



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

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**Committee against Torture**

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

**Combined fifth and sixth periodic reports of States parties  
due in 2009, submitted in response to the list of issues  
(CAT/C/GRC/Q/5) transmitted to the State party pursuant to  
the optional reporting procedure (A/62/44, paras. 23 and 24)**

**Greece<sup>\*,\*\*</sup>**

[30 June 2010]

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\* The fourth periodic report submitted by the Government of Greece is contained in document CAT/C/61/Add.1; it was considered by the Committee at its 630th and 633rd meetings, held on 22 and 23 November 2004 (CAT/C/SR.630 and 633/Add.1). For the conclusions and recommendations, see CAT/C/CR/33/2.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## **I. List of issues in view of the submission of the combined fifth and sixth periodic reports**

1. In addition to the legislative measures described in the fourth periodic Report, new developments have occurred to ensure the more effective implementation of the Convention against torture and other cruel, inhuman or degrading treatment or punishment and to improve the national human rights situation.
2. The information submitted below, has been provided by the Ministry of Justice, Transparency and Human Rights and the Ministry of Citizen's Protection (Hellenic Police).
3. The draft report was sent — according to art. 1, par. 6, part (e) of Law 2667/1998 procedure — for opinion to the National Committee for Human Rights and adequately some of its recommendations have been taken into consideration.

## **II. Answers to the list of issues (document CAT/C/GRC/Q/5)**

### **Article 2**

#### **Reply to the issues raised in paragraph 1 of the list of issues (CAT/C/GRC/Q/5)**

4. With reference to the previous conclusions and recommendations of the Committee, we submit further information on the steps taken by Greece to ensure effective implementation of the adopted legislation. Regarding the legislation on Combating trafficking in Human Beings (Law 3064/2002, amended by Laws 3625/2007 and 3727/2008<sup>1</sup>), a secondary legislation, namely the Presidential Decree 233/2003, was issued determining the competent agencies for the protection of victims of trafficking, as well as the concrete measures and the means of protection, assistance, support and care for the victims.
5. Under initiative of the Ministry of Justice, there is a special Committee under the Chairmanship of the Secretary General of the Ministry of Justice, regarding the coordination of action of the competent Ministries at the level of Secretary Generals (Ministries of Economy and Finance, Interior, Foreign Affairs, Education and Religions, Employment and Social Protection, Health and Social Solidarity and the General Secretariat of Equality).
6. On 13–11–2006 this Committee presented an updated “National Action Plan against Trafficking in Human Beings”, which was published — in Greek and in English — as a special Handbook and included the assessment of the activities already undertaken (see below).
7. This legal framework was further strengthened by virtue of Articles 46–52 of Law 3386/2005 (OGA 212/23-8-05) “Entry, stay and social integration of third countries nationals” (in competence of the Ministry of Interior), as well as by the provisions of Law 3536/2007 regulating immigration policy's matters, also in competence of the Ministry of Interior, according to which, in article 11 par. 3, the individuals which are recognised as “victims” of human trafficking are not deported and a running procedure on expulsion or any such decision are not executed (reprieved).

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<sup>1</sup> These laws are also mentioned in paragraphs 169, 199, 200 and 308 of this report.

8. Special training regarding the phenomenon of trafficking in human beings has been incorporated in the “Studies Programme” of compulsory courses of the National School of Judges and Prosecutors and relevant seminars for the on-going education of judges and prosecutors are being organized every year in Komotini.
9. The Ministry of Justice participated in the multi-sectoral operational anti-trafficking table top exercise of “ILAEIRA” Project, held in Komotini City on 16–17 April 2007 (on this project see more in paras. 244 ff.).
10. Under initiative of the Public Prosecutor by the Supreme Court, two Public Prosecutors have been appointed in Athens, in order to deal with the phenomenon of trafficking in human beings.
11. On December 2005, a Memorandum of Cooperation has been signed between the competent Ministries, IOM (International Organization for Migration) and 12 NGOs, which establishes a coordination framework of the interested stakeholders.
12. Greece participates in all international and regional forums, such as EU, Council of Europe, Southeastern European Cooperative Initiative (SECI), etc., giving emphasis to combat the offense of trafficking and promote the regional cooperation. Thus, Greece has signed and ratified many international legal instruments that are combating this criminal act. On 27 February 2006 an “Agreement for the protection and support of minor victims of trafficking” was signed between Greece and Albania and ratified with Law 3692/2008.
13. In conclusion, many other initiatives as seminars and conferences on combating trafficking were realized during the last years, with the participation of law enforcement agents and magistrates [for e.g. in Chania (Kreta) 23–25 November 2007, in Alexandroupolis (23–24 June 2008) and in Drama (26–27 June 2008) – the “Greek Bulgarian Cooperation against trafficking in children”].
14. Apart from that, the Law on Legal Aid (Law 3226/2004) was amended by provisions of Law 3625/2007 “Ratification and implementation of the Optional Protocol to the Convention on the Rights of the Children on the sale of children, child prostitution and child pornography, and other provisions”. This amendment expanded the beneficiaries of legal aid applying also to minors who are victims of acts of trafficking etc., and in any criminal or civil claims (Article 1 para. 3 Law 3226/2004).
15. Due to its implementation, the following ministerial decisions were published configuring the compensation of the legal professionals involved. These are the following:
  - (a) Ministerial Decision (MD) 7790/2007 (amending the MD 67900/2005) configuring the “compensation amount to lawyers and bailiffs for legal aid services”;
  - (b) MD 159/2006 configuring “the documentation for clearing the compensation to notaries for legal aid services”;
  - (c) MD 679/2005 configuring “the documentation for clearing the compensation to lawyers and bailiffs for legal aid services”;
  - (d) MD 647/2004 configuring the “compensation amounts against the State, Lawyers, Notaries etc for legal aid services”.
16. Furthermore, the Ministry of Justice has launched the following laws for improving the institutional framework of areas falling under its jurisdiction. These are:
  - (a) Law 3811/2009 (see below);
  - (b) Law 3772/2009 regarding the reforming of the Forensics and other provisions (see below);

(c) Presidential Decree 215/2006 regarding the internal regulation of operation of the General Detention Facilities (MD 58819/2003 amended by MD 103822/2006);

(d) MD 47503/05 (amended by MD 41841/2006) regarding the internal regulation of the operation of the Juvenile Detention Facilities;

(e) Joint M.D. 144360/2009 of the (i) Minister of Interior, Decentralization & E-Governance, (ii) Education, Lifelong Learning and Religious Affairs, (iii) Labour and Social Security, Health & Welfare and (iv) Justice, Transparency and Human Rights “On organization and community service; Selection, assignment and supervision of the work”;

(f) MD 8508/2005 regarding the “Conditions of detention in Rural Detention Facilities and Central Materials’ Storage Detention Facility”;

(g) Law 3090/2002 establishing a Body for the Control and Inspection of the Detention Facilities.

17. The Ministry of Justice, Transparency and Human Rights has already established two (2) Law-Drafting Committees aiming in modifying and improving the current legislation involving the Drugs Law and the Penitentiary Code (i.e. Penitentiary Code, Law 2776/99).

18. Furthermore, several seminars and conferences have been organized in order to disseminate the new legislation and to diffuse the new provisions among the interested professionals as lawyers, policemen, NGOs etc.

19. The provisions of Law 3169/2003 have updated the legislation “Carrying weapons, use of firearms from Police officers, their training and other provisions (A’-189)” being harmonized with the constitutional demands and the International and European Law for human rights in order to cover the contemporary needs and demands in the field of criminality handling.

20. It is attempted with Law 3169/2003 to enact on one hand a modern, clear and operational legislative framework concerning the carrying of weapons and the use of firearms from the Police Officers and on the other hand to strengthen a trust relationship between civilians and police officers.

21. The provisions of this law are governed by the principles of an equitable State that consist a liberal standard of arrangement of the relevant material throughout the world. The provisions that set restrictions to the carrying of weapons and use of guns from the police officers and enact the control of the corporal and psychical appropriateness of those who are carrying guns, in conjunction with the provision for a strict, basic and conservative training in the handling and use of guns, are ahead in comparison with the corresponding legislations of the European countries.

22. Due to the above, the under nr 8517/4/12 of 29 July 2003 order of the Chief Commander of the Greek Police was issued providing clear instructions to the personnel of the Greek Police.

#### **Reply to the issues raised in paragraph 2 of the list of issues**

23. The main guidelines of the Ministry of Citizen’s Protection and the Hellenic Police Headquarters’ policy are the total respect and guarantee for the protection of citizens’ rights, as well as combating any type of racist behavior. It should be mentioned that the Hellenic Police has been assigned with the responsibility of safeguarding and protecting the most valuable legal assets and its powers and mission have been clearly described in the Constitution and the organic laws governing its operation. Pursuant to the network of such provisions, the task of the Police includes the protection of the constitutionally safeguarded

personal rights and freedoms of citizens, Greek and foreign, irrespective of ethnic origin, race, language, religion and political beliefs etc.

24. Since October 2009, Greece, and more specifically the newly-established Ministry of Citizen's Protection, has been making systematic daily efforts to improve Greece's performance in the field of respecting the human rights.

25. These efforts are made in many levels and areas. They are not only related in improving detention conditions in police detention facilities and dealing with cases of illegitimate behavior by uniformed staff. It also aims in reinforcing the accountability of the Security Forces towards citizens, in conjunction with strictly respecting the immigrants' rights.

26. For illegal immigration issues there is legislative framework fully harmonized with EU legislation. In particular, the deportation decisions are issued under the provisions of Article 76 of L. 3386/2005 (administrative deportation) and Articles 74 and 99 of the Penal Code (judicial expulsions).

27. In the framework of human rights respect, the detention of foreign nationals in police detention facilities, which do not meet the conditions for long-stay, was abolished and our efforts are put into accommodating the aliens of this category (non-legal migrants) in specific detention centres that are ideal for long detention. Only illegal immigrants, where repatriation is possible, are transferred to detention centres, while vulnerable groups and groups of illegal immigrants, whose return is not possible, are released<sup>2</sup> after having been registered and the date for their departure has been decided.

28. According to Law 3772/2009, if a deportation decision has been issued, detention continues until the deportation will be executed, but in any case detention cannot exceed six (6) months. If the deportation is delayed because the immigrant refuses to cooperate or there are delays in obtaining the necessary documents for the deportation from their country of origin, the detention of an immigrant may be extended for a limited period, not exceeding twelve (12) months.

29. In practice, in order to complete the administrative procedures for removal, the illegal immigrants, whose removal is possible, are held for 15–20 days.<sup>3</sup>

30. If an asylum application is submitted from an immigrant detained for illegal entry and stay in our country, the court may lift the detention, holding that he is under the procedure of recognition as a political refugee.

31. Regarding the topic "detainees' rights to inform their relatives, etc.", this kind of communication is not prohibited; on the contrary, the competent Authorities facilitate this kind of communication in accordance with the provisions of the Civil Code, the Penitentiary Code and the confidentiality of exchanges.

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<sup>2</sup> During the issuance of the immigrants' deportation decision without detention, it is specifically mentioned that they were informed in their language or in a language which they understand, that they are given the option, within the prescribed time to leave thirty (30) days, to return voluntary to their country with the Greek state covering the relevant costs.

The above mentioned procedure applies only to those detained or arrested due to illegal entry or stay in the country and they are not involved in other crimes and generally there are no reasons of public order and security.

<sup>3</sup> The above mentioned period may be extended if the issuance of travel documents by the Consular Authorities herein is expected.

32. Also, in accordance with the regulations for temporary detention, foreign nationals can be visited in a space specially designed to fulfill the terms and conditions of safety and to provide a comfortable communication between the detainee and the visitor.
33. The Police Services always hand out “information leaflets” about the rights of persons arrested and detainees under expulsion, translated into 14 languages.<sup>4</sup>
34. It is also regulated that during all stages of the penal and administrative proceedings a lawyer is present (article 96, Civil Code).
35. The detainees can communicate with their attorneys and the representatives of their Embassies daily and without exception. Several orders were issued on these proceedings which ensure the uniformity of this process in all local Foreign National Directorates.
36. More specifically, regarding the asylum seekers, every foreign national can be present with his attorney in all stages of the asylum seeking procedure, in accordance with the provisions of our national legislation for asylum seekers.
37. It is also regulated that an interpreter is present; the Ministry of Citizen’s Protection is currently making efforts to cover the needs for interpretation in all Services involved also in cooperation with NGOs [they assist the asylum seekers on a voluntary basis (the Ministry of Health provides funding in this direction, such as to the NGO Greek Council for Refugees, etc)].
38. Interpreter assistance is offered to asylum seekers and is given in accordance with provisions of Pres. Decree 220/2007 (which integrated Directive 2003/9/EC of the European Council) and Pres. Decree 90/2008 (which integrated Directive 2005/85/EC of the European Council).
39. When a detainee (national or foreign national) needs medical care, the Ministry of Citizen’s Protection services take the necessary steps to take them to the nearest medical unit for examination where there is an excellent cooperation with the Ministry of Health and Social Welfare. The foreign nationals arrested in our Territory are examined precautionary:
- (a) By doctors at the location of their arrest, and in case they have medical problems the detainees are immediately taken to the nearest Health Centre or Hospital for First Aid and then, if needed, for further care in University Hospitals;
  - (b) By doctors of the nearest Health Centre or Hospital where they are taken by the services who arrested them.
40. Also, upon initiative of the Police Directorates and in cooperation with the Ministry of Health and Social Welfare, they undergo chest examinations by mobile units of the Ministry of Health which visit the temporary detention facilities for this purpose.
41. Furthermore, permanent Medical Personnel is employed at the Special Foreigner Hosting Centers [Doctors, Nurses (full time)], as well as Psychologists and Social Workers, trained to provide proper medical care and programs for mental health aiming in improving the detainees’ living conditions.
42. Additionally, according to a Joint MD of the (a) Ministry of Health and Social Solidarity and (b) Ministry of Justice, Transparency and Human Rights, Special Regional Medical Centres have been created in several Detention Facilities, staffed by the Ministry of Health and Social Solidarity, aiming in providing direct medical care to the detainees.

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<sup>4</sup> It’s under the final stage (standardization) the publication of new information sheets regarding the rights of detained persons and those under deportation, which will be available in 16 languages.

43. In particular, regarding the detention centres, we briefly mention the following:

(a) The detention centres operate under the responsibility of the respective Prefectures according to the plans “POSEIDONIO” & “BALKANIO”;

(b) The Hellenic Police authorities, in accordance with Article 81 § 2 of L. 3386/2005, have the responsibility for the security of the detention centres in order to prevent the immigrants from escaping and in general to preserve order, according to the provisions of PD 141/1991 and the rest of the regulations of the Agency;

(c) In the locations where detention centers operate the responsible Police Directorate has appointed visiting hours, during which detainees can be visited by their relatives. Their advocates can visit them and talk with them anytime, without the presence of a Police Officer;

(d) In addition, in order to deal with any problem may arise in the detention centres, the Police Directorates hold some meetings-conferences and discussions with the respective stakeholders (Prefecture, etc.), especially for issues of primary medical care programs for mental health, as well as improving the conditions of stay for detainees , to which our headquarters gives great importance.

44. The Special Foreigner Hosting Centres (SFHC) according to article 81 of Law No. 3386/05. The places, where foreign nationals are detained, are shown in the table below.

**(Operating under the supervision of the Ministry of Interior)  
General police directorate of Eastern Macedonia and Thrace**

<i>Police directorates</i>	<i>Special detention centres (article 81, Law 3386/2005)</i>	<i>Capacity</i>	<i>Operation period since</i>
Orestiada	Fylakio	379	April 2007
Rodopi	Venna	220	June 2001
<b>Total</b>		<b>599</b>	

**General police directorate of Northern Aegean**

<i>Police directorates</i>	<i>Special detention centres (article 81, Law 3386/2005)</i>	<i>Capacity</i>	<i>Operation period since</i>
Lesvos	Pagani	*	September 2003
Chios	Mersinidi	120	September 2003
Samos	Vathy	285	01-12-2007
<b>Total</b>		<b>405</b>	

**General police directorate of Peloponnesus**

<i>Police directorates</i>	<i>Special detention centres (article 81, Law 3386/2005)</i>	<i>Capacity</i>	<i>Operation period since</i>
Lakonia		42**	8 August 2008
<b>Total</b>		<b>42</b>	

\* The operation of the centre has been suspended as of 29 October 2009.

\*\* In active.



45. The current situation makes it absolutely necessary to create other centres throughout the national territory to ensure conditions of living according to human rights respect and the international obligations of our country.

46. Therefore, it is necessary to establish a structured process having as cornerstone the Screening Centers, in order to solve many problems that occur in the problematic way of the Detention Centers operation.

47. As an initiative of the Ministry of Citizen's Protection, an Expert Committee submitted a proposal for the creation and organization of Screening Centers the First Reception Centre (KEPYO) (Screening centers) for the illegal migrants arriving to Greece. Consequently, the Detention Center of Pagani Lesvos was ordered to stop operating, the release of large numbers of immigrants from the police detention places was decided and the idea of creating a model reception center for immigrants in 2010 is promoted.

48. Our goal is to gradually establish such centers in the areas of the territory where lies the problem of increased migration flows, namely the islands and the Evros River. In these centers, the immigrants will be registered, identified, medically examined and then divided into categories and will accordingly transferred to the mainland. Main categories are the asylum seekers, in the structures designated by the Asylum Experts Committee, unaccompanied minors in open hosting centers, etc.

