 2010 — the date of the entry into force of presidential decree No. 114/2010 — had been reduced from 47,155 to 29,807. The number of appeals filed under decree No. 61/1999 (on applications for humanitarian status for health reasons), which were decided by the Secretary General or the Minister, had fallen from 2,000 to 1,823. The proportion of successful appeals was 12.3 per cent — close to the average for countries of the European Union, which was encouraging. A uniform status would soon be recognized for persons in need of international protection, in accordance with legal procedures. Economic migrants, however, would have to return to their country of origin.

20. Greece recognized the need for a binding framework to equitably distribute immigration responsibilities among member States of the European Union. The Dublin II

Regulation had proved to be ineffective in that regard and should therefore be revised. Transfers to overburdened member States should be suspended and modifications made in the criteria on illegal entry into a member State, under which the member State whose borders had been crossed in an irregular manner by a third-country national should be responsible for processing the asylum application. Greece would support the establishment of binding regulations to ensure the proportional distribution of refugees and vulnerable groups according to the economic potential and population size of each State concerned. Consideration should also be given to the possibility of processing asylum applications in non-member States of the European Union and transit countries, in cooperation with the European Commission, member States and international organizations, with a view to the equitable distribution of beneficiaries of international protection within the European Union, as provided for by the Stockholm Programme. The activities of European countries in the region should be coordinated through a joint policy involving economic and social measures, as well as greater cooperation on border controls.

21. **Ms. Arvaniti** (Greece) said that as at 1 May 2012, Koridalos prison, which had a capacity of 800, housed 2,163 detainees; Larisa prison had a capacity of 500 but 913 detainees; Trikala prison had a capacity of 700 and 736 detainees; and Patras prison had a capacity of 780 but 791 prisoners. She said that a new ward for 60 inmates had recently been built at Patras prison, and that the current Trikala prison, which had opened in 2006, had replaced an older prison with a much smaller capacity.

22. Body searches were carried out in strict privacy by prison officers of the same sex as the prisoner. The law expressly stipulated that body cavity searches could be conducted only on the order of a prosecutor, by a doctor and in a way that did not prejudice the individual's dignity. Body cavity searches were permitted only when there were reasonable grounds to justify them, for example if it was suspected that a detainee was concealing illegal substances. Whenever violence broke out among prisoners, the prison governor ordered the separate confinement of the prisoner at risk for reasons of safety. If the presence of a prisoner constituted a threat to prison order and security, the governor could transfer the prisoner concerned to a different facility. Conditional release granted was only by judicial authorities, in accordance with the requirements of the law.

23. The composition of prison staff could be broken down into 2,201 prison administration guards, 1,108 private sector guards, 17 doctors, 2 pharmacists, 27 psychologists, 73 social workers and 78 medical auxiliaries. Due to the shortage of medical personnel in prisons, prisoners needing treatment were transferred to a local hospital. Special health-care facilities for prisoners, which were administered by the Ministry of Justice and included a psychiatric clinic, a hospital, a drug rehabilitation centre and would soon be joined by two new facilities, were once again part of the national health system. The actual details of reintegration into the national system were still being considered and would be issued by presidential decree. An agreement of cooperation had been signed with NGOs and university hospitals to improve the medical and psychiatric care available in the prison system.

24. Regarding prison overcrowding, the Ministry of Justice had launched a plan to build new prison facilities. The new detention centre in Nigrita, Serres, had been completed; it could hold 600 detainees and was currently accommodating 236. A new ward with 50 additional places had been built at the Larisa detention centre. The prisons of Drama and Chania, each with a capacity of 600, would help to ease overcrowding at the worst affected facilities once they were operational. It should also be pointed out that a drug rehabilitation centre for prisoners was under construction in Kassandra, Halkidiki. In order to work at full capacity, the new structures would need additional staff but recruitment was currently limited due to ongoing budgetary constraints.

25. **Mr. Karageorgos** (Greece) said that Act No. 3907/2011 provided for the placement in detention of foreign citizens prior to their return as part of the removal procedure. Detention was limited to the period strictly necessary to complete the removal procedure and could not exceed six months. It could be extended in exceptional circumstances to 12 months if the relevant services in the country of return refused to cooperate or if additional time was needed to obtain the proper administrative documents. Any extension of detention was subject to the prior agreement of the competent administrative court. The conditions of detention for foreigners pending return were monitored quarterly by the authority that had ordered the placement in detention.