49. The construction, renovation and leasing of registration and management facilities will be funded by the European External Borders Fund. For operation expenses, resources are sought through European funds, in the Fund for Refugees and other relevant European projects similar to "Aigeas". Our goal is to meet and fulfil our obligations towards migrants in the best possible way, based on the requirements of our Democracy and diachronic culture.

50. At the same time, because the Ministry of Citizen's Protection understands the problems faced by immigrants permanently residing in Greece, a serious effort must be made to incorporate them into the Greek society, with all rights and freedoms provided by our Constitution and the UN Convention on Human Rights, as well as with the obligations of all citizens of this country.

51. Additionally to the foregoing actions, the Ministry of Citizen's Protection implements a new policy related to the management of immigration (legal and illegal<sup>5</sup>). Its goal, along with the adoption of other actions in the process of consultation and discussion with other competent Ministries and Bodies (e.g. granting of nationality, integration of immigrants into the social security system etc.), is to constantly make and improve efforts for the management – resolution of the causes underlying the problems, with a clearly anthropocentric aspect for immigrants.

52. The new migration policy is a part of our general national strategy to consolidate social cohesion and consistency in the spirit and strategy of Stockholm and the initiatives undertaken by the Belgian Presidency of the European Union.

53. Of course, the Ministry of Citizen's Protection continues and redoubles its efforts to improve the institutional framework in particular through consultation and dialogue with representatives of immigrants and all stakeholders.

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<sup>5</sup> Because of its geographic position as the external border of the European Union, intense immigration pressure is exerted on our country.

**Reply to the issues raised in paragraph 3 of the list of issues**

54. The “vaginal search” of female prisoners was abolished by the under nr 89126// 2-9-2010 MD of the Ministry of Justice, Transparency and Human Rights. The decision underlines that intra-body searches will be conducted solely pursuant to the provision of article 23, paragraph 6, of Law 2776/99 (Penitentiary Code).

55. According to the provision, prisoners will be subjected to body search in private premises by at least two officers of the same sex, in a manner that does not prejudice their dignity. Where there are reasonable grounds justifying intra-body or x-ray search, such search will be conducted, by order of the competent judicial officer, solely by a medical doctor.

56. The decision of the Deputy Minister of Justice, Transparency and Human Rights satisfies a standing request of female prisoners and European Organisations that talked about the humiliating manner of conducting female prisoners’ intra-body searches.

57. As explicitly underlined by the Deputy Minister, practices that were commonplace until now and directly infringed law and human dignity, shall be explicitly prohibited. The political leadership of the Ministry of Justice, Transparency and Human Rights express their determination to make respect for human dignity, a self-evident fact, especially in the sensitive field of prisons.<sup>6</sup>

58. Finally, regarding your recommendation for amending article 137A of the Penal Code on torture so as to explicitly include rape and other forms of sexual violence as a form of torture, these offences are already punished according to the existing provisions. The article 137A states:

“1. An employee or military personnel who’s responsible for prosecuting or investigating or considering of disciplinary or criminal acts, misconduct or performance penalties or care or custody of prisoners, is punished with imprisonment for felony if a person, who’s under his authority, subjected to torture in these tasks, in order to: (a) obtain from that person or a third one a confessed testimony, information or statement of acceptance or repudiation of a particular policy or other ideology, (b) punish it, (c) intimidate this person or a third one. The same penalty is imposed to a servant or soldier who’s ordered by his superiors or voluntarily appropriates such duties and runs the operations of the preceding paragraph.

2. Tortures are, under the scope of the previous paragraph, every orderly provocation causing severe physical pain or physical exhaustion that is dangerous for health or psychological pain that may cause serious psychological damage, together with any illegal use of chemicals, drugs or other physical or technical means in order to bend the will of the victim.

3. Physical injury, health damage, execution of illegal violence, physical or psychological, or any other serious breach of human dignity committed by persons under the circumstances and for the purposes as set out in paragraph 1, unless it does not fall in the scope of paragraph 2, shall be punished with imprisonment of at least three years, unless is not punished more severely by another provision. As breaches of human dignity are mainly considered: (a) the use of truth detector, (b) prolonged isolation, (c) a serious breach of sexual dignity.

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<sup>6</sup> See also para. 17.

4. They do not fall within the scope of this article acts or implications inherent in the statutory penalty execution or other legal restriction of liberty or to another legitimate measure of procedural coercion” (see also article 11).

59. Additionally, article 336 of the Penal Code, regarding the meaning of rape, states the following: “When a person threatens another person with physical violence or with great and immediate force to intercourse or to another act of lechery or its tolerance, is punished with imprisonment for felony.”

### **Article 3**

#### **Reply to the issues raised in paragraph 4 of the list of issues**

60. The intention of the Ministry of Citizen’s Protection is the management of mixed migration flows at the entry points of the Greek territory, in a way that secures the need of border monitoring against illegal immigration, as well as the need of providing international protection to refugees and special vulnerable groups, so that the living conditions are ensured, as demanded by the respect of human rights and our country’s international obligations.

61. The endeavour of reforming the national asylum system, which has already begun since November 2009, is an integral part of the rational and effective management of the migration phenomenon and, especially, of the immigrants’ integration to the social, political and cultural life in the country of reception. It is strictly connected to the planning and the implementation of a modern, cohesive, overall and decentralized policy, which will totally respect the human rights. The experience of EU member states in receiving immigrants on one hand, as well as the lack and gaps of the efforts of coping with this phenomenon during last decade, prove that segmental and uncoordinated managing policies are considered as a “dead end” and do not ensure the rights of the immigrants.

62. Under this scope and the Minister’s mandate, Working Groups were appointed, coordinated by the Secretary General and submitted an overall proposal concerning the amendment of the current national asylum legislation.

63. This proposal was forwarded to the relevant Legislative Committee. They drafted a Presidential Decree which annuls the provisions of PDs 61/1999, 90/2008, 81/2009 and article 5 of PD 220/2007, along with every other general or special provision that is opposite to or regulates differently its scope and content. At this stage the consigning of the competent Ministers, the approval by the Council of State and the final signing of the President of the State is pending. Entry into force is regulated after its publication in the National Official Journal.

64. This Draft Presidential Decree:

- (a) Aims to manage the existing backlog on central or regional level, which was gathered during the last years, with specific transitional provisions;
- (b) Improves the existing provisions regarding guarantees and obligations of the applicants;
- (c) Restores the accelerated and normal procedure, in order to deal with the abusive asylum claims and grant international protections to those who are really in its need;
- (d) Predicts for a new interview procedure on first instance, which is more flexible than the existing one before the Refugee Committees;

(e) Redefines the independent Appeal Committees on second instance. In that way, the access to a just and effective remedy is established as prescribed in Directive 85/2005;

(f) Is complemented with the grant of humanitarian status for reasons of health (annulled article 8 of PD 61/1999).

65. Additionally, the Law regarding the Establishment and Regulation of the new Independent Asylum Service is already drafted. The completion of the relevant file and the submission to the Parliament is pending.

66. Another Legislative Committee is working on the drafting of a legal act concerning the codification of the asylum legislation within the new Asylum Service.

67. At the same time and before the new legislation enters into force, an Action Plan has been composed, with reference to the chronic problems that torment the asylum procedure and concern the lack of adequate number of personnel and interpreters.

68. Sententiously, the following topics are mentioned below.

### **1. Transition asylum procedure on 1st and 2nd instance**

69. The Government is determined to reform the asylum procedure in Greece with a final target to create a new independent Asylum Service with civil personnel.

70. This Service will be responsible for the entire Greek territory and will consist of a Central Service and Regional Asylum Offices.

71. In the framework of the new procedure under the light of this Service, the initial assessment, the examination of the applications and the decision making process will be carried out by specialized and trained civil personnel.

72. The main objective is the legislation regarding this Service, along with the new procedure, to enter into force in 2011.

73. The transitional procedure, which shall be regulated with the existing draft PD, has a triple target:

(a) To reset the 2nd instance procedure (appeals on 2nd instance), which was annulled by PD 81/2009;

(b) To manage effectively the existing backlog;

(c) To redefine and improve the 1st instance procedure, during that period. More specifically, the transitional period draft PD;

(d) Preserves the decentralization of examination in 13 Regional Police services based on the geographical reasoning of the distribution of the future Regional Asylum Offices, instead of 52 which were provided in PD 81/2009;

(e) Provides that the interview is carried out by an eligibility officer, who will be temporarily a Police Officer;

(f) Provides for an “accelerated” and a “normal” procedure (final decision on 2nd instance within 6 and 12 months respectively);

(g) Defines the Decisive Authority on 1st instance: The Police Directors in the accelerated procedure and the Secretary General in the normal procedure. The main target is the immediate examination of the abusive claims and the placement of the normal procedure decision making outside the police force;

(h) Resets the quasi judicial appeal on 2nd instance. Before Committees which will:

(i) Examine the appeals;

(ii) Be decisive;

(iii) Be independent from 1st instance, since no Police Officer will participate, fulfilling in that way the guarantee of an effective remedy;

(i) Members of these Committees, who will also carry out the 2nd instance backlog, will be:

(i) A civil servant of the Ministry of Interior or Justice, with a Law degree, as Chairman;

(ii) A representative of UNHCR;

(iii) A lawyer specialized in Refugee and Human Rights Law, who will be selected by the Minister from a list submitted by the National Committee for Human Rights.

74. The members of these Committees shall work full-time and shall be appointed by the Minister of Citizen's Protection, in a way that will delegate them the right of administrative decision making.

#### **Reply to the issues raised in paragraph 5 of the list of issues**

75. None of the asylum applicants is extradited from our country until the completion of examining their application, in accordance with article 33 par. 1 of the Geneva Convention, article 3 of the European Convention on Human Rights and other International Conventions; also, after the completion and subsequent refusal to grant asylum, foreign nationals are not refouled to a country where their life or freedom would be threatened (implementation of the non-refoulement principle).

#### **Reply to the issues raised in paragraph 6 of the list of issues**

76. See article 11.

#### **Reply to the issues raised in paragraph 7 of the list of issues**

77. The Police Services give special "information leaflets" upon the information of irregular migrants about their right to apply for international protection (translated) upon take-in.

78. Regarding the military Authorities, their duty is to immediately hand over irregular migrants to the police Authorities as soon as they are located. It should be noted that this applies 24 hours a day.

#### **Reply to the issues raised in paragraph 8 of the list of issues**

##### **Asylum statistics**

<i>Years</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Applications	9 050	12 267	25 113	15 884	15 928
Grants	39	64	140	358	36
Rejections	4 585	10 414	20 684	29 525	29 501
Additional protection	-	-	-	17	104
Humanitarian status	85	129	75	38	26

\* There are no statistics for those who were subject to torture.

#### Data on asylum grants per nationality

2005	2006		2007		2008		2009		
Ethiopia	4	Azerbaijan	2	Azerbaijan	1	Egyptian	1	Azerbaijan	1
Armenia	2	Ethiopia	1	Afghanistan	6	Ethiopia	1	Cameroon	1
Afghanistan	3	Afghanistan	10	New Yugoslavia	4	Afghanistan	6	Nigeria	1
Iraq	1	Iran	8	Iraq	107	Vietnam	3	Ukraine	1
Iran	3	Kongo (Zaire)	10	Iran	11	Iraq	339	Sri Lanka	1
Kongo (Zaire)	4	Bangladesh	1	Cameroon	3	Iran	6	Syria	1
Bangladesh	1	Myanmar	1	Nigeria	4	Somalia	1	Afghanistan	2
Burundi	2	Nigeria	1	Somalia	1	Syria	1	Vietnam	2
Nigeria	2	Pakistan	1	Sudan	1			Undefined	2
Uzbekistan	7	Ruanda	1	Sri Lanka	2			Kongo (Zaire)	3
Pakistan	2	Russian Federation	2					Lebanon	3
Ruanda	1	Somalia	7					Bangladesh	3
Sudan	5	Sudan	2					Turkey	3
Turkey	2	Syria	1					Iran	4
		Undefined	11					Iraq	8
<b>Total</b>	<b>39</b>	<b>Total</b>	<b>64</b>	<b>Total</b>	<b>140</b>	<b>Total</b>	<b>358</b>	<b>Total</b>	<b>36</b>

#### Applications per gender and age

	0-18	18-40	40 and more	Total
2005 (Men/Women)	262/57	2 853/395	180/70	<b>3 295/522</b>
2006 (Men/Women)	444/55	9 601/495	403/90	<b>10 448/640</b>
2007 (Men/Women)	976/104	21 776/863	1 142/214	<b>23 894/1 181</b>
2008 (Men/Women)	1 647/208	15 579/1 190	1 035/225	<b>18 261/1 623</b>

  

	0-13	14-17	18-34	35-64	65 and more	Total
2009 (Men/Women)	122/79	549/43	10 736/1 678	1 999/710	7/5	<b>13 413/2 515</b>

79. Concerning the provision of services and the reception of the applying for asylum aliens beyond those referred to in the draft of the aforementioned Presidential Decree (see art. 3) it should be noted that:

(a) The issue of legal aid is covered from article 1 of PD 90/2008 and it is fully consistent with those provided in Directive in force for the procedure of asylum (85/2005);

More specifically:

(b) Those who apply for asylum are entitled to consult on their own expenses a legal or other consultant for issues relating with their application;

(c) In case of filing an application for annulment of a rejecting judgment of article 29, legal aid is provided free of charge to the applicant for asylum during the

procedure provided by L 3226/2004 (GG 24, issue A') if per Judge's opinion the petition for annulment is not evidently inadmissible or ungrounded;

(d) The lawyers that represent the applicants have access to the information of their files if are relating with the petition's review. Exceptionally, no access is granted to the confidential data of file if the authority in charge with its justifiable act, rules that the disclosure of information or sources may jeopardize the national security, organizations security or the persons supplying the information or the security of the persons to which the information relate or damage may be caused to the investigation phase with regards the examination of petitions from the competent authorities or the international country's relations. The Council of State while reviewing the provided in article 29 petitions of annulment has in every case access to confidential information or sources of the present paragraph;

(e) The legal and other consultants that represent or provide assistance have access in closed zones such as detention areas and transit zones order to communicate with the petitioners in a special designated place. The competent authorities of receiving an examination may restrict the ability of access of legal and other consultants in restricted zones but only in case that the aforesaid restrictions are objectively considered as necessary for the security of public order or the administrative management of this zone or to secure the effective review of application subject to the term and condition that, the access from the legal or other consultant is not excessively restricted or becoming impossible;

(f) The legal and other consultants are entitled to provide any legal aid to the applicant during all stages of procedure and be present with the applicants that represent in the personal interview. The absence of a legal or other consultant does prevent the said authority to conduct the personal interview.

80. The specialized NGOs play an important role and are activated in this field for years. Due to the vast cases and the subsequent lack of sources, they cannot substitute the State but they may support by offering their know-how and recommending different pilot models that could be adopted per case.

81. Within the frame of the actions in providing legal aid to the applicants for asylum, actions of NGOs, international and national organizations and other agencies that are activating in this filed during the last years, are subsidized either by volunteers or through the EU (e.g. The European Fund of returns etc.).

82. Similarly and for improving the advising of the applicants for asylum about their rights, it has been provided that this advising will apply not only for the languages that the potential beneficiaries of the refugee capacity speak but also for the languages, as well, of those who statistically have filed the most probably "abusive" applications for asylum. The advising of aliens may be materialized either with brochures or through meetings with the key persons of the aliens' organizations or with the aliens themselves in open information meetings, which should be subsidized from the cooperation that, the Funds of refugees, returns and integration might have, as the group goals are common.

83. The issue of interpretation is a decisive one for the conduct of the whole asylum procedure. Any service that is competent for an interview for asylum has at its disposal interpreters that are mainly found from the lists of penal courts. The Aliens Command of Attica has a list of interpreters that may serve and other agencies for this purpose (such as the Security department of the Athens Airport). Furthermore, the problems arisen in certain cases concerning the finding of an interpreter are solved through NGOs. Both in the security department of the Athens Airport, ACA and regional services, programs are in action in cooperation with the competent authorities of AS/UN and various NGOs which assist in the improvement of the asylum procedures in our country and an effort is paid for

the subsidy of some other programs concerning the interpretation and further training of interpreters via the European refugees Fund.

84. Within the frame of materialization of the financial program of the European returns Fund, a project for the creation of a tank of interpreters — translators is in progress with the employment of 35 interpreters — translators for the Arabian, Farsi, Urdu and Pastu languages with a project undertaking agreement of seven (7) months term of Euro 600.000,00 cost that may be renewed if are deemed as necessary. Place of performance of this specific project has been determined the city of Athens but the said interpreters may offer their services in the following places where aliens are detained: Orestiada, Lesvos, Chios, Dodecanese and Ahaia.

85. Within the frame of materialization of the financial program of the European returns Fund it is in progress a project for the creation of a tank of psychologists with the employment of 35 interpreters – translators for the Arabian, Farsi, Urdu and Pastu languages with a project undertaking agreement of seven (7) months term of Euro 600.000,00 cost that may be renewed if is deemed as necessary. As place of performance of this specific project has been determined the city of Athens but the said interpreters may offer their services in the following places where aliens are detained: Orestiada, Lesvos, Chios, Dodecanese and Ahaia.

86. Within the frame of the activity for the provision of medical treatment to the applicants for asylum, actions of NGOs, international and national organizations and other agencies activating in the sector the last years are subsidized either by volunteers or via the EU enabling them to offer services of first degree treatment of mental health and improvement also of the living conditions of the detainees.

87. The role of the refugees' organizations (as the immigrants as well) in issues of their interest has not been promoted till now in the State policies. The organizations themselves are not as much identified while the State was not, till presently, willing to develop vital cooperation. The refugees organizations have not any know how other than that of their members who have cooperated with NGOs in this field. The last years, has started with the assistance of the High Commission of UN for the refugees and NGOs the development of the relevant organizations, which officially communicate with the Ministries of Civilians Protection/Health and Social solidarity. They have expressed their will to undertake initiatives for the housing and care of those requesting asylum.

88. Both the Ministry of Citizen's protection and the Ministry of Health and Social Solidarity are positively considering this development and discuss the prospect to undertake with their assistance and under the supervision of NGOs the operation of hospitality places.

89. There is now a standing communication and cooperation that covers urgent aspects for vulnerable groups such as patients, single parent families, pregnant women, families and unattended minors.

#### **Article 4**

##### **Reply to the issues raised in paragraph 9 of the list of issues**

90. There are no available data.

#### **Article 5**

##### **Reply to the issues raised in paragraph 10 of the list of issues**

91. There is no such a case for years 2004–2007.



## Article 10

### Reply to the issues raised in paragraph 11 of the list of issues

#### 1. Detention facilities' staff

92. Concerning the employees of Secondary Education (SE) sector for the guarding of the country's detention facilities, the current program of introductory training is legislatively supported by the Joint MD 22195/12-2-2009 (GG B-125) "Organization and materialization of special training programs of introductory training and information of the employees of SE sector for the guarding of detention facilities" applying to the organization and mode of operation of the School for the guarding personnel, providing introductory training in new appointed employees of SE sector of guarding.

93. The beneficiaries of the above mentioned act will be the cadet employees of SE sector of guarding and the prisoners.

94. It also provides the promotional training of the SE employees belonging to the category of external guarding of the country's detention facilities. This program is legislatively supported with the Presidential Decree (PD) 215/2006 "Regulation of organization and operation of the external guarding service of detention facilities".

95. The directly privileged from the above mentioned act will be the employees of SE sector of external guarding and the prisoners.

96. Regarding the handling of special situations – crisis management, a program is elaborated legislatively supported by article 47 (official training) of the Code for Civil Servants (Law 3528/2007).

97. The agencies involved in the above program are the Ministry of Justice, Transparency and Human Rights and the Ministry of Citizen's Protection.

98. Goals of this program are the training of penitentiary employees (guards) in issues of handling violent and aggressive prisoners' behaviour (hostage, escape, revolt), the supply of first aid and the handling of natural phenomenon (earthquakes, flooding, fires) so that to secure the smooth operation of the detention facilities.

99. Beneficiaries of the above mentioned act will be all the personnel of the detention facilities.

100. It is further elaborated a program legislatively supported by the PD 215/2006 "Regulation of organization and operation of the external guarding service of detention facilities" concerning the trainees' training in issues of self-defence, self-protection, arm-technique and shooting.

101. Beneficiaries of the above mentioned act will be the employees and candidate employees for appointment in sector E of external guarding.

102. Regarding the sector of Psychologist-Psychiatrists of the Detention facilities in psychometric – psycho diagnostic tools, a program is elaborated legislatively supported by article 47 (official training) of the Civil Servants Code (Law 3528/2007).

103. The agencies involved in the above program are the Ministry of Justice, Transparency and Human Rights and the Ministry of Citizen's Protection.

104. Goals of this program are the provision of the required training and the appropriate tools for employees of the psychologists' category for the tracing, assessment and handling of psycho-pathologic inmates' situations.

105. Beneficiaries from the above referenced act will be the employees of the category of psychologists and psychiatrists of the detention facilities, the candidates for appointment employees and the inmates.

106. The External Guarding Staff training is configured with the Ministerial Decision 119510/2006 of the Minister of Justice (G.G b' 1722/2006). According to its provisions, a School for Training the External Guards is established and comprised by the Departments of (a) Basic Education, (b) Education of Under Sergeants and (c) Education and Specialization.

107. The School is based in the Detention Facility of Korydallos whilst the lessons took place in the building of the Penitentiary Staff's School or other facilities in the Ministry of Justice or the Ministry of Public Order, only if they can provide education, accommodation and meals for trainees, where applicable.

108. The School is managed by the General Director of the Logistics Department of the Central Service of the Ministry of Justice who is substituted by the Head Director of the Division of External Guarding Service of the Detention Facilities.

109. The Director of the School and the Human Resources Education Department and Development of the Central Service of the Ministry of Justice have under their jurisdiction the operation of the school and monitoring the accurate implementation of this decision. The Minister of Justice issues a decision establishing a Working Group comprised by the Director of the School, as President, and his deputy, and officials from the Central Service of the Ministry of Justice and the Detention Facilities, aiming in organizing and coordinating the implementation procedures of the basic program education.

110. The Department of Basic Education teaches the following courses:

(a) Penitentiary Code;

(b) Safety and operation of detention facilities – Rules of External Service guard detention facilities: Legislation. Duties and obligations of external guards personnel guarding the safe custody of the detention facilities. Premises. Liability. Patrols. Supplies. Use of coercion and permissible means of defence. Organization and practice dealing with security issues, research, supervision, supplies, visiting, riots and other emergencies as well as developing skills of observation, communication, human relations. Transfer of prisoners to court, the investigating authorities, in carrying out marketing, keeping prisoners in hospital, etc.;

(c) Criminal Law and Criminal Procedure: Elements of Criminal Law and Criminal Procedure. Definition of the crime. Division of criminal acts. Penalties. Security measures. Suspension of conditional sentences and conditional release. Offences relating to the service. Prisoners' offences within the prison. Escape of prisoners. Criminal courts. Juvenile Courts Ex officio prosecution. Accusations. Custody and serving. Civil plaintiff. Remedies;

(d) Elements of Administrative Law: Law officials. Appointment. Duties and liability limitations officials. Rights and obligations. Disciplinary Law. Evaluation. Education. Termination of employment;

(e) Elements of Psychology: Staff relations with heads of depts, detainees, relatives of prisoners, the public. Psychology of delinquent individuals. Psychology of dependents. Psychology of prisoners. Psychology of staff. Stress in the workplace. Conflict resolution. Shaping attitudes and behaviour;

(f) Health Information: Provide First Aid. Emergencies. Tackling drug prisoners. Infectious diseases, precautions, AIDS, prevention, treatment;

- (g) Drugs: General concepts;
- (h) Self-defence: Physical education;
- (i) Self-protection: Psychological-mental staff protection, psychological pressure treatment, checking of suspects, monitoring behaviour, indoor checking, clashes. Basic and specialized methods of treatment;
- (j) Weapons;
- (k) Chemical;
- (l) Information — Investigations — hostage-taking.

111. The Security Staff's training of the Detention Facilities is configured with the Ministerial Decision 22195/199 of the Minister of Justice (G.G b' 125/1999).

112. According to its provisions, a School for Security guards is established in order to provide initial training to the detention facilities' staff and its lessons took place in a special penitentiary school building, based on the Judicial Prison Korydallos.

113. The School is run by the General Director of Computer Organization, Personnel, Financial and Technical Aspects of the Ministry of Justice who is substituted by the Head of Department of Organization and IT of the aforementioned Ministry.

114. The Director of the School and the Education Department of the Ministry of Justice have under their jurisdiction the operation of the school and monitoring the accurate implementation of this decision.

115. With a decision of the Director of the School, an administrative employee from the Detention Facility of Korydallos is named as Head of the School's Secretariat and is responsible for monitoring and controlling the execution of the training programs.

116. The School provides the following lessons:

- (a) Penitentiary Code: General Principles. Distinction of detainees into categories. Distinction of Detention Facilities. Introduction of prisoners into the detention facilities. Living conditions for prisoners. Treatment of detainees, education for prisoners, communication. Leaves. Jobs for prisoners. Switching, fees and disciplinary action. Duties of personnel. Penitentiary treatment of minors. International Convention of the transfer of Sentenced Persons. The role of Public Prosecutor in prison. Prison's Council;
- (b) Criminal and Criminal Procedure. Elements of Criminal Law and Criminal Procedure;
- (c) Elements of Administrative Law;
- (d) Elements of psychology;
- (e) Elements of Health: Health of prisoners. Healthy places of Detention. Provide first aid. Emergencies. Tackling drug prisoners. Infectious diseases, protective measures, precautions. Check pharmacy – medical supplies;
- (f) Operation of detention facilities: Use of permissible means of enforcement and defense. Organization and operation of departments and agencies of the detention facilities;
- (g) On drugs;
- (h) Self-defense: Physical education;
- (i) Self-protection;
- (j) Information, Research, Hostages.

117. The Department of Education of the Ministry of Justice is responsible for planning, organizing and implementing the conventional training of the staff.

118. A Special Education Program “Safety Groups” is also taught whose purpose is to provide special education and issues of self-defense and self-protection to the Detention Facilities’ staff.

119. Moreover, there is a Program for “Trainers’ Training” whose aim is to supply the Ministry of Justice with the required training staff that will take the basic training of staff in the aforementioned beneficiaries.

120. The Department of Education, Department of Organization and IT Department of Justice is responsible for planning, organizing and implementing these special programs. Director of the School for these specific information programs is the Head of Organization and IT Division of the Ministry of Justice who is substituted by the Head of the Department of Education Department.

121. Additionally, the Ministry of Justice, Transparency and Human Rights is in process of evaluating an Action Plan, within the framework of the European Fund for the integration of third-country nationals, regarding Programs of Multicultural Training of the staff serving in the Detention Facilities, in the Departments of the Probation Officers for Minors and for Social Assistance.

## **2. Police staff**

122. The training of police personnel regarding the protection of human rights and especially the prohibition of torture is a constant and vital issue of high priority aiming in promoting the principles of the United Nations.

123. More specifically, at basic level (Academies for Police Officers – Policemen) emphasis is given to educate students in issues of protecting human rights, the police officers’ code of conduct, the social role of the Security Forces and the relationship between the State and the Citizen, aiming in developing their humanistic values, without bias, which will allow them to perform their duties with justice to all citizens. University professors, scientists, executives from Independent Authorities, personalities from the field of politics, judicial functionaries and members of NGOs, in the capacity of professors or lecturers, teach our students issues that promote, inter alia, the democratic values and the protection of human rights.

124. At postgraduate level, students at the Police Academy Schools attend, inter alia, courses on Constitutional Law and Protection of Human Rights, taught by University Professors.

125. The themes taught relate specifically with: the Universal Declaration of Human Rights, International Conventions, Constitutional Individual Rights in the Greek legislation, fundamental human rights and their protection, etc.

126. Special scientists (sociologists, criminologists, court officials, psychiatrists, psychologists), members of NGOs, members of Independent Authorities and experienced Hellenic Police officers present various subjects relating with protection of Human Rights, and prevention of torture, in the form of lectures, to the students of the above Schools, such as: Police and Human Rights, Prohibition of torture, or any physical abuse, health damage, psychological violence or any offense against human dignity, usage of firearms by policemen, police violence and human rights, relationship between the State and the Citizen.

127. The sensitization of the students of the Police Academy Schools on issues of human rights, apart from the subject “Constitutional Law – Human Rights”, is also achieved

through assigning projects with relevant subjects to the police students, such as protection of Human Rights and protection from inhuman or degrading treatment, etc.

128. In addition to relevant recommendation of the National Commission for Human Rights (EEDA), submitted in 2008 to the Ministry of Citizen's Protection for the implementation of a training program for police staff on human rights, we would like to inform you that such a proposal is being processed by the competent Directorates of the Hellenic Police Headquarters.

## Article 11

### Reply to the issues raised in paragraph 12 of the list of issues

129. Updated information about statistics, (a) occupancy rate, (b) disaggregated by sex, (c) age, (d) ethnicity for the period 2004–2007.

### Statistical data for the detention facilities

List 1

#### Occupancy rate of detention facilities during the years 2004–2007

<i>Name of detention facility</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Special detention facility for juvenile Avlona	308	308	308	308
Agricultural juvenile facility for drug-addict detoxification of Kassaveteia	250	250	250	250
Special detention facility for juvenile Volos	65	65	65	65
Korydallos judicial detention facility	640	640	640	640
Chios judicial detention facility	100	100	100	100
Neapoli judicial detention facility	45	45	45	45
Kos judicial detention facility	45	45	45	45
Tripoli judicial detention facility	65	65	65	65
Nafplio judicial detention facility	314	314	314	314
Thessalonica judicial detention facility	370	370	370	370
Chania judicial detention facility	67	67	67	67
Larissa judicial detention facility	363	363	363	363
Corinth judicial detention facility	60	60	60	60
Ioannina judicial detention facility	80	80	80	80
Komotini judicial detention facility	105	105	105	105
Amfissa judicial detention facility	100	100	100	100
General detention facility of Malandrinos	280	280	280	280
Central women detention facility of Korydallos	270	270	270	270
Patras detention facility	343	343	343	780
Chalkis detention facility	120	120	120	120
Corfu detention facility	160	160	160	160
Alikarnassos detention facility	105	105	105	105
Trikala detention facility	125	125	400	700
Agricultural detention facility of Agia (Crete)	146	146	146	146
Kassandra's agricultural detention facility	300	300	300	300

<i>Name of detention facility</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Tirinha agricultural detention facility	200	200	200	200
Korydallos central store-room of materials keeping	38	38	38	38
Korydalos detainee's hospital "Aghios Pavlos"	60	60	60	60
Detainee's psychiatric clinic of Korydallos	160	160	160	160
Agricultural facility of juvenile for detoxification of drug-addiction of Eleona (Thebe)	300	300	300	300
<b>Total capacity</b>	<b>5 584</b>	<b>5 584</b>	<b>6 019</b>	<b>7 543</b>

## List 2

**Allocation of detainees per facility detention 2004–2007**

<i>Name of detention facility</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Special detention facility for juvenile Avlona	219	219	219	219
Agricultural juvenile facility for drug-addict Detoxification of Kassaveteia	143	168	166	190
Special detention facility for juvenile Volos	106	116	111	119
Korydallos judicial detention facility	1 991	2 227	1 980	1 929
Chios judicial detention facility	146	149	163	162
Neapoli judicial detention facility	82	114	107	136
Kos judicial detention facility	85	98	90	100
Tripoli judicial detention facility	130	141	170	178
Nafplio judicial detention facility	375	488	506	510
Thessalonica judicial detention facility	616	616	603	598
Chania judicial detention facility	132	142	146	140
Larissa judicial detention facility	743	776	832	863
Corinth judicial detention facility	54	50	51	44
Ioannina judicial detention facility	207	215	181	197
Komotini judicial detention facility	247	270	306	339
Amfissa judicial detention facility	246	279	278	228
General detention facility of Malandrinós	270	298	422	428
Central women detention facility of Korydallos	492	555	555	578
Patras detention facility	693	726	741	780
Chalkis detention facility	206	235	231	237
Corfu detention facility	181	251	265	253
Alikarnassos detention facility	231	297	393	393
Trikala detention facility	233	268	688	683
Agricultural detention facility of Agia (Crete)	132	234	144	215
Kassandra's agricultural detention facility	209	311	272	286
Tirinha agricultural detention facility	152	237	288	306
Korydallos central store-room of materials keeping	51	49	45	44
Korydalos Detainee's hospital "Aghios Pavlos"	109	124	120	136
Detainee's psychiatric clinic of Korydallos	291	234	264	304

<i>Name of detention facility</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Agricultural facility of juvenile for Detoxification of drug-addiction of Eleona (Thebe)	49	61	48	53
<b>Total detainees number</b>	<b>8 760</b>	<b>9 970</b>	<b>10 405</b>	<b>11 227</b>

## List 3

**Detainees' allocation based on their penal status**

<i>Penal status</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Convicted	6 502	6 897	7 110	8 349
(in custody)	2 377	3 073	2 948	2 906
<b>Total detainees number</b>	<b>8 879</b>	<b>9 970</b>	<b>10 058</b>	<b>11 255</b>

## List 4

**Detainees' allocation by sex**

	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Female	540	595	599	607
Male	8 339	9 375	9 459	10 648
<b>Total detainees number</b>	<b>8 879</b>	<b>9 970</b>	<b>10 058</b>	<b>11 255</b>

## List 5

**Detainees' allocation by age**

	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Adults	8 457	9 558	9 634	10 821
Juvenile	422	412	424	434
<b>Total detainees number</b>	<b>8 879</b>	<b>9 970</b>	<b>10 058</b>	<b>11 255</b>

## List 6

**Detainees' allocation by ethnicity**

	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Greeks	5 185	5 716	5 656	5 883
Foreigners	3 694	4 254	4 402	5 372
<b>Total detainees number</b>	<b>8 879</b>	<b>9 970</b>	<b>10 058</b>	<b>11 255</b>

## List 7

**Detainees' allocation based on the penalty or offence**

	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Life imprisonment	614	625	675	757
Temporary imprisonment	3 811	4 121	4 308	5 209
Jailing sentence	1 757	2 043	1 994	2 153
Violation of law for drugs	3 617	4 314	4 429	4 758

**Reply to the issues raised in paragraph 13 of the list of issues****Procedures in place ensuring effective and independent supervision of detention facilities**

130. Our country has already strengthened on national level, with the new Law 3811/2009 (compensation of victims of the intentional violence crimes and other provisions), the independent supervision mechanisms by giving the right to the competent Parliament's inter-party committee for the penitentiary system and the Greek Ombudsman to visit the Detention facilities. Within the framework of improving the institution of inspection of the Detention facilities, the Body of Inspection and Control of the Detention facilities (L. 3090/2002), as has already been announced, is going to be supported with expertise per specialty sector. The new composition will permit the conduct of regular and sudden controls at any day and time in order to ascertain the conditions of detention, the good order and compliance with the security measures in the Detention facilities.