26. Work had been completed or was under way to increase the capacity and modernize the facilities at border posts and holding centres, particularly in the Evros region. In order to deal with illegal immigrant arrivals in Athens, a new closed reception centre that was independent of the police had been built in Amygdaleza, Attika. The centre, which had been operational since February 2012, housed foreigners who had entered or stayed illegally in the country. The comfort and security that the centre offered to residents had been commended by the United Nations High Commissioner for Refugees and by representatives from migrants' rights groups. The detention facility at Sparta was not currently suitable for accommodating migrants in an irregular situation. Work would be undertaken to convert it into a first reception centre.

27. **Mr. Ioannidis** (Greece) said that the Government had adopted a policy of full transparency regarding prison facilities. Over the course of one year, about 50 NGOs had visited several prisons. The Ombudsman, the members of political parties and the United Nations High Commissioner for Refugees enjoyed unlimited access to all penal institutions. The instrument of ratification for the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been submitted to Parliament; it should be approved as soon as the new Government had been formed. Regarding the public statement by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment referred to by a Committee member, he said that the Greek authorities paid all due attention to the recommendations of the Committee for Prevention of Torture and did their best to implement them.

28. For offences punishable by prison terms of up to 5 years, the Criminal Code stipulated the suspension of the penalty in cases where the perpetrator had no criminal record. If it was not the perpetrator's first offence, the penalty could be converted into a fine, or if the individual concerned did not have the means to pay the fine, a community service sentence. Any person arrested by the police was able to contact a lawyer immediately and must be brought before a prosecutor within 24 hours of his or her arrest.

29. **Mr. Kastanas** (Greece) said that according to the law the duration of alternative civilian service was twice as long as military service. In practice, however, conscientious objectors could be released from their civilian service duties early, so that it usually lasted between 5 and 15 months, compared to between 3 and 12 months for military service. In the circumstances, civilian service could not be considered a form of ill-treatment that contravened the Convention.

30. **Mr. Ioannidis** (Greece) said that cases concerning minors were prepared and heard by specialist judges. When minors were found guilty of an offence, judges favoured educational or therapeutic measures, rather than punitive deprivation of liberty.

31. **Mr. Karageorgos** (Greece) said that the Greek and Albanian Governments had signed a bilateral agreement to protect Albanian child victims of trafficking in Greece, ensure their repatriation and provide them with access to care and rehabilitation. The implementation of the protocol on the readmission of foreigners in an irregular situation concluded with Turkey in 2001 posed serious problems. Since April 2002, the Turkish

authorities had readmitted only 5,469 of the 111,547 persons who had illegally crossed the border with Greece. In addition, since 2012, the Turkish authorities had refused to readmit Syrian nationals to their territory, due to the current crisis at the border between Turkey and the Syrian Arab Republic. It should also be pointed out that the Turkish holding centres near the border with Greece were overcrowded and could therefore not take in more than 40 migrants per week.

32. **Ms. Sveaass** (Country Rapporteur) thanked the delegation for its detailed responses to the many questions asked at the previous meeting. Regarding the definition of torture, she recalled that article 137 of the Criminal Code established restrictive criteria — pain and suffering had to be inflicted systematically and have caused serious, lasting psychological damage — which were likely to exclude certain acts from the definition of torture that should be considered as such under the Convention. In that connection, she wished to know whether there had been cases of acts constituting torture in which the systematic nature of the acts had been invoked as an aggravating circumstance, as provided for in article 137 (b). If so, could the delegation perhaps indicate the sentences handed down? In its ruling on *Zontul v. Greece*, the European Court of Human Rights had concluded that the sentence was not proportionate to the seriousness of the offence; it would be interesting to know whether that case could be retried by a national court.

33. She asked whether the new Incident Response Office of Arbitrariness under the Ministry of Citizen Protection could receive confidential complaints and whether, given its composition and its status, it was able to carry out its duties in full independence. In addition, since the report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment pointed to cases of harassment, she wished to know whether complaints could also be filed confidentially on those grounds and, if so, with which authorities.

34. Regarding action to combat violence against women, she observed that if a great number of acts of violence against women were not recorded, it was in part because those on the front line — namely the police — were not properly trained in that aspect. Police training should be a key priority in that field. It would therefore be interesting to know whether there were plans to train law enforcement officials in the provisions of the Istanbul Protocol, which was useful to identify not only victims of ill-treatment in detention, but also women victims of violence. It would also be useful to receive information on the number of sentences handed down to persons found guilty of acts of violence against women.

35. On the subject of asylum, she understood that under the new asylum system the State party would have a decentralized registration procedure, which would reduce the waiting period for asylum seekers and, given the large backlog of cases, would lead to a significant improvement. She asked whether the new system was already operational. She also wished to receive more details of the measures taken to ensure that information on the right to asylum was available in more languages and in formats accessible to the visually impaired.

36. The Committee was aware of cases in which asylum seekers had been expelled even though an appeal had been filed, raising the question of whether the suspensive effect of appeals was being applied in practice to expulsion orders. She asked the delegation to provide clarification on that point and to explain how persons were notified of expulsion orders and whether they were duly informed of their right to appeal a decision.

37. Noting that administrative detention could be extended to up to 12 months in exceptional cases, she asked what percentage of cases had been judged exceptional and had led to detention lasting 12 months. Concerning the new holding centre in Amygdaleza, the Office of the United Nations High Commissioner for Refugees had indicated in a press

release on a visit to the centre that persons would be taken there in great numbers. Comments on that point would be welcome. Information on the measures taken concerning unaccompanied minors accommodated in the new centres who were not asylum seekers would also be useful.

38. According to information available to the Committee, there had previously been a rehabilitation centre for victims of torture administered by an NGO, which had since been closed. She asked the delegation to explain whether rehabilitation services were available through the public health system and what specific training was given to doctors, psychologists and other specialists working with victims of torture.

39. **Ms. Belmir**, recalling that the legislative provision allowing certain persons to be deprived of Greek nationality had been repealed in 1998, asked whether anything had been done to enable those persons to recover their nationality. Concerning minorities, she asked whether members of a recognized minority were considered foreigners or nationals and whether they could be employed, for example, by the police or the judiciary. Noting that the delegation had spoken only about migrant victims of trafficking, she asked about the situation of Greek nationals or members of minorities who were victims of trafficking. On justice for minors, she wished to know the situation regarding the criminal liability of minors. Recalling that the Convention on the Rights of the Child considered all persons between 0 and 18 years to be children, she asked whether that view was shared by the State party.

40. **Mr. Bruni** said that he understood that new, independent bodies had been made responsible for processing asylum claims but that they were not yet operational. He wished to know why that was the case and by whom asylum claims were currently processed. Regarding prison overcrowding, he noted that according to the figures provided by the delegation, the measures and plans in place to resolve the problem were not producing very positive results. In Koridalos and Larisa prisons, for example, over the previous five years overcrowding had fallen only from 300 to 250 per cent and from 300 to 200 per cent respectively, despite the measures taken. Any additional information on the matter would be welcome.

41. **Ms. Gaer** noted that it was stated in the report by the Committee for Prevention of Torture that in Greece body cavity searching was performed routinely, rather than on the basis of a risk assessment. Furthermore, the delegation had indicated that such searches were performed on prisoners on their return from leave. It would be useful to know whether all prisoners were subjected to body cavity searches every time they returned from leave, or whether the searches were conducted on a case-by-case basis. Regarding the 502 Albanian children reported missing, she wished to know whether there were plans to create a bilateral commission bringing together the Albanian and Greek authorities and perhaps the ombudsmen of both countries, and asked what measures had been taken or were planned to establish criminal and disciplinary responsibility.

42. **Mr. Gaye** asked whether persons who reported acts of torture committed by law enforcement officials were given protection. According to several NGOs, including Amnesty International, the pace of criminal justice was so slow that some proceedings became time-barred, which led to impunity. The delegation was invited to comment on that information.