131. It should be mentioned that ministerial decision 164484/2009 (GG B' 52/2010) determines the procedure of special expertise opinion to find out the necessary terms and conditions for granting the conditional release of Detainees' suffering from AIDS, chronic renal failure and subject to regular hemodialysis, resistant tuberculosis or quadriplegics and cirrhosis of liver with a disability exceeding 67% percentage or senility exceeding the age of 80 or virulence neoplasm in the final stage, in implementation of article 110A of Penal Code.

132. Furthermore, it is in the stage of implementation the online networking of the Central Service of the Ministry of Justice with all country's detention facilities regarding not only the detainees' personal status, and its subsequent changes, but also the direct supervision of the facilities regarding their occupancy, completion, movement of detainees' and the actions to be taken. This specific program is estimated to maximize the controlling mechanism of the Ministry concerning the detention facilities, to assist the policies of their decompression and improving the detainees' condition in the detention facilities.

133. In addition, with law 2525/1997 the Schools of Second Chance have been established for detained adults and fall under the jurisdiction of the Ministry of Justice and the Ministry of Education. There are currently eight (8) Schools of Second Chance in operation in the detention centres of Korydallos, Thessaloniki (two schools), Larissa, Patras, Domokos, Trikala and Thivae.

134. Furthermore, KETHEA IN ACTION (Centre for Treatment of Addicted Persons) has established in the Women Detention facility of Korydallos the homonymous therapeutic community whilst, as of the year 2008, it has started to operate in full therapeutic community in the Judicial Prisons of Korydallos. These two therapeutic communities operate in special assigned spaces. Their daily program includes treatment, training, further training and work team services. KETHEA IN ACTION has in the heart of Athens a center for the reception and rehabilitation of the released users and former substances users. Any user facing problems with the law may also address to this center. In accordance with their personal needs, those arriving in the center are enlisted in the most appropriate phase for them: preparation and actuation for therapy, main phase of therapy, social rehabilitation, post-therapeutic attendance. All services are provided on external daily basis. Having as granted the history of detention of the most of the center members, special importance is given to their continuous contact with the wider community through professional, training and social activities. The center also offers support to individuals of the close family environment of the detainees' and released persons.



135. Moreover, there is a hostel in operation for the members of the program in lack of residence and family support or originating from far away areas and for the addicted mothers with children under treatment.

136. A Reintegration Centre for Released Person, called “Epanodos”, has undertaken the following actions for the year 2008:

(a) The creation of a website registered under the name of “EPANODOS” ([www.epanodos.org.gr](http://www.epanodos.org.gr)) that already functions with useful material and information. This website is continuously renewed with new material;

(b) The writing of a guide with useful information for released detainees, printed and produced in 450 copies in the printing office of the Detention facility of Korydallos that has already been distributed in the libraries and social agencies of the facility of Korydallos; its distribution in the other Detention facilities of the country, Juvenile Courts and all the cooperated bodies involved with the issues of released detainees will follow;

(c) The creation of detainees’ information card for “EPANODOS” personnel, easy for use with two sides in Greek and English language, in order to facilitate the contact of the detainees under release with the legal entities of private law. This information card is distributed by the detention facilities to their departments and all the released detainees;

(d) The printing of handouts in cooperation with “EPANODOS” personnel and the offer of the volunteers of the University of Thrace. These brochures aim to inform and sensitize the wider society for the needs of the released persons and about the importance of their social and professional rehabilitation;

(e) Sound and TV messages broadcasted free of charge from radio and TV stations as social messages;

(f) Cooperation with agencies within the framework of networking with similar services, agencies and organizations such as the services of Social assistance probation officers, “Greek Red Cross”, Greek Manpower Employment Organization (O.A.E.D), National Center of Social Solidarity (E.K.K.A), Association for the protection of released of Piraeus, “Arsis”, “Onisimos” and the laboratory of Penal and Criminal Research of the Athens University in order to improve the services offered to the released persons. Cooperation is also planned with other agencies for the development of actions and rehabilitation programs;

(g) Activation of volunteers via the creation of voluntary scientific committee which assists “Epanodos” Board of Directors and services in various actions and activities for the released prisoners;

(h) Training in “Epanodos” of graduate and postgraduate students in sectors similar with the subject of the legal entity of private law. The students may be activated and assist in the work of all departments under the supervision of “Epanodos” personnel.

137. Based on the statistical data of Epanodos during the last quarter, 120 persons have been assisted.

138. Finally, in 16 detention facilities of the country (Korydallos, Women’s Detention facility of Korydallos, Psychiatric clinic of Korydallos, Agia, Alikarnassos, Neapoli, Chania, Kassaveteia, Kassandra, Thessalonica, Komotini, Volos, Avlona, Grevena, Trikala and Patras) detoxification of drug-addiction consultative programs are in force and a special program of KETHEA for the detoxification of drug-addicted women prisoners which will continue (other agencies activated within the same frame are the detoxification unit of drug-addicted and alcoholics “18 and over” and “Arsis – Social organization for the juveniles’ support”). There have been also created — in the new penitentiary facilities — the appropriate substructures for the operation of special therapeutic departments for the drug-

addicted detainees. In accordance with the institutional frame in force, the successful attendance and completion of the aforementioned support programs provides to the addicted persons the opportunity to be integrated in therapeutic programs, the attendance of which is calculated as period of service – execution of their penalty (Law 2331/1995).

139. By virtue of Law 2721/99, it has been decided the establishment of two therapeutic facilities in Eleonas of Thebes and in the juvenile detention facility of Kassandra, (Chalkidiki) titled “Centers of detoxification of drug-addicted prisoners” (K.A.T.K.).

140. The Center of detoxification of drug-addicted prisoners” (K.A.T.K.) of Eleonas Thebes is the first integrated therapeutic program for corporal and psychological detoxification and drug-addicted prisoners’ rehabilitation. The A’ phase of this program is preparatory and is conducted in Korydallos detention facility. The B’ and C’ phases take place in K.A.T.K of Eleonas. The corresponding KATK in Kassandra is under development. (See also article 2.)

#### **Reply to the issues raised in paragraph 14 of the list of issues**

The order, with ref. No. 7100/14/4-θ/25 Jan 2008 of the Chief of the Hellenic Police, was forwarded to all Services and staff under the purpose of raising awareness for the protection of human rights during police action, the judgment of the European Court of Human Rights (ECHR) of 5 July 2007, delivered on the application of Mirela CELNIKU and Reimonda CELNIKU versus Greece (application number 21449/2004) and which held that “the State is responsible on the basis of Article 2 of the ECHR, due to failures relating the organisation of the contested police operation (during which Centjan CELNIKU died) and due to deficiencies during the procedure for the investigation of the death of Centjan CELNIKU”. Additionally, the same order determined that in every instance of use of firearms by police offices in the context of police action (shooting for intimidation, shooting at objects, immobilization and neutralization, pursuant to article 1(d) of Law 3169/2003 (GG A 189/24 July 2003) on the carrying and use of firearms by police officers and training and other provisions), an Internal Enquiry (called EDE) would be conducted pursuant to the provisions of article 27(1a) of PD 22/1996 (now article 26(1) of PD 120/2008), in conjunction (as the case may be) with the provisions of articles 9, 10 and 11 of the said PD (now articles 10, 11 and 12 of PD 120/2008) and Law 3169/2003, which will be ordered for prefectures’ Police Directorates by Services of a General Police Directorate level and higher and will be assigned for the General Police Directorates of Attica and Thessaloniki to the competent Subdirectorates of Administrative Inquiries and for the prefectures’ Police Directorates to an officer of a Directorate other than that in which the officer under inquiry is serving. This procedure offers higher guarantees of impartiality and objectivity in the investigation of offences relating to violations of provisions referring to the obligation for respecting and protecting human rights, an issue that the Hellenic Police Headquarters considers to be of paramount and utmost importance and will lead in practice to the effective compliance with the aforesaid ECHR judgment and case law and to the prevention of similar judgments that are detrimental not only to the Hellenic Police but also Greece.

141. By order number 6004/12/42-β/3 Aug 2008 of the Chief of Staff of the Headquarters, the Ministry of Citizen’s Protection reminded the Hellenic Police staff the obligation to observe and implement the rules of the Code of Ethics for police officers during police action, especially those relating to respecting human rights and protecting vulnerable persons and social groups (articles 1(a), 2(d)-(e), 3(a)-(i) and 5(3)(4)).

142. With order number 6004/12/33-a/27 Dec 2007 of the Chief of Staff of the Headquarters, the Ministry of Citizen’s Protection reminded the Services and staff of the applicable provisions and orders relating to the obligation to protect the life, respect human dignity, prohibit discriminations, tortures and any form of inhuman or degrading treatment

and punishment. The staff confirmed that they took knowledge thereof by signature, for the purpose of effectively complying with their obligations in order to prevent such incidents and impute liability.

143. Order number 6004/12/35/27 Dec 2007 of the Chief of Staff of the Headquarters, in addition to recalling the obligation to investigate any racist motive in the behavior of police officers, also underlined, in relation to the obligation to record and evaluate the evidenced (medical certificates or coroner's reports), the case law of the European Court of Human Rights (ECHR), to wit "when a person in good health is placed in detention by the police and it is subsequently established that he has bodily injuries on release, the Member State shall be obliged to provide a reasonable explanation on the cause of injury, failing which a matter shall be raised under Article 3 of the Convention (Legislative Decree 53/74, prohibition of torture or subjection to inhuman or degrading sanctions or treatment)".

144. Order number 7100/10/4-1στ/29 Nov 2008 of the Hellenic Police Chief, forwarded to all Services and staff, with the purpose of raising awareness for the protection of human rights during police action, the judgment of the UN Human Rights Committee of 24 July 2008, which held that there has been a violation of article 2(3), in conjunction with article 7 of the Covenant on Individual and Civil Rights (Law 2462/1997, GG A 25/26 Feb 1997) because "no disciplinary proceedings were initiated against the perpetrators and the disciplinary inquiry took the form of informal inquiry under article 22 of PD 22/1996, in the context of which the complainant, Andreas KALAMIOTIS, was never heard and the witnesses he invoked were never examined, and because its case law was not applied, according to which complaints of ill-treatment must be investigated immediately and impartially by competent authorities and that speed and effectiveness are very important during the hearing of cases relating to allegations of torture and other forms of ill-treatment, and the necessary standards were not complied with in this case".

145. According to 6004/12/480 – a' from 21.7.2010 order of the chief of the Headquarters of the Hellenic Police a composition of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) which was recently recorded for the year of 2009 (edited after formal visit of the committee members in our country), for reminding taking effective action regarding information of possible cases of abuse and in particular whatever it is of crucial importance to be effectively solved whenever any information comes to light of any kind of a human's abuse, in order to avoid any kind of non punishment. Through the case law of the European Court of Human Rights, every time an individual gets injured while being under police enforcement and there is strong evidence that the individual has been abused, the authorities and the personnel are obliged to provide sufficient and convincing explanation of how the injuries have been caused. If this is not sufficient, then a major issue is brought up according to article 3 of the European Convention of the Human Rights.

146. Despite the fact that the Hellenic Police Headquarters has repeatedly issued circular orders relating to the protection of human rights and the overall behavior of the staff in this matter, it continuously monitors their implementation and takes action when additional measures need to be taken. The personnel of the police authorities, apart from having the obligation to report responsibly any incident of police interest which comes to their knowledge by any available means, they also decided, by order of the Police Chief, to incorporate in "information bulletins on the rights of detained persons" (circular order 4803/22/14-α/3 November 1995) the "right" to make a written complaint about bad detention conditions, abuse, ill-treatment or other violations of their rights, pursuant to a specific sample, in order to reinforce the rights of the prisoners. The new information bulletin and sample were translated into — 16 — languages. When they are standardized, they will be forwarded to all services of the Hellenic Police.

147. The adoption of special and general measures for compliance with the judgments of the ECHR of the Council of Europe, delivered against Greece, is an obligation of our country, stemming from the provision of article 46(1) of the European Convention on the Protection of Human Rights (ECHR, legislative decree 53/1975, GG A 256/20 Sep 1974), the implementation of which is monitored by the Council of Europe's Committee of Ministers (article 46(2) of ECHR).

148. Moreover, the relevant official actions were immediately taken for compliance with the ECHR judgments on six (6) cases (Makaratzis – Bekos Koutropoulos – Karagiannopoulos – Zelilof – Celnicu – Petropoulos Tsakiris). More specifically, they were forwarded to all services and staff with the purpose of raising awareness for the protection of human rights during police action and the implementation of the ECHR case law and judgments.

149. Finally, the Substitute Minister of the Ministry of Interior decided (the decision was made in February 2009) to promote legislative arrangements on the establishment of a special three-member Committee within the Ministry. This Committee would examine and decide on the repetition or non-investigation of disciplinary cases relating to Hellenic Police staff, for which a sentencing judgment was issued by the European Court of Human Rights against Greece for violation of provisions of the European Convention of Human Rights (Legislative Decree 53/1974, GG A 256), provided that such judgment establishes failures in the disciplinary interrogation procedure or new evidence that was not evaluated by disciplinary inquiry or hearing, examining the substantive and formal requirements set out in the provisions of the Disciplinary Law for Police Staff.

#### **Reply to the issues raised in paragraph 15 of the list of issues**

##### **Violence against women – improve prison conditions**

150. Regarding the women prisoners' treatment, the relevant provisions of the Penitentiary Code apply without any deviation concerning separate detention spaces for juvenile and others and for mother's prisoners with children. The male personnel serving in the women detention facility is working off the specs of women detention (e.g. external guards, administrative personnel, secretariat support). Finally, the body search of women is conducted on the basis of the relevant provisions of section 23 par. 6 of Penitentiary Code pursuant to which: "The new prisoner is subject to body and personal items search conducted in a separate space and in a way that it does not prejudice its dignity. The search is carried out from two at least persons of the same sex with the detainee. In case of reasonable cause justifying inter-body or x-ray search, this is carried out only by a doctor in accordance with the rules of medical science under the order of the competent judicial officer. Money or items that the detainee wishes to be kept are delivered upon receipt to the facility's manager. The detention facility does not bear any responsibility in case of loss or casualty of the items that the detainee wishes to be kept."

151. However, the standing policy of the Ministry of Justice, Transparency and Human Rights is to avoid to the extent possible the service of men in the detention facilities of women.

152. The Ministry of Justice, Transparency and Human Rights has already asked from the competent Ministry of Health, Welfare and Social Solidarity the establishment of a regional medical office in the women detention facility in Eleonas of Thebes where a doctor will permanently serve.

#### **Reply to the issues raised in paragraph 16 of the list of issues**

153. Regarding the detention conditions, see article 2.

### Treatment of minors

154. Each case of irregular entry of a foreign national into our country, as well as of any unescorted minor, is made known to the Prosecuting Authorities via the Ministry of Citizen's Protection Authorities (article 83, Law No. 3386/2005 and article 19, Pres. Decree 220/2007).

155. In the detention centres for foreign nationals that enter irregularly, all unescorted minors are separated from the rest of the illegal economic migrants; then procedures regarding their age, country of origin and their asylum status are coordinated with Court Authorities. They are always kept in especially prepared facilities, not with adult detainees, in accordance with the regulations for hosting and protection.

156. More specifically, concerning the management of unescorted minors, Article 19 of Pres. Decree 220/2007 defines the fundamentals for the solving of a chronic problem concerning their treatment and specifically those requesting political asylum. The competent authorities take necessary measures at once so as to ensure their legal representation. The Minors' Prosecutor or the Local Prosecutor of the Appeal Court assigns the responsibility of being the temporary supervisor of the minor and proceeds with the necessary measures for the assignment of a supervisor for the minor and for his/her transportation to the Institute of Social Welfare (operating under the supervision of the Ministry of Health and Social Welfare) where they are hosted. In case the unescorted minor requests asylum, the competent authorities ensure that they are properly hosted (either by staying with adult relatives, or with a foster family, in special hosting centres with proper facilities for minors or in other proper facilities) and that these minors are protected from human trafficking or exploitation. Care is also taken to ensure that siblings are hosted together, taking into account the age, maturity and generally the interest of each minor; at the same time every possible effort is made for the fastest possible identification of their family. The personnel, employed for cases of unescorted minors, are specially trained regarding the minors' needs.

157. Regarding the treatment of the minors, the responsible department is closely cooperating with the department of the Ministry of Health and Social Solidarity as well as the rest public and private bearers. Also there is cooperation with the Police Authorities of the neighboring countries both in bilateral level and the UN, while the issue of the minors' exploitation is treated through the European Union. In cooperation with the responsible ministries the Ministry of Citizen's Protection makes every effort to create additional facilities for the hospitality of the unaccompanied minors, so the participation and cooperation of the NGOs is needed in order to get the maximum protection of the minor aliens who find shelter in our country. The matter though is exceptionally complicated as many of them wish to travel to another European country where their families live.

158. Therefore, the responsible police department pays close attention to the major issue of the treatment of the minor fugitives, which results in being a matter of great importance and with the social role which the Department serves, is treated with sensitivity and attention in order to provide the best protection to this sensitive social group.

159. Statistics, according to gender and age, of the unaccompanied minors who have been arrested and deported are not maintained. From the existing until now management of the whole issue, results that the most common unaccompanied minors who come to our country is between 15–17 years old.

160. Statistics of minors appear in the following boards.

**Arrested minors**

2004		2005	
<i>Nationals of</i>	<i>Persons</i>	<i>Nationals of</i>	<i>Persons</i>
Egyptian	86	Azerbaijan	1
Ethiopian	1	Egyptian	20
Albanian	810	Ivory Coast	2
Algerian	3	Albanian	1 428
Armenian	1	Algerian	9
Afghanistan	273	Armenian	1
Bulgarian	70	Afghanistan	374
Georgian	6	Bulgarian	82
Former Yugoslavia	1	Georgian	11
Dominant Democracy	1	Former Yugoslavia	1
Indian	6	Ghana	1
Iraq	52	Greek	2
Iran	9	Indian	5
Israel	1	Jordan	1
Liberian	1	Iraq	126
Mauritanian	2	Iran	15
Moldovan	2	China	4
Banglantes	17	Lebanon	2
Myanmar	4	Morocco	2
Nigerian	4	Mauritania	5
Ukrainian	1	Moldova	3
Pakistan	10	Banglantes	13
Palestine	16	Myanmar	5
Polish	1	Nigerian	4
Romanian	36	Ukraine	3
Russian	4	Pakistan	45
Yugoslavia (Serbian-Mayr)	2	Palestine	24
Sierra Leone	1	Peru	1
Somalia	9	Romanian	23
Sri Lanka	1	Russian	6
Syrian	8	Yugoslavia (Serb-Monte)	1
Turkish	26	Sierra Leone	1
FYROM	4	Somalia	56
Yugoslavia (Serb-Monte)	3	Sudan	1
Unknown	21	Syrian	16
		Turkish	10
		Tunisian	1
		FYROM	4
		Unknown	1

2004		2005	
<i>Nationals of</i>	<i>Persons</i>	<i>Nationals of</i>	<i>Persons</i>
<b>Total</b>	<b>1 493</b>	<b>Total</b>	<b>2 310</b>

**Arrested minors**

2006		2007	
<i>Nationals of</i>	<i>Persons</i>	<i>Nationals of</i>	<i>Persons</i>
Egyptian	33	Egyptian	24
Ethiopian	1	Ethiopian	16
Albanian	1 378	Ivory Coast	2
Algerian	5	Albanian	1 580
Unknown	1	Armenian	2
Armenian	1	Afghanistan	2 491
Afghanistan	999	Bulgarian	2
Bulgarian	82	Georgian	21
Georgian	12	former Yugoslavia	3
Popular Dem. Congo	1	Eritrea	40
Indian	6	Indian	5
Iraq	222	Iraq	589
Iran	33	Iran	11
Kazakhstan	1	China	2
China	3	Croatia	1
Congo	1	Belarus	1
Libya	8	Lebanon	5
Mauritanian	13	Libyan	5
Moldova	5	Morocco	3
Banglantes	51	Mauritanian	10
Myanmar	1	Moldova	1
Nepal	1	Banglantes	7
Nigerian	4	Myanmar	7
Ukraine	1	Nigerian	4
Pakistan	61	Pakistan	66
Palestine	33	Palestine	90
Romania	48	Rwanda	3
Russian	4	Russian	9
Somalia	339	Yugoslavia (Serb-Monte)	2
Sudan	16	Somalia	1 017
Sri Lanka	1	Sudan	25
Syrian	8	Syrian	7
Turkish	6	Turkish	16
Tunisian	1	Palestinian Beginning	7

2006		2007	
<i>Nationals of</i>	<i>Persons</i>	<i>Nationals of</i>	<i>Persons</i>
Hong Kong (China)	1	Serbian	2
FYROM	8	FYROM	4
Yugoslavia (Serb-Monte)	1	Unknown	9
Unknown	4		
<b>Total</b>	<b>3 394</b>	<b>Total</b>	<b>6 089</b>

**Detention facility for juvenile women in Eleonas of Thebes  
Statistics for March 2010**

(In custody)

<i>Offence</i>	<i>Age</i>	<i>Total</i>
Drugs	21	<b>5</b>
	20	<b>2</b>
	19	<b>1</b>
	18	
	17	
	16	
	15	
	14	
<b>Total</b>		<b>8</b>
Larceny	21	<b>1</b>
Thefts, etc.	20	<b>3</b>
	19	
	18	
	17	
	16	
	15	
	14	
	<b>Total</b>	
Trafficking of humans	21	<b>1</b>
	20	
	19	
	18	
	17	
	16	
	15	
	14	
<b>Total</b>		<b>1</b>
Homicide	21	<b>1</b>
	20	



<i>Offence</i>	<i>Age</i>	<i>Total</i>
	19	
	18	
	17	
	16	
	15	
	14	
<b>Total</b>		<b>1</b>
<b>Total in custody</b>		<b>14</b>

**Sentenced**

<i>Offence</i>	<i>Age</i>	<i>Total</i>
		<b>3</b>
		<b>1/5 years restriction</b>
		<b>1/8 years imprisonment</b>
		<b>1/7 years imprisonment</b>
Drugs	21	
	20	
	19	
	18	
	17	
	16	
	15	
	14	
<b>Total</b>		<b>3</b>
		<b>2</b>
		<b>1/18 months jailing</b>
		<b>1/2 years and 3 months restriction</b>
Larceny	21	
		<b>2</b>
		<b>1/15 months jailing</b>
		<b>1/18 months jailing</b>
Thefts, etc.	20	
	19	
		<b>1/3 years restriction</b>
	18	
		<b>1/18 months restriction</b>
		<b>3</b>
		<b>1/6 months restriction</b>
		<b>1/10 months jailing</b>
	17	
		<b>1/6 months jailing</b>
	16	
	15	
	14	
<b>Total</b>		<b>9</b>
Robbery	21	<b>1/(aggregate of 24 months jailing)</b>
	20	
	19	<b>1 (5 years and 6 months restriction)</b>

<i>Offence</i>	<i>Age</i>	<i>Total</i>
	18	
	17	
	16	
	15	
	14	
<b>Total</b>		<b>2</b>
Violation of L.2734	21	
	20	<b>1 (4 months jailing)</b>
	19	
	18	
	17	
	16	
	15	
	14	
<b>Total</b>		<b>1</b>
<b>Grand total of sentenced prisoners</b>		<b>15</b>
<b>Grand total of sentenced in custody</b>		<b>29</b>

**Special juvenile detention facility of Avlona**  
**Statistics of March 2010**  
(In custody)

<i>Age</i>	<i>Total</i>	<i>In custody</i>	<i>Offence</i>
14	<b>1</b>	1	Homicide attempt
15	<b>1</b>	1	Drugs
16	<b>1</b>	1	Drugs
	<b>1</b>	1	Rapes
	<b>1</b>	1	Theft
17	<b>4</b>	4	Drugs
	<b>1</b>	1	Homicide
	<b>1</b>	1	Attempt
	<b>1</b>	1	Illegal immigrants
18	<b>6</b>	6	Drugs
	<b>2</b>	2	Theft
	<b>1</b>	1	Illegal immigrants
19	<b>6</b>	6	Drugs
	<b>1</b>	1	Homicide attempt
	<b>1</b>	1	Rapes–procuring–pandering–theft
	<b>9</b>	9	Theft

<i>Age</i>	<i>Total</i>	<i>In custody</i>	<i>Offence</i>
	<b>1</b>	1	Explosives-terrorist organization
	<b>1</b>	1	Gang organization, viol. 3386/05
	<b>3</b>	3	Robbery
	<b>5</b>	5	Illegal immigrants
20	<b>23</b>	23	Drugs
	<b>1</b>	1	Homicide attempt
	<b>3</b>	3	Rapes-procuring-pandering
	<b>8</b>	8	Theft
	<b>1</b>	1	Explosives-terrorist organization
	<b>3</b>	3	Gang organization, viol. 3386/05
	<b>8</b>	8	Robbery
	<b>1</b>	1	Illegal immigrants
21	<b>21</b>	21	Drugs
	<b>2</b>	2	Homicide
	<b>1</b>	1	Attempt of blackmail
	<b>2</b>	2	Rapes-procuring-pandering
	<b>10</b>	10	Larceny-forgery
	<b>2</b>	2	Explosives-terrorist org.
	<b>4</b>	4	Robbery
	<b>3</b>	3	Illegal immigrants
	<b>2</b>	2	Violation L.3386/05
22	<b>1</b>	1	Explosives

### Special detention facility for juvenile – March 2010

(Sentenced)

Age 19

<i>Total</i>	<i>Sentenced</i>	<i>Offence</i>	<i>Penalty</i>					
			<i>Up 6 months</i>	<i>1-2 years</i>	<i>2-5</i>	<i>5-10</i>	<i>10-15</i>	
<b>27</b>	1	Acceptance of crime product	1 jail.					
	1	Illegal possession of weapon		1 jail.				
	6	Theft	1 jail.	3 restr.	1 jail.	1 jail.		
	3	Larceny			2 restr.	1 restr.		
	1	Rape		1 restr.				
	6	Drugs	1 jail.				3 impris.	2 impris.
	1	Forgery	1 jail.					
	1	Embezzlement		1 restr.				
	7	L.3386/2005	2 jail.	5 jail.				

**Age 20**

<b>Total</b>	<b>Sentenced</b>	<b>Offence</b>	<b>Penalty</b>					
			<b>Up 6 months</b>	<b>1-2 years</b>	<b>2-5</b>	<b>5-10</b>	<b>10-15</b>	<b>15-20</b>
<b>43</b>	5	Theft	2 jail.	2 jail.	1 jail.			
	6	Larceny	1 jail.	2 restr.	2 jail.	1 impris.		
	10	Robbery		2 jail.	4 jail.	3 impris.	1 impris.	
	1	Abduction						1 impris.
	1	Rape				1 impris.		
	7	Trafficking illegal immigrants				4 impris.	1 impris.	2 impris.
	5	Drugs				4 impris.		1 impris.
	8	L.3386/2005	3 jail.		3 jail.			

<b>Age</b>	<b>Total</b>	<b>Sentenced</b>	<b>Offence</b>	<b>Penalty</b>				
				<b>Up 6 months</b>	<b>1-2 years</b>	<b>2-5</b>	<b>5-10</b>	<b>10-15</b>
15	<b>6</b>	3	Theft		2 jail.	1 jail.		
		1	Drugs			1 jail.		
		2	Illegal entry	1 jail.	1 jail.			
16	<b>5</b>	1	Theft			1 restr.		
		1	Rape	1 restr.				
		3	Drugs			3 restr.		
17	<b>10</b>	5	Theft		1 restr.	1 restr.		
		5	Drugs		2 jail.	1 restr.	2 restr.	
		1	Rage	1 restr.				
		2	Trafficking illegal immigrants		1 restr.			1 restr.
18	<b>17</b>	1	Abduction				1 restr.	
		4	Theft	2 jail.	1 jail.	1 restr.		
		7	Drugs		4 restr.	1 restr.	2 restr.	
		1	Larceny			1 restr.		
		3	Trafficking illegal immigrants		2 restr.			
		1	L.3386/2005	1 jail.				

Age	Total	Sentenced	Offence	Penalty			
				2-5 years	5-10	10-15	15-20
22	6	1	Rape		1 impris.		
		2	Homicide	1 jail.		1 jail.	
		1	Larceny		1 impris.		
		2	Drugs		1 impris.		
23	2	2	Homicide		1 impris.		Life impris.
24	3	1	Homicide		1 impris.		Life impris.
		1	Drugs				
		1	Robbery			1 impris.	
25	1	1	Homicide				1 impris.
26	1	1	Robbery				1 impris.
28	1	1	Homicide	1 jail.			Life impris.
30	1	1	Robbery		1 impris.		
31	1	1	Homicide				
40	1	1	Homicide			1 impris.	
41	1	1	Forgery		1 impris.		
<b>Total</b>		<b>178</b>					

### Special detention facility of juvenile of Volos

#### Statistics March 2010

(Sentenced)

Age	Total	Sentenced	Offence	Penalty			
				2-5 years	5-10	10-15	15-20
16	1	1	Drugs	1			
17	1	1	Drugs			1	
18	4	1	Drugs		1		
		1	Robbery				
		2	Thefts		2		1
<b>Total sentenced 13/18 years</b>		<b>6</b>	<b>6</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>1</b>

Age	Total	Sentenced	Offence	Penalty					
				Up 6 months	1/2 year	2/5	5/10	10/15	15/20
19	7	8	Drugs				6		
		1	Illegal entrance	1					
20	14	6	Drugs				2	4	

Age	Total	Sentenced	Offence	Penalty					
				Up 6 months	1/2 year	2/5	5/10	10/15	15/20
21	11	2	Robbery		1			1	
		5	Thefts		1	4			
		1	Attempt of homicide				1		
		5	Drugs			1	2	2	
		1	Attempt of homicide						
		1	Pandering						1
		4	Robbery				3	1	
<b>Total 19–21 years</b>				<b>1</b>	<b>2</b>	<b>6</b>	<b>14</b>	<b>9</b>	<b>2</b>

Age	Total	Sentenced	Offence	Penalty
				10–15 years
22	5	3	Drugs	3
		2	Robbery	2
23	3	3	Drugs	3
<b>Total over 21st year of age</b>			<b>9</b>	<b>8</b>

*Note:* Total of sentenced fifty-one (51) 8 of them are adults and remain in the special detention facility of juvenile of Volos to work there.

### Special detention facility of juvenile of Volos Statistics March 2010

(In custody)

Age	In custody	Total	Offence
13	-	-	-
14	-	-	-
15	-	-	Drugs
16			Drugs
			Robbery
17	1		Drugs
	1	2	Robbery
18	2		Drugs
	2	7	Robbery
	2		Illegal withholding
	2		Thefts
19	4	26	Drugs
	2		Trafficking of immigrants
	6		Thefts
	11		Robbery
	1		Rape

<i>Age</i>	<i>In custody</i>	<i>Total</i>	<i>Offence</i>
	2		Illegal withholding
20	5	<b>25</b>	Drugs
	6		Trafficking of immigrants
	6		Robbery
	3		Homicide
	5		Thefts
21	9	<b>22</b>	Drugs
	5		Homicide
	3		Thefts
	1		Forgery
			Illegal entry
			Rape
<b>Total in custody 82</b>			

**Agricultural juvenile facility for drug-addict detoxification of Kassaveteia  
Statistics of March 2010**

(In custody)

<i>Offence</i>	<i>Age</i>	<i>Total</i>
Drugs	21	-
	20	-
		<b>3</b>
		<b>1 restriction 2 years and 3 months</b>
		<b>1 imprisonment 5 years</b>
		<b>1 restriction 5 years</b>
	19	<b>1 restriction 5 years</b>
		<b>2</b>
		<b>1 restriction 5 years</b>
		<b>1 restriction 5 years</b>
	<b>1</b>	
	<b>1 restriction 5 years</b>	
	16	
	15	
	14	
<b>Total</b>		<b>6</b>
Thefts and larceny, etc.	21	<b>1, imprisonment 11 years &amp; 5 months</b>
		<b>2</b>
		<b>1 jailing 4 years</b>
	20	<b>1 imprisonment 7 years</b>
	19	<b>1, jailing 3 months and in custody</b>
	18	
	17	<b>1, restriction 5 years &amp; and other penalties</b>

<i>Offence</i>	<i>Age</i>	<i>Total</i>
	16	<b>1, restriction 10 months</b>
	15	-
	14	<b>Restriction 10 months</b>
<b>Total</b>		<b>7</b>
		<b>2</b>
		<b>1 imprisonment 5 years</b>
		<b>1 imprisonment 11 years and 3 months</b>
Robbery, etc.	21	
	20	-
	19	-
	18	-
	17	-
	16	-
	15	-
	14	-
<b>Total</b>		<b>2</b>
		<b>2</b>
		<b>1imprisonment 8 years</b>
		<b>1 imprisonment 6 years and 2 months</b>
Violation of L.2910/01, attempt of homicide, violation of L.3386/05	21	
	20	<b>1 jailing 5 years and 11 months</b>
	19	<b>1 jailing 4 years and 1 month</b>
	18	
	17	
	16	
	15	
	14	
<b>Total</b>		<b>4</b>
Child seduction	21	<b>1, jailing 5 years and 4 months</b>
	20	-
	19	<b>1, restriction 5 years</b>
	18	-
	17	-
	16	-
	15	-
	14	-
<b>Total</b>		<b>2</b>
<b>Grand total</b>		<b>21 sentenced</b>



**Agricultural juvenile facility for drug-addict detoxification of Kassaveteia  
Statistics of March 2010**

(In custody)

<i>Offence</i>	<i>Age</i>	<i>Total</i>
Drugs	21	<b>1</b>
	20	-
	19	<b>1</b>
	18	-
	17	<b>1</b>
	16	-
	15	-
	14	-
<b>Total</b>		<b>3</b>
Robbery	21	<b>1</b>
	20	-
	19	
	18	-
	17	-
	16	-
<b>Total</b>		<b>1</b>
Rape attempt–Robbery	15	-
	14	-
<b>Total</b>		<b>2</b>
Larceny–Theft	21	
	20	-
	19	<b>2</b>
	18	-
	17	-
	16	-
	16	-
	15	-
	14	
<b>Total</b>		<b>2</b>
<b>Grand total</b>		<b>7 in custody</b>
<b>In custody + sentenced</b>		<b>28</b>

161. It is essential to point out that the minors are detained exclusively in Juvenile Detention Centers, totally separated from adults, where they have the opportunity to follow education or employment programs, as they are described in art. 11 and also in the 2009 Annual

Report of the National Report of the Hellenic Ministry of Justice, Transparency and Human Rights for the Protection of Human Rights.<sup>7</sup>

**Reply to the issues raised in paragraph 17 of the list of issues**

**Alternate means of reducing the prison population**

(a) *Building project*

162. Based on the special city planning & development of Detention facilities currently in force, it is under progress the implementation of a speedy program of new detention facilities construction. More specific, there are already in operation the detention facilities of Trikala (30 June 2006), Domokos (29 March 2007) and Grevena (19 May 2008).