43. **Mr. Wang Xuexian** asked whether the provision establishing the motive of hatred as an aggravating circumstance for all offences had already been invoked in practice and, if so, whether the delegation could provide relevant examples. He also wished to receive details of the reasons put forward to justify the detention of asylum seekers, which could be allowed as a means of processing asylum requests rapidly and efficiently but seemed to have become systematic in Greece. Since the delegation had indicated that in 2010 the

Turkish Government had issued 42,000 visas to Algerian citizens, the question arose regarding the current whereabouts of those persons.

44. **Mr. Mariño Menéndez**, referring to the conversion of prison sentences of up to 5 years into fines, said that, according to the delegation's written replies, the provision also applied to sentences handed down for torture, which seemed difficult to justify, and called for an explanation. In addition, regarding the transitory nature of asylum standards and the renegotiation of the Dublin II Regulation, he asked whether, in actual fact, the residence permits issued to foreigners on humanitarian grounds or to victims of trafficking provided for measures like family reunion or the option of settling in Greece. He also wished to know whether appeals filed against decisions to reject asylum applications or residence permits on humanitarian grounds led to the suspension of return for those concerned.

45. **Mr. Tugushi** noted that, despite the closure of certain migrant holding centres and the improvements made in several others — such as those of the border police in Tychemo and Soufli — the Committee for Prevention of Torture had nonetheless reported appalling conditions prevailing in certain centres as late as 2011. He invited the delegation to comment on the situation. Regarding prison staff, it would be interesting to see figures on the trends in staff numbers in recent years, given that sufficient numbers were essential not only to ensure security in prisons but also to create a safe environment throughout the prison service. Concerning examinations of prisoners on their return from leave, there was reason to question the apparently routine practice of administering laxatives.

46. **The Chairperson** wished to know to what extent Greece was developing alternative solutions to detention on the basis of its own experience and that of other countries. He invited the delegation to provide the Committee with statistics on children in detention and on criminal investigations launched in 2010 and 2011 following complaints of ill-treatment of migrants by law enforcement officials and on the legal proceedings and penalties that the proceedings had given rise to.

47. **Ms. Sveaass** (Country Rapporteur), turning to the function of the national preventive mechanism — which had been assigned to the Ombudsman — asked whether, as alleged by some sources, there were certain restrictions on the Ombudsman's mandate with respect to the provisions of the Optional Protocol, in particular regarding the introduction of a system of regular visits and the possibility of visiting places where persons deprived of their liberty were held, including those that were not official places of detention.

48. **Ms. Belmir** said that the European Court of Human Rights had handed down a number of judgements on violations of the right to a fair trial and police conduct in Greece. Circulars had been released by the relevant authorities to follow up the judgements but did not appear to have led to any change in behaviour. She wished to know why that was.

49. **Ms. Gaer** asked what training on domestic violence was given to police forces and what action had been taken in response to the letter from the Committee to the State party on the subject of follow-up to the previous consideration of the situation in Greece. Given the information contained in the report of Greece revealing a considerable number of arrests of Albanian minors and, in view of recent events, notably the rise of the anti-immigration party Golden Dawn, she asked the delegation to provide additional information on the complaint mechanisms available to victims of xenophobic or racist violence or discriminatory practices.

50. **Mr. Ioannidis** (Greece) said that the delegation had carefully noted the Committee's comments on the need to bring the definition of torture in article 137 of the Criminal Code into line with the definition established in article 1 of the Convention. A new Criminal Code was currently being drafted. Amendments had already been made to the provisions on torture in order to ensure that State officials convicted of torture were removed from public

service. Measures would be taken to ensure that in the course of its work the drafting committee took into consideration all the international instruments to which Greece was party, including the Convention and relevant jurisprudence from the European Court of Human Rights.

51. Concerning the response to judgements by the European Court of Human Rights, he said that the Code of Criminal Procedure provided for the possibility of reopening a case when the Court concluded that there had been a violation by Greece of the European Convention on Human Rights. Nonetheless, the law seemed to have been intended more for cases where the rights of the accused — rather than those of the victim — were violated. In practice, when a case led to an acquittal or an insufficient penalty and the victim filed an appeal, it was very rare for the case to be reopened and even if it was, the final verdict was usually in favour of the accused. He recognized that that constituted a shortcoming and that it should be addressed through legislation.