163. The new detention facility of Nigrita (Serres) has been completed and the commencement of its operation is expected within the next four months, with occupancy of 700 positions.

164. 350 sentenced detained women have been transferred from the detention facility of Korydallos to the new detention facility of Elaionas Thebes. Within the year 2010, the detention facilities of Drama and Chania will also have been constructed.

(b) *Improvement works of accommodation rooms*

165. The company “Themis Kataskevastiki (Construction) SA” has executed maintenance and improvement works of the detained living conditions in lots of detention facilities (drainage systems, hygiene spaces, chambers, creation of additional dormitories etc).

(c) *Negotiations for the service of sentence in the country of origin*

166. Based on the Strasbourg Convention of 1983 for Transfer of Sentenced Persons, the competent services of the Ministry of Justice are negotiating with the Diplomatic authorities of the countries where the majority of the foreign prisoners are detained, in an effort to facilitate the procedures of transfer to their countries in order to serve the rest of their sentence.

167. At EU level, the Framework Decision 2008/909/JHA has already been adopted and shall replace among the EU Member-States the aforesaid Convention. The establishment of a special law-drafting committee is provided for its transposition into the internal legislation by 5 December 2011.

(d) *Legislative rulings*

168. The new Law 3772/2009 provides: 1) enlistment of the special therapeutic facilities of the Ministry of Justice in the National Health System, b) the conditional release of convicted who are not in a position to pay the amount of their penalty’s commutation, c) the ability of penalty’s conversion (till five years of imprisonment) to a financial penalty, d) change of the quantities of processed (from 2.5 to 5 gr.) and raw cannabis (from 20 to 50 gr.) concerning the presumption of personal use, e) the ability of conversion of the deprivation of liberty penalty served by detained mothers with children, up to five years, to common interest work. At the same time, the role of judicial officer is further enforced in issues of detainee’s leaves. It is also planned the creation of a new type of imprisonment

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<sup>7</sup> It is currently available only in Greek.

facility for those serving a life imprisonment sentence or imprisonment of at least ten years term and are considered as especially dangerous. Additionally, due to this law, 1026 detained persons have been released till recently with favourable terms and conditions and their number is expected to increase.

169. Based on the provisions of the Law 3727/2008, the following are provided.

170. Those detained and who have been irrevocably convicted in a deprivation of liberty penalty that does not exceed the five years term, may convert it to a financial penalty. In view of the application of the preceding paragraph's provisions and in order, for those who are financially weak, to be able to redeem their penalty, the minimum amount of conversion is reduced for each day of imprisonment from ten (10) Euro to three (3) Euro.

171. It is also provides that the above converted deprivation of liberty penalty may be further converted to a penalty for the provision of a common interest work.

172. Article 17 of this law establishes more favourable terms and conditions for the application of the advantageous measure of the conditional release in order to facilitate the social reintegration of the convicted persons. This ruling applies to minor offences and under the condition of serving a part (1/5 or 1/3 per case) of the penalty.

173. The minimum limit of regular leaves is also increased by one day (from five days to six or from eight to nine) and the total term of leaves is increased per five days annually (from forty to forty five).

174. In accordance with the latest statistics, 1640 detained persons in total have made use of the above provisions.

175. It is worth mentioning that 500 detained persons have already been privileged till now from the provisions of Law 3811/09.<sup>8</sup>

176. Moreover, the Ministry of Justice, Transparency and Human Rights is under consideration to implement a calculation of two days of the imposed prison sentence for each day of communal service. The relevant conditions are also under consideration.

177. In addition, the Law 3860/2010 has been voted and adopts extremely lenient rules and improvements to the criminal law for juvenile offenders, prevention and treatment of victimization and juvenile delinquency.

178. Finally, it must be noted that the 2008/947/JHA Framework – Decision has already been adopted, applying to the mutual recognition of judicial judgments and decisions for the suspension of penalty or conditional release and the establishment of a special law-drafting committee has already been decided for its transposition into the national law by 6-12-2011.

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<sup>8</sup> As amending article 16 of the Law 3727/2008.

## Articles 12 and 13

### Reply to the issues raised in paragraph 17 of the list of issues

#### **Statistics on investigations (by preliminary inquiries, oral and sworn administrative inquiries – PDE – EDE) of complaints against police officers for ill-treatment – abuse of citizens (detained or not)**

179. During the period 2005–2009, a total of 281 complaints against police officers for ill-treatment – abuse of citizens (detained or not) were investigated (by Sworn Administrative Inquiries, Oral Administrative Inquiries and Preliminary Inquiries).

180. The statistics of the period 2005–2009 are:

#### *Disciplinary*

(a) Disciplinary sanctions were imposed in 13 cases. Specifically, 21 police officers were punished by the following disciplinary sanctions:

(i) Higher disciplinary sanctions:

Removal from service 4

Suspension with dismissal 3

Suspension with temporary dismissal 5

(ii) Lower disciplinary sanctions:

Monetary fine 9

(b) 204 cases were archived;

(c) 50 cases are pending for investigation;

(d) 12 cases are pending for delivery of decision before the competent jurisdictional bodies (Disciplinary Boards);

(e) The delivery of decision on the imposition or not of a disciplinary sanction or referral of the accused to the competent Disciplinary Board was suspended until the criminal court delivers its judgment for the corresponding criminal proceedings in two 2 cases.

#### *Criminal*

(a) 140 were not criminally prosecuted;

(b) In 7 cases, the complaints were forwarded to the competent prosecuting authorities, which have not notified their course (*as regards the initiation of criminal proceedings or not*);

(c) Charges were brought in 38 cases and the prosecuting authorities have not notified their course (as regards the initiation of criminal proceedings or not);

(d) The competent prosecuting authorities archived 12 cases (the charges of 11 of which were dismissed);

(e) Criminal briefs were established for 42 cases, of which 6 are pending before the competent judicial authorities, 9 were archived by the competent prosecuting authorities (1 in implementation of Law 3346/2005 and 2 by dismissing orders); moreover, the competent prosecuting authorities have not notified the course of 22 cases (as regards the initiation of criminal proceedings or not) and have dismissed the charges in 5 cases;

(f) Criminal proceedings were initiated in 42 cases: acquitting judgments were delivered in 10 cases, dismissing decrees in 5, first-instance sentencing judgments in 6 (for which appeals were lodged, which have not been heard yet), criminal proceedings were discontinued for 1 because of withdrawal of the charges, criminal proceedings were discontinued for 1 on the basis of Law 3346/2005, while the other 18 are pending before the judicial authorities.

181. These cases concern 183 Greeks of whom 4 are Romas, and 159 foreigners, nationals of: Albania 48, Iraq 18, Iran 2, Netherlands 1, Bangladesh 4, Russia 1, Italy 4, Romania 4, Bulgaria 6, Georgia 5, Great Britain 6, Serbia 1, Nigeria, 5, Norway 1, Moldova 1, Morocco 1, Algeria 1, Poland 2, Palestine 3, Cyprus 1, China 8, Spain 1, Sweden 2, Sudan 1, Syria 1, Afghanistan 4, Lebanon 1, Belgium 1, Ecuador 1, Pakistan 3, Angola 1, Turkey 1, Somalia 6, Mauritania 1, Senegal 1, Armenia 1 and 8 of unknown nationality.

182. Complaints about abuse and ill-treatment investigated in 2005–2009, although they appear to correspond to a large number, constitute isolated events, which the Department investigated in depth, the protection of personal rights being a matter of utmost importance. Where complaints were confirmed, it took all disciplinary measures provided for by Disciplinary Law for Police Staff.

183. It should be noted that in 140 of the 281 complaints for abuse or ill-treatment in the period of 2005–2009, there is no corresponding criminal dimension, because either no charges were brought against police officers or the administrative inquiries did not ascertain the commission of criminal offences prosecuted ex officio, so that copies of the correspondence to be forwarded to the competent prosecuting authorities, under article 37 of the Code of Criminal Procedure, for the criminal investigation of the cases.

### **Reply to the issues raised in paragraph 19 of the list of issues**

#### **Statistics on incidents of use of firearms by police officers**

184. From 2005 to 2009, a total of 186 incidents of use of firearms by police officers were recorded (106 nationals, of whom 24 Romas, 50 non-nationals: 45 Albanians, 1 Romanian, 1 Russian, 1 Bulgarian, 1 Somali, 1 Polish and 30 of unknown nationality), with the following results.

#### *Disciplinary*

(a) Disciplinary sanctions were imposed in 8 cases. Specifically, 8 police officers were punished as follows:

- (i) Higher disciplinary sanctions:
  - Removal from service 1
  - Suspension with dismissal 2
  - Suspension with temporary dismissal 2

- (ii) Lower disciplinary sanctions:
  - Monetary fine 4

- (b) 110 cases were placed in archives;
- (c) 17 cases are pending for examination;

(d) 3 cases are pending for decision before the competent body (Disciplinary Board).

*Criminal*

- (a) Criminal briefs were established for (118) cases, of which:
  - (i) 7 were archived by the competent prosecuting authorities;
  - (ii) 111 have not been yet notified by the competent prosecuting authorities (as regards the initiation of criminal proceedings);

(b) Criminal proceedings were initiated for 20: acquitting judgments were delivered for 2, releasing decrees were delivered for 4, a first-instance sentencing judgment was delivered for 1 (we do not follow up the course because the accused withdrew from the force), while the other 13 are pending before judicial authorities. [48 persons were injured (27 Greeks of whom 3 Romas, 21 non-nationals ( 17 Albanian nationals, 1 Romanian national, 1 Bulgarian national, 1 Somali national and 1 Polish national) of whom 11 died (7 Greeks of whom 2 Romas and 4 Albanian nationals)];

(c) The analysis of information stemming from the disciplinary investigation of the cases shows that, in most cases, the use of firearms by police officers, for cases recorded in the period of 2005–2009, was in compliance with applicable provisions and, in cases where an infringement of the law was established, corresponding disciplinary sanctions were imposed on the basis of the established facts;

(d) The number of recorded cases which, in the view of our Department, is not high, given that it corresponds to an average of (28) cases per year, is also attributed to the safety net provided by both Law 3169/2003 and Regulatory Order 1/2001 of the Hellenic Police Chief, so that the use of firearms by police officers to be duly reported and investigated in a disciplinary manner (with simultaneous notification to the prosecuting authorities);

(e) It's a fact that, for 111 out of 118 cases for which criminal briefs were established, the initiation of criminal proceedings against police officers was not notified to the Headquarters leads to the conclusion that the use of firearms by police officers was legitimate.

185. The Ministry of Citizen's Protection monitors the development and progress of the criminal cases of the policemen (regarding cases of abuse – use of fire guns) in order to begin processes:

(a) Article 49 par. 2 of PD 22/1996 (for cases that are involved before PD 120/2008), according to which, if the irreversible sentence decision is condemnatory and disciplinary offence is ascertained which means disciplinary sentence of expulsion or idleness with dismissal, as long as temporary pause has been applied or lower disciplinary sentence or non sentence, disciplinary trial is repeated for any enforcement of sentence of idleness or expulsion;

(b) Article 49 par. 1 of PD 120/2008 (for cases after the inception of the PD 120/2008), according to which, in case after the disciplinary sentence of the officer has been indemnified or has been sentenced with lower disciplinary sentence or idleness with temporary pause, an irreversible condemned decision of the criminal court with which true incidents recommend the objective subsistence of disciplinary offence which implies sentence of expulsion or idleness with dismissal, the repetition of the disciplinary trial is enforced. in case that a sentence of idleness has been applied but true incidents which recommend the objective subsistence of the disciplinary offence which emerges the sentence of the expulsion, the repetition of the trial is enforced.

186. It should be emphasized that the above statistics (usage of firearms, maltreatment – abuse) when looked solely from a numerical point of view may lead to erroneous conclusions. The number of the incidents investigated demonstrates the intention of the

Hellenic Police Headquarters to investigate every single incident. It proves transparency in action. However, we always keep a watchful eye on the personnel's behaviour and, when needed, we take the necessary administrative measures.

187. It must also be noted that the Ministry of Interior and the Hellenic Police Headquarters are determined not to allow the development of a xenophobic atmosphere or racism in the Hellenic Police Force and to check any illegal, irregular or improper behaviour from police officers. It should be added that the investigation of the above incidents does not imply xenophobic or racist motives.

188. The new Disciplinary Law for Police Staff entered into force on 2 December 2008 (PD 120/2008, Government Gazette-GG A 182/2 Sep 2008), and:

(a) Included the characteristically mean or bad behavior of police officers in or out of service as a new offence under article 10 of PD 120/2008, punished with dismissal from service;

(b) Upgraded and imposed stricter sanctions (suspension and dismissal — article 11 — instead of suspension and temporary removal), with an auxiliary clause, offences such as:

(i) Any action that is contrary to official duties or constitutes a serious neglect thereof or behavior inconsistent with the capacity of police officer, under the condition that it is not punished more strictly by another provision;

(ii) Brutal behavior towards citizens, under the condition that it does fall within the scope of article 10(1);

(c) The administrative measure of suspension is now taken for all offences punished by a higher disciplinary sanction and the duration of the measure is increased (article 15(2));

(d) Official interests are no longer grounds for justifying the non-initiation of disciplinary proceedings, although this concerned only minor offences that justified the imposition of the sanction of reproach;

(e) A new type of administrative inquiry is established (Preliminary Administrative Inquiry) whilst the Preliminary and Oral Administrative Inquiry are abolished; this inquiry may be put in writing and witness' affidavits may be taken (article 24). The new disciplinary inquiry guarantees a more thorough investigation into disciplinary cases since, in addition to the oral examination of witnesses, the inquirer may also examine, on discretion, important witnesses under oath and prepare a relevant report on witness examination under oath, thus converting the procedure from informal into written;

(f) Cases investigated by a Sworn Administrative Inquiry are pulled up from the archives in the event of new aggravating evidence (article 39(1a));

(g) Disciplinary hearings are repeated with the purpose of imposing the sanction of removal from service, even if a higher disciplinary sanction of dismissal has been imposed, on condition that a final penal judgment is delivered, where ascertained facts constituting an objective disciplinary offence punished by removal from service (article 49(1)).

189. The Disciplinary Law for Police Officers aims in ensuring discipline. For this purpose, it provides for specific procedures for the comprehensive, objective and impartial investigation into disciplinary offences, with which the police officer is charged (articles 24, 26 and 28 of PD 120/2008). To ensure further comprehensiveness, objectivity and impartiality in the administrative inquiry, the disciplinary case file is reviewed by the

superiors of the officer who conducted it, including the body responsible for hearing the case; all those who review the procedure have an independent right to refer the case back for additional investigations (articles 31(5) and 32 of PD 120/2008).

**Reply to the issues raised in paragraphs 20 and 21 of the list of issues**

190. See articles 12–13.

**Article 14**

**Reply to the issues raised in paragraph 22 of the list of issues**

191. There are no available data due to the fact that the Law 3811/2009 regarding compensation of victims of violent acts entered into force on December 2009.

**Article 16**

**Reply to the issues raised in paragraph 24 of the list of issues**

192. The matter of protection of citizens' rights and the overall behavior of police officers towards citizens is of paramount importance for the Hellenic Police Headquarters (AOA).

193. The obligation of the Hellenic Police staff regarding the protection of human rights and freedoms of nationals and non-nationals, especially persons inquired, arrested or detained, are prescribed in the provisions of the Constitution, the laws, the Universal Declaration of Human Rights, the International Covenant on Civil Rights, the Convention against torture and other cruel, inhuman or degrading treatment or punishment, the international Convention for the elimination of all forms of racial discrimination, the European Convention on Human Rights, the UN Code of Conduct for Law Enforcement Officials, the Declaration on the Code of Police Ethics of the Council of Europe and the Regulations of the Hellenic Police (Presidential Decrees 141/1991, 538/1989 and 254/2004), as well as the service orders issued from time to time.

194. In cases of potential violation of human rights, police officers are subject to continuous administrative checks, ensured by the particularly strict Disciplinary Law (Presidential Decree-PD 120/2008) and any violations are punished with the maximum possible speed.

195. Pursuant to the provision of article 23(1) of PD 120/2008, disciplinary offences allegedly committed by police officers against citizens are examined before their other disciplinary offences, while pursuant to article 10(1)(c) of the same PD, actions that constitute torture or other offences against human dignity, within the meaning of article 137A of the Penal Code, are punished by dismissal from service. When complaints are confirmed, the prescribed sanctions are imposed upon responsible police officers. In this case, disciplinary proceedings are not initiated by the Directors of Services at the level of Police Directorates, but by their superiors in hierarchy [article 22(1) of PD 120/2008], while disciplinary interrogations are mandatorily assigned to offices of other Directorates [article 26(4) of PD 120/2008], with the exception of the General Police Directorates of Attica and Thessaloniki, where interrogations are assigned to special Subdirectorates of Administrative Inquiries, to which the accused police officers do not belong from an administrative viewpoint.

196. Apart from personal perception of the body responsible for initiating disciplinary proceedings, disciplinary offences are also established following a report by another police officer or documents of Public Authorities or Judicial Authorities or reports by natural or



legal entities or in any other legitimate manner, such as publications in the press or journalist reporting [article 21(1) of PD 120/2008]. Moreover, according to article 23(2) and (3) of the aforesaid PD, complaints against police officers must be made by written report or orally before an officer, in which case a relevant report is prepared. Anonymous or oral complaints against police officers, where the complainant does not agree to sign the report, cannot become the basis for initiating disciplinary proceedings; however, if they are specific and relate, in case of validity, to a disciplinary offence punished by disciplinary sanctions, a Preliminary Administrative Inquiry (PDE) is ordered. In all other cases, anonymous complaints are put in archive.

197. The Hellenic Ministry of Justice, Transparency and Human Rights faced only one incident for the year 2010 where a Penitentiary Guard was involved in a case for attempted lechery. The court sentenced him in 7 months deprivation of liberty and he was ex officio discharged from his duties.

#### **Reply to the issues raised in paragraph 26 of the list of issues**

198. New legislation was adopted to prevent and combat sexual violence, child prostitution and child pornography.

199. According to the Law 3625/2007 “Ratification, implementation of the Optional Protocol to the Convention on the Rights of Child on the sale of children, child prostitution and child pornography, and other provisions”, the following have been adopted:

- (a) The reforming of the offence of child pornography, so that the offender is punished even when his intent is not to gain profit;
- (b) The ex-officio appointment of an attorney to minor victims;
- (c) The assistance of a child psychologist or a child psychiatrist during the interrogation;
- (d) The electronic entry of the minor victim’s testimony;
- (e) The avoidance of appearance in audience of the minor victim;
- (f) The prohibition to publish cases which may lead to identifying the minor victim;
- (g) The suspension of prescription during the period of minority.

200. Moreover, by Law 3727/2008, the Council of Europe’s Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse was ratified, comprising the necessary internal law provisions for the implementation of the convention obligations.

201. It is noted that this law also contains provisions for the decompression of prisons (see above on penitentiary section). The law regulates the following.

202. The interdiction to exercise a profession that entails contact with children — in public or private sector — to everyone who has been prosecuted or convicted for offences concerning sexual abuse of children or economic exploitation of children’s sexual life.

203. Authorities or agencies in public or private sector can elaborate projects in order to prevent, educate and raise awareness of the general public and specific groups on issues concerning the protection of the right of children. It is also possible to introduce information programs both on issues of sexual exploitation and abuse additionally to those concerning the means of protection in elementary or secondary-level education.

204. The victims of sexual exploitation and abuse can receive short-term and long-term assistance regarding their physical or psychological rehabilitation. The persons who are close to the victim may also benefit of the therapeutic assistance or psychological support.

205. The confidentiality rules imposed on certain professionals, called upon to work in contact with children, do not apply for those professionals if they report to the competent authorities for child protection, in any situation where they have reasonable grounds for believing that a child is a victim of sexual exploitation or sexual abuse.

206. The competent authorities are authorised to determine, up to a decree, the appropriate measures in order to:

(a) Coordinate, on a regional or national level, the authorities in charge of the protection, prevention and combat of sexual exploitation and abuse of children;

(b) Promote the cooperation between citizens and in the frame of civil society, between non-governmental organisations, volunteers and the private sector;

(c) Establish appropriate mechanisms for data collection so as to observe and evaluate the phenomenon, with due respect to the requirements of personal data protection;

(d) Set up a telephone or internet helpline or other services in order to provide immediate advice and support.

207. The Criminal Code's Provisions have been amended towards the more effective combat of sexual exploitation and sexual abuse of children.

208. Moreover, children protection is further strengthened in order to protect them from the use of new information and communication technologies (mobile telephony or internet).

209. The Criminal Code's Provisions have also been amended in order to protect the victims and to respect their rights during the criminal proceedings.

210. On 26th and 27th of June 2008 an International Conference was held in Athens, organised by the Council of Europe in cooperation with the Greek Ministry of Justice for the promotion of the aforementioned Convention.

211. Recently, a new Law (3811/2009) was adopted regarding the compensation of victims of violent acts, in compliance to the EC Directive 2004/80. The law provides the compensation by the state of the victims of violent intentional acts, in case where the perpetrator is unknown or not capable to compensate the victim. This law also contains provisions for the decompression of prisons (op. cit.).

## **1. Trafficking**

212. The main actions developed by the Hellenic Police Headquarters for dealing with and for the prevention of Trafficking in Human Beings are:

### *(a) Anti-trafficking services*

213. Anti-trafficking squads are operating both at central and at regional level with the aim to tackle the phenomenon efficiently.

214. The anti-trafficking team at the Public Security Directorate has been handling this centrally since September 2002. Its task is to combat trafficking in human id guide regional operational services.

215. At the specialized Vice Departments of the Attica and Thessalonica Security Directorates, the anti-trafficking teams have been operating since 1-11-2003, properly manned and equipped. As of 29/12/2005, and following the evaluation of these teams, similar squads have been set up and are currently running in 12 Police Divisions in the

entire country: PD of Arcadia, PD of Achaia, PD of Herakleion, PD of Ioannina, PD of Corfu, PD of Serres, PD of Kozani, PD of the Cyclades, PD of Larissa, PD of Lesbos, PD of Rodopi and PD of Fthiotida.

216. Furthermore, Presidential Decree 48/13-3-2006 led to the establishment of Departments for Combating Trafficking in Human Beings at the Attica and Thessalonica Police Directorates, constituting the 3rd Department of the Sub-Division for Tackling Organized Crime. In total seventeen (17) specialized Anti-Trafficking squads are operating in the Hellenic Police.

(b) *Personnel education – training*

217. The issue of Educating Police Personnel is crucial. The Police Academy included the subject matter of trafficking in human beings in all its grades.

218. Police personnel attends vocational seminars and conferences organized by jointly competent organizations and NGOs with subjects relevant to victim identification, special dealing with victims, and generally issues pertaining to productive cooperation between the competent authorities for victim protection.

(c) *Lectures of Hellenic police officials on trafficking in human beings*

219. During 2008 Hellenic Police personnel participated in training seminars and conferences organized by competent State Bodies and Non-Governmental Organizations with issues relevant to victim identification and dealing with victims, with the objective to improve cooperation between the various institutions for victim protection. More specifically, Police Officers participated in:

(a) The Twinning Programme between Greece and Romania; its objective is a more effective combating of Trafficking in Human Beings in the framework of cooperation between the Hellenic Police and NGO “European Centre of Public Law”;

(b) A Conference on International Cooperation for the ensuring of and support towards voluntary repatriation and social inclusion in the countries of origin for victims of trafficking in human beings and other humanitarian cases, organized by the International Organization for Migration and the Ministry of Interior of Italy;

(c) The 2nd Workshop of the Programme “Policing Across Borders” on Human Trafficking and Irregular Migration, organized by the New York University “John Jay College”;

(d) In a seminar (as a lecturer) on Dealing with Children and Violence, held in Loutraki, organized by the Training Institute of the Centre of Public Administration and Governance;

(e) In a meeting for experts on Trafficking in Human Beings organized by Europol in The Hague, Holland;

(f) In the OSCE Conference in Helsinki, Finland, with the theme “Successful Combating of Human Trafficking – Challenges and Good Practices”;

(g) In the CEPOL Conference in the framework of the Programme of Officer Exchange (AGIS);

(h) In the Conference with the theme “Prevention of human trafficking through international cooperation in penal legislation”, organized by the Academy of European Law in Trier, Germany;

(i) In the Meeting, held in Rome, with the theme “Identification of and support to child victims of Human Trafficking, who are at risk of trafficking in Europe”, in the

framework of cooperation between the Hellenic Police and NGO ARSLS via the Programme AGIRE;

(j) In a meeting organized by the “Network of Trans-border Cooperation” with the theme “Establishment of structures for social protection and development of co-operations for an effective combating of trafficking in human beings”, which was held in Andrianoupolis, Turkey;

(k) In an OSEP Conference on effective combating of human trafficking by penal justice in the area of the Black Sea, which was held in Constanta;

(l) In a Conference organized by the Municipality of Maroussi with the theme “Safe Internet for Children”.

(d) *Sensitization of public opinion*

220. Representatives of the Hellenic Police participate in all events they are invited to partake with the aim to inform the public on the prevention of and combating trafficking in human beings, as well as support to the victims.

221. This increase of awareness, offered to the public, is mainly broadcast through television and radio stations, as well as the Press. Quite frequently, police officials are interviewed on television or radio stations or write articles which are published in newspapers and magazines.

222. The Hellenic Police strives to inform the citizens about the dimensions of trafficking in human beings in our country, so as to sensitize and increase their awareness; at the same time to create a sense of safety caused by the presence of the Police.

223. Furthermore, it is possible to find more information on the Hellenic Police website ([www.astynomia.gr](http://www.astynomia.gr)) on issues of Trafficking in Human Beings. It includes information regarding the legislation in our country on Human Trafficking, the Anti-Trafficking Police services, and other useful information on the prevention of this phenomenon. Recently the above has included information with guidelines and advice for trafficking victims.

(e) *Good practices*

224. With the objective to facilitate the handling of human trafficking cases, the Directorate of Public Security of the Hellenic Police Headquarters has sent the following documents to all Hellenic Police services:

(a) “National Operation Plan – Interdepartmental Action Plan for the prevention and combating of financial exploitation of the sexual life of women and minors, “ILAEIRA”;

(b) “Memorandum of Police Actions and Best Practices for dealing with cases of Trafficking in Human beings (for Police usage only)”;

(c) “Anti-Trafficking Initiative “ILAEIRA”; Regulations and Procedures of trans-border Police Cooperation”.

(f) *Cooperation with non-governmental institutions and non-governmental organizations*

225. The Hellenic Police services cooperate with NGOs through the National Centre for Social Solidarity (EKKA – 197) of the Ministry of Health and Social Welfare and the General Secretariat for Equality with the aim to provide support to victims and with IOM for their safe repatriation.

226. All Police services (security, immigration, entry-into-the-country Services) received an information document issued by IOM in four languages (Greek, English, Russian,

Romanian) addressed to the public and to possible trafficking victims in our country; it was put in obvious places easily accessible for the public and possible trafficking victims.

227. All Anti-Trafficking Services received, via Police Offices, an information leaflet in Greek and English issued by the General Secretariat for Gender Equality.

228. All Police services received the new information leaflet, issued by the Ministry of Health and Social Welfare for the National Centre of Social Solidarity (NCSS), and two information manuals for social – welfare organizations; these include a list of organizations and authorities able to assist in addressing social issues of citizens in the entire country.

229. All Anti-Trafficking Services received an Information leaflet, issued by the International Centre for the Protection of Women’s Rights run by the NGO La Strada in Ukraine, with its translation into Greek; it mentions the activities of Anti-Trafficking Services in Ukraine, a telephone line providing information on relevant issues, and article 149 of Ukraine’s Penal Code, which established the combating of Trafficking in Human Beings, which aims to assist Police Officers in dealing with trafficking cases when the possible “victims” come from Ukraine.

(g) *Secretaries General Committee of the Ministry of Justice – Special Law Drafting Committee*

230. A Special Committee was set up on 5/5/2004 under the Presidency of the Secretary General of the Ministry of Justice, comprised of nine (9) Secretaries General of the eight (8) jointly competent Ministries, including the Secretary General of Ministry of Citizen’s Protection, with the aim to coordinate at policy level all issues relating with Trafficking in Human Beings at all levels.

231. An Officer of the Public Security Directorate, specialized in Trafficking issues, is also a member of the Committee, acting as a special consultant.

232. In August 2004 the Committee organized a Press Conference at Zappeio Palace, to present its activities, which are based on coordinating joined competent Ministries, and made available a leaflet named “Ann-Trafficking Actions”.

233. In November 2005 a Memorandum of Cooperation was signed between the Committee’s members, twelve (12) NGOs and IOM for combating Trafficking in Human Beings and providing assistance and protection to victims. The NGOs participating in the Memorandum are: (1) ARSIS. – Social Organization for Supporting the Young, (2) Solidarity, (3) Centre for Rehabilitation of Victims of Torture and Other Forms of Degrading Treatment, (4) Centre for Research and Support to Victims of Abuse and Social Exclusion, (5) International Police Officers Union, (6) Centre for the Protection of Human Rights, (7) Hellenic Council for Refugees, (8) Klimaka, (9) Network of European Women, (10) International Company for the Support of Families – Care, (11) Centre for Research and Action for Peace, Stop-Now, (12) The Smile of the Child.

234. On 17/4/2006, a special law Drafting Committee was set up by decision issued by the Minister of Justice, for the coordination at policy level of activities for the implementation of provisions Law No. 3064/2002, with the aim to submit legislative and other measures for combating trafficking in human beings. This Committee carries on the process which was initiated by an informal Committee set up on 5/5/2004.

235. In November 2006, the Committee formulated the National Action Plan for Greece, which includes all projects so far carried out by the jointly competent Ministries, and sets goals for the improvement of issues and the continuation of its projects.

236. On 16/07/2008, the Committee approved the National Plan of Operational – Interdepartmental Action for the prevention and combating of financial exploitation of the sexual life of women and minors, “ILAEIRA”, which was then implemented.

237. For the prevention of the cross-border crime, meetings on bilateral basis are held with the neighboring countries (Albania, FYROM, Bulgaria ) both in the border points of the countries regularly or whenever is judged as necessary from both sides. Through these meetings the coordination of the passport control and the supervision of the non controlled parts of the borders are aimed, in order to fight illegal immigration, drug trafficking, human trafficking, weapon trafficking as well as all kinds of problems which arise within the borders points.

## **2. International cooperation**

### *(a) Development of cooperations and meetings between police divisions in border regions*

238. Regular or irregular, according to the Ministry of Citizen’s Protection needs, bilateral contacts with Regional Police Authorities of Albania, FYROM and Bulgaria are held in order to combat trans-border crime, alternatively at the border points of the two Countries. These consultations aim at better coordination of passport control, surveillance of non-policed sections of borders, addressing illegal immigration, combating the illegal smuggling of narcotics, persons, weapons etc, as well as solving possible problems occurring at the border points after implementation of various measures.

### *(b) Information exchange (INTERPOL, EUROPOL, SECI)*

239. In order to combat organized crime and any form of crime in general, the Hellenic Police has been exchanging information with Europol, Interpol, SECI as well as with EU Member States and third countries, thanks to its bilateral relations that have led to the signing of police cooperation agreements. In addition to that, the Hellenic Police has been cooperating with Italy, Bulgaria, Cyprus, Turkey, Albania, Russia, Ukraine, FYROM., Croatia, Bosnia-Herzegovina, Serbia-Montenegro, Romania and Lebanon, by placing police focal points in those countries, (apart from the police focal point in SECI).

### *(c) Cooperation with foreign diplomatic authorities*

240. The Hellenic Police services dealing with cases of Trafficking in Human Beings are in constant cooperation with the foreign Diplomatic Authorities in our country concerning the provision of assistance to their nationals – victims of these cases.

### *(d) Participation in international meetings*

241. Competent Police Officers from the Public Security Directorate / Hellenic Police Headquarters participate in and follow closely as many as possible meetings held in the context of the European Union, the United Nations Organization, Europol, Interpol, SECI, the Initiative for the Adriatic and the Ionian Sea, the BSCI, etc.

### *(e) Participation in and organization of international operations*

242. During the Greek EU Presidency (January–June 2003) the Ministry of Citizen’s Protection included in its priorities the realization of joint operations with the participation of Europol Member States, acceding countries, countries of origin of the victims of THB and of SECI. An innovative operation, code-named “LIDA”, was implemented, with very positive results. Greece was responsible for coordinating the operation, while the evaluation process was conducted with the support of Europol.

243. The Southeast European Cooperative Initiative (SECI), of which Greece is a member, organized a series of police operations conducted by the anti-trafficking work group, during 2002, 2003 & 2004 (code-named “MIRAGE”); several EU Member States (including our country), international organizations, NGOs, and others participated with the aim to identify criminal groups exploiting and trafficking in women.

(f) *“ILAEIRA” project of operational – interdepartmental action, for combating trafficking of women and minors*

244. “ILAEIRA” is an innovative project organized by the Ministry of Citizen’s Protection and the Hellenic Police.

245. It was originally announced by the Greek Minister of the former Public Order Ministry in the EU Ministries of Justice Council, which met in Luxembourg on 27–28/4/2006 and re-introduced in the meetings of 01–02/6/2006 respectively.

246. In issues of Justice and Interior the Vice-President of the EU, Mr. FRANCO FRATTINI, took the project under his auspices and agreed for its co-financing.

247. Then it was proposed to the “Task Force” of European Police Heads on 9 June 2006 to achieve the project’s support. Twenty one (21) countries responded officially to our initiative, along with four (4) European – International Organizations (EUROPOL, INTERPOL, EUROJUST, FRONTEX).

248. The project was officially presented in Athens on 7–8 December 2006 with the participation of (400) officials, including high-level representatives from cooperating countries and organizations at international level and jointly competent Ministries, Institutions and NGOs at national level.