52. Greek legislation did not contain any specific provision on filing confidential complaints but the provisions on victim and witness protection could be applied to maintain the anonymity of a complainant, notably in the case of a complaint against law enforcement officials. The independence of the office responsible for examining allegations of police brutality was ensured by the fact that it consisted of retired judges and did not come under the authority of the Ministry of Citizen Protection.

53. The publication of the identity and photographs of several HIV-positive women who were being prosecuted — a measure criticized not only by the Ombudsman but also by the General Secretary for Equality — had been ordered by an independent prosecutor, who had acted in conformity with a legislative provision on data protection permitting the release of a suspect's identity if it was in the public interest. The Ministry of Justice was currently considering the question of whether that provision had been interpreted incorrectly, as alleged by the Ombudsman.

54. **Mr. Karageorgos** (Greece) said that asylum services had been decentralized and that applications could therefore be processed anywhere in the country. Information on the asylum procedure was available in several languages on the website of the Greek police. Asylum seekers should certainly not be systematically deprived of their liberty but if persons clearly had no valid grounds to apply for asylum and were abusing that right, they must be detained while their application was being considered. The Greek authorities knew nothing of the current whereabouts of the Algerian citizens who had been issued visas by the Turkish authorities in 2010.

55. In April 2004, the report on the disappearance of some 500 Roma children of Albanian origin who had been placed in the Aghia Varvara institution had been published and, in 2007, all the documents and information available on the case had been forwarded to the public authorities for follow-up action. However, it had to be recognized that no action had been taken since. Although the situation in holding centres near the countries' borders left much to be desired, considerable efforts were being made to improve matters and to ensure that the new initial reception centre could open by the autumn of 2012. Lastly, any return order against a rejected asylum seeker was suspended as soon as the individual concerned filed an appeal.

56. **Mr. Ioannidis** (Greece), regarding body searches, said that in prisons 40 per cent of detainees had been convicted for a serious offence, such as drug trafficking, and that 50 per cent of the prison population was or had been addicted to drugs. That meant that the risk of drugs being brought into the prisons was very high. Also, there had been cases of prisoners dying of overdoses and their families suing the prison administration. For all those reasons, all prisoners granted leave had to be subjected to body searches on their return to prison.

57. **Mr. Kastanas** (Greece) said that the great majority of persons who had been deprived of their nationality under the provision repealed in 1998 had obtained the nationality of another country. Persons who wished to regain Greek nationality had the option to request naturalization under the legislation on nationality. Like other European countries, Greece limited admission to the public service to its citizens, although there were no restrictions based on social origin or gender. In that regard, it was worth noting that 80 per cent of judges in Greece were women.

58. **Mr. Ioannidis** (Greece) explained that the new independent bodies responsible for considering asylum applications were not yet operational because there was still a shortage of financial and human resources. In addition, in Greece recruitment procedures were very slow and it took at least a year for a person to be appointed.

59. The rehabilitation centre for victims of torture in Athens had been forced to close due to a lack of funds. However, public hospitals, especially psychiatric establishments, were equipped to deal with persons suffering from the effects of torture.

60. Since 2010, several laws had been passed to improve the delays in the justice system but, as had been noted by the European Court of Human Rights in two judgements, the problem was endemic. The Ministry of Justice used both legislative and technical means to help judges in their work. In 2011, 1 million complaints had been filed, which was at once encouraging, insofar as it showed that the public was aware of its rights and knew how to defend them, and worrying, since it risked bringing the system to a standstill. Measures had therefore been taken to stop abusive complaints. In 2011, a law had been adopted authorizing the Advocate-General of the Court of Cassation to grant top priority to very important cases, including cases of torture.

61. It was theoretically possible for a sentence passed on a perpetrator of torture to be converted into a fine if it did not exceed 3 years of imprisonment in cases where the judge had taken mitigating circumstances into consideration. Nonetheless, it was highly unlikely because a judge would not hand down such a light penalty in a case of torture.

62. **Mr. Karageorgos** (Greece) said that, pending the opening of the new asylum body, 10 committees had been set up to deal with asylum applications. Six of them were responsible for considering requests filed up to October 2010 and four to deal with claims filed after October 2010.

63. **Mr. Ioannidis** (Greece) welcomed the dialogue with the Committee and said that its future recommendations would be duly taken into consideration by the Greek authorities.

The meeting rose at 6 p.m.