249. The project “ILAEIRA” is an organized operational action for the prevention of and combating Trafficking in women and minors with the purpose to sexually exploit; its objective is the coordination and efficient action of all organizations involved, because their fragmented operation is ineffective in addressing this international problem.

250. The Operational Interdepartmental Draft of the project “ILAEIRA” was sent to all Police services and the jointly competent organizations across the country in order to inform them and ask for its implementation. The Project “ILAEIRA” develops at two (2) levels, both at trans-border and at national level (for Greece). At National level a Real Time readiness exercise was realised in Komotini on 16–17 April 2007 with the participation of all organizations involved; at International level two meetings of experts from the participating countries were held in Athens on 7–8 December 2006 and 30–31 May 2007, aiming at the drafting of a text which was to be used as the Plan for Trans-border cooperation of Police – Judicial Authorities in an integrated action.

251. In trans-border level it follows a specific methodology of planning, utilizing the European and Olympic achievement, which includes:

- (a) Cooperation — joint planning by a group of experts from the participating countries — organizations;
- (b) Testing of planning through real time exercises with the participation of officials from strategic and operational level, based on scenarios;
- (c) Evaluation of the real time exercises – result integration in further planning;
- (d) Implementation of the final plan, as a model of trans-border cooperation in cases of organized networks active in Trafficking in Human Beings between the EU Member States and other countries in South-eastern Europe;

(e) Evaluation of operational results and their presentation at the European Committee after invitation by Mr. Franco Frattini.

252. After the completion of meetings between all participating countries and other organizations, a Team of Officers – Experts was set up, which drafted the following documents:

(a) “A National Plan of Operational – Interdepartmental Action for the prevention and combating of financial exploitation of the sexual life of women and minors, “ILAEIRA”;

(b) “Memorandum of Police Actions and Best Practices for dealing with cases of Trafficking in Human beings (for Police usage only)”;

(c) “Anti-Trafficking Initiative “ILAEIRA”; Regulations and Procedures of Trans-border Police Cooperation”.

253. The aforementioned documents were published in the form of a manual and distributed to all Police services for information and implementation by the Police Officers; the Plan of Trans-border Police Cooperation was sent to all Police Headquarters of the participating countries and to International Police Organizations; the National Plan of Interdepartmental Action was sent to the jointly competent Ministries, to institutions and NGOs for implementation.

254. The Ministry of Citizen’s Protection and the Headquarters of the Greek Police have planned a new project of anti-criminal policy for the years 2010–2014 pursuant to which there are determined the priorities throughout Greece and the goals of the Greek Police services. At the same is taken into consideration and planned the particularization of the police Actions in regional and local level.

255. Emphasis is given, in comparison with similar programs elaborated in the previous years, to the axon of improvement of the services provided by the Greek Police to the civilians in conjunction with the operational improvements and in securing the participation and cooperation of social agencies that may contribute to the prevention of crime.

256. The priorities set in the program of anti-criminal policy have as reference point the central strategic goal, which is a modern, effective Police close to the civilian. This goal is divided in three basic pillars:

(a) **Domestic environment of security:** The subject that is particularized with specific priorities applies to issues of public security, state security, illegal immigration, road safety and handling of crisis. The first and immediate priority is the planning of special actions for the handling of organized crime in all its forms. And this is the reason of the radical change within a short time of the security structure by creating of a central independent Service for fighting the organized crime;

(b) **Participation in the exercise of the anti-criminal policy in three co-operational levels:**

(i) Local level (through institutions such as the Local Councils for the prevention of lawbreaking);

(ii) Prefecture/District level (cooperation with Prefectural and Regional Administrations of Organizations and agencies);

(iii) National/Central level (establishment of cooperation’s with Pan-Hellenic Administrations of Organizations and Agencies).



This pillar relates to a realistic recommendation for the cooperation of the State with the local communities, pursuing the active intervention of them, which are in fact prejudiced from the problem of criminality.

(c) **Modernization of the Greek Police:** The planning includes actions of upgrading of the Greek Police as a unified Corp and organizations with special priorities in matters of personnel and services organization.

257. The materialized actions apply to:

- (a) The improvement of structure-organization of the Greek Police;
- (b) The human resources factor;
- (c) The training; and
- (d) Upgrading and development of the material-technical equipment.

258. As far as it concerns the achievement of the public security, it has been set, among other priorities, the handling and fighting of human trafficking aiming to a null tolerance of the phenomenon of human trafficking and exploitation and to the elimination of all factors that contribute to this phenomenon, by a series of actions such as:

(a) The tracing of all problems parameter in the area of each Police Command of the General Police Commands;

(b) Sensitization of the personnel for a knowledge in deep, understanding and embedding of the phenomenon from all the personnel that the human trafficking is not just a simple penal offence but a modern form of slave trade consisting a gross violation of the fundamental human rights;

(c) Strict implementation of the provisions of relative legislation (L. 3064/2002) — A thorough investigation of the organized human trafficking cases for the arrest of dealers — exploiters;

(d) Conduct of controls and investigations to find out all issues of human trafficking (sexual abuse, labour abuse, infants' trade etc.) and the localization of the potential victims;

(e) Activation — improvement of an informative network, collection — assessment of the information and based on it, the conduct of planned and coordinated police actions in local and regional level;

(f) Writing down and targeting of criminal groups and individuals activated in the field of your authorization which are involved in the human trafficking;

(g) Advising, sensitization, activation in the passports control in the borders to trace potential victims when are entered in the country (Profiling);

(h) Coordinated action of the groups of the police controls and in specific those of security and special groups of aliens' control;

(i) Cooperation and development of the anti-trafficking departments of the competent authorities of handling of Organized crime of the Security Commands of Attica and Thessalonica and of the -14- special groups anti-trafficking that have been established and operate in the country for the most effective phenomenon's handling;

(j) Direct information of the central units for their cooperation and coordination in cases concerning more than one General Police Command;

(k) Development of know-how providing from the text arrangements and procedures of inter-frontier Police Cooperation arising from the implementation of the

Anti-trafficking initiative “ILAEIRA” for the promotion of actions in cooperation with 21 K-M of EU and countries of the South-East Europe and with international European Police and criminological Organizations aiming to anti-trafficking mainly of minors and women in national and inter-frontier level;

(l) Development of contacts with the co-competent agencies (District Attorneys, representatives of EKKA, representatives of MKO which refer to the Draft of interoffice operational action “ILEIRA” and others;

(m) Development – use of the memorandum of Police actions and Optimum techniques in the handling of human trafficking cases with a special emphasis to the provision of assistance and protection to the victims in cooperation for this purpose with the co-competent authorities, agencies, MOKIOI and others;

(n) A special handling of the cases when the victims of the human trafficking are minors in order to protect their personality, provision of assistance and others;

(o) Writing down and timely information of the Command of Public Security about the problems arising from the application of legislation especially in sectors concerning the cooperation with the co-competent agencies order to be solved the soonest possible;

(p) Organization of seminars in further training school concerning practices of tracing and handling of victims in which trainees should participate from Police departments for aliens, security, passport controls etc.

259. During the year 2009, the personnel of the Greek Police participated in further training seminars and daily meetings conducted by the co-competent agencies and non Governmental Organizations with subjects relating to the identification of victims, their handling and in general the achievement of a most efficient cooperation of the agencies for the victims protection. In specific, the Officers of the Greek Police have participated in:

(a) The program for the twining of our country with Romania for the most effective handling of the human trafficking phenomenon into the frame of the Greek Police cooperation with the NGO “ European Center of Public Law” (3–8 May 2009, 20–24 July 2009, 5–9October 2009, 22–25 November 2009);

(b) The meeting of the FRAN team (Frontex Analysis Network) into the frame of FRONTEX Organization concerning the collection of data and other information for the illegal human trafficking held in Warsaw of Poland;

(c) The meeting of the representatives of Greece-Albania with regards the application of L. 3692/2008 “ratification of the agreement between the Government of the Hellenic Republic and the cabinet of the republic of Albania for the protection and assistance of the victims of minors trafficking, held in Thessalonica (15 June 2009);

(d) The two days meeting of the sector of Penal and Criminal Sciences of the Faculty of Law of Dimokriteio University of Thrace and the region of the Eastern Macedonia – Thrace with subject: “ The phenomenon of the human trafficking: Factors and consequences” held in Komotini (21–22 October 2009);

(e) The Congress “Towards Global EU action against trafficking in human beings” held in Brussels under the auspice of the Swedish Presidency of EU (19–20 October 2009);

(f) The daily meeting into the frame of the European project “Italy, Albania and Greece against trafficking of women and minors”, in which OBES participated as partner (7 December 2009);

- (g) The workshop under the topic: “Prevention and fighting of the trafficking of Nigerian girls and women in Greece. Challenges and further steps” organized by UNICRI (United Nations Interregional crime and Justice Research Institute) in the Ministry of Foreign Affairs (2 December 2009);
- (h) The event for the fighting of human beings trafficking held in “DOUKA” school;
- (i) The seminar of the Regional institute of further education of the National Center of Administration and Local Government with subject “Children’s violence” held in Kalamata (29–31 January 2009);
- (j) The Educational seminar for Police Officers and District Attorneys of the South-East Europe for the “harassment and sexual abuse of children” organized by FBI in cooperation with SECI Center conducted in Istanbul of Turkey (17–18 June 2009);
- (k) The Coordinating meeting with regards the human beings trafficking, held in Hague of Netherlands from the national Office of France in Eurojust (18 March 2009);
- (l) The Congress organized by the Association of Judges and District Attorneys of Greece and the International Immigration Organization with the support of YDAS of the Ministry of Foreign Affairs with subject: “illegal movement and trafficking of Human beings and e-crime” held in Kallithea of Cassandra Halkidiki (10 December 2009);
- (m) The international seminar with object “International prospects for police and judicial cooperation in the anti-trafficking – Trafficking for labor exploitation” organized by the IIO of Kiev and the Ministry of Interior of Ukraine, held in Kiev (31 March–2 April 2009);
- (n) The meeting of the interstate European project titled “: Prevention and anti-trafficking, promotion of the victims’ protection through an operational netting and cooperation and inter-scientific training of officers specialized in the anti-trafficking in State-members of EU, candidates and adjoining countries, held in Rome of Italy (10–11 June 2009);
- (o) The seminars of NGOs “ARSIS” held in Rome into the frame of the European Project “AGIRE” (26–27 May 2009, 17–18 November 2009);
- (p) The Congress for the illegal human beings trafficking organized from the USA Embassy and held in Morocco (June 2009);
- (q) The Embassy of the USA has awarded a prize and public recognized in our country, the P/O A’ Georgios Vatikiotis, in charge of the 3rd anti-trafficking Division of the Sub-Command for handling the organized crime of the Security Command of Attica for his efforts in the anti-trafficking field;
- (r) There have been uploaded in the website of the Greek Police the legislative frame in force in our country with regards the trafficking, the Police services of anti-trafficking and useful advises for the trafficking victims;
- (s) It has been forwarded to the Greek Parliament the “Draft of interoffice – Operational action “ILAEIRA” and the “Memorandum of Police actions and optimum practices for the handling of trafficking cases” and manuals after the request of the President of the Special Permanent Committee of the Juvenile equality and human rights;
- (t) Within the frame of materialization of the program of twining with Romania, it was held a meeting of the representatives of the national authority for the human beings trafficking of the Ministry of Interior and Administrative reformations of Romania, with officers of the Command of Public security for their information about the actions of our ministry and the Greek police for the handling of anti-trafficking (April 2009);

(u) From 24–28 November 2009, it has been conducted in the Postgraduate Academy of the city of Veria a special training and a specialized seminar of five (5) days duration for forty (40) P/O of the anti-trafficking and security services in order to be advised about the legislation, handling of information, police preliminary investigation, handling of victims, protection of witnesses, cooperation with the competent agencies and others, attaching a special importance to the police actions. These police officers consist the core of trainers for the other officers of their services as they are in charge of the anti-trafficking services with specialized knowledge.

260. According to the statistics compiled by the Anti-trafficking Group of the Public Security Directorate/AEA, in 2009 the Agencies of the Hellenic Police undertook -66- cases of human trafficking and white slavery (sexual exploitation: -52-, work exploitation: -14-), of which -18- were committed by criminal organizations. On the basis of inquiries and preliminary investigations, charges were brought against -303- perpetrators, Greeks and foreigners, while there were -125- victims (men, women and children) of economic and sexual exploitation, of whom -121- sought and received assistance and protection by the State. -69- of them were characterized by deed of the competent prosecutor and enjoyed the beneficial provisions of Law 3064/2002. The competent Agencies of the Hellenic Police cooperated with:

(a) Agencies and Units providing protection and assistance and non-governmental organizations [Arsis, Solidarity, Hamogelo tou Paidiou (Child's Smile), European Women Network, Female Child Care Centre of Crete] under the coordination of the National Social Solidarity Centre (EKKA – 197) of the Ministry of Health and Social Solidarity in 81 cases;

(b) Diplomatic authorities in Greece of the countries of origin of the victims in 116 cases;

(c) IOM in 107 cases for safe repatriation.

261. It should be mentioned that the majority of the victims reside in Greece legitimately and, for this reason, they stated to the competent agencies that they do not wish to put under the protection of the State; they have already departed for their home countries, while a small number thereof is still in Greece.

262. The following tables show statistics for 2009 regarding the number of victims of human trafficking and white slavery (articles 323A and 351 of the Penal Code), the number of victims who received assistance and protection and the perpetrators per nationality and sex.

### Statistics

#### (1 January to 31 December 2009)

##### 1. Provision of assistance and protection to victims (Articles 323A and 351)

<i>Nationals of</i>	<i>Provision of assistance and protection</i>	<i>Prosecutor's order</i>	<i>Cooperation of governmental and non-governmental organizations</i>	<i>Cooperation with diplomatic authorities</i>	<i>Cooperation with IOM</i>
Albania	5	5	5	5	4
Bulgaria	27	11	22	26	22
Brazil	1	1	1	1	1
Georgia	1	1	1	1	1

<i>Nationals of</i>	<i>Provision of assistance and protection</i>	<i>Prosecutor's order</i>	<i>Cooperation of governmental and non-governmental organizations</i>	<i>Cooperation with diplomatic authorities</i>	<i>Cooperation with IOM</i>
Greece	2	2	1	2	2
Lithuania	3	3	3	3	3
Moldova	2	2	2	2	2
Nigeria	8	7	8	8	2
Hungary	2	2	2	3	3
Uzbekistan	2	1	1	1	2
Ukraine	1	1	1	1	1
Romania	37	16	18	37	37
Russia	12	12	11	11	10
Serbia	1	1	1	1	1
Slovakia	3	3	3	3	3
<b>Grand total</b>	<b>107</b>	<b>68</b>	<b>80</b>	<b>104</b>	<b>93</b>

### Statistics

(1 January to 31 December 2009)

2. *Victims of human trafficking – white slavery*  
(Articles 323A and 351)

<i>Nationals of</i>	<i>Total</i>
Albania	5
Bulgaria	35
Brazil	1
Georgia	1
Greece	2
Lithuania	4
Moldova	2
Nigeria	10
Hungary	2
Uzbekistan	2
Ukraine	1
Romania	37
Russia	12
Serbia	1
Slovakia	6
<b>Grand total</b>	<b>121</b>

**Statistics**  
**(1 January to 31 December 2009)**

3. *Perpetrators of human trafficking – white slavery*  
*(Articles 323A and 351)*

<i>Nationals of</i>	<i>Total</i>
Albania	27
Afghanistan	5
Belgium	1
Bulgaria	38
Brazil	1
Germany	1
Georgia	5
Greece	113
Italy	1
Lithuania	1
Moldova	1
Nigeria	2
Ukraine	3
Poland	1
Romania	26
Russia	7
Serbia	1
Slovakia	4
Syria	2
<b>Grand total</b>	<b>240</b>

**Statistics**  
**(1 January to 31 December 2009)**

4. *Victims of human trafficking – white slavery*  
*(Articles 323A and 351)*

<i>Nationals of</i>	<i>Women</i>	<i>Men</i>	<i>Minors</i>	<i>Total</i>
Albania	3	-	2	5
Bulgaria	21	9	5	35
Brazil	1	-	-	1
Georgia	1	-	-	1
Greece	1	-	1	2
Lithuania	4	-	-	4
Moldova	2	-	-	2
Nigeria	10	-	-	10
Hungary	2	-	-	2
Uzbekistan	2	-	-	2

<i>Nationals of</i>	<i>Women</i>	<i>Men</i>	<i>Minors</i>	<i>Total</i>
Ukraine	1	-	-	<b>1</b>
Romania	20	12	5	<b>37</b>
Russia	12	-	-	<b>12</b>
Serbia	1	-	-	<b>1</b>
Slovakia	6	-	-	<b>6</b>
<b>Grand total</b>	<b>87</b>	<b>21</b>	<b>13</b>	<b>121</b>

### Statistics

(1 January to 31 December 2009)

5. *Perpetrators of human trafficking – white slavery*  
(Articles 323A and 351)

<i>Nationals of</i>	<i>Women</i>	<i>Men</i>	<i>Minors</i>	<i>Total</i>
Albania	2	25	-	<b>27</b>
Afghanistan	-	3	2	<b>5</b>
Belgium	1	-	-	<b>1</b>
Bulgaria	4	32	2	<b>38</b>
Brazil	1	-	-	<b>1</b>
Germany	1	-	-	<b>1</b>
Georgia	-	5	-	<b>5</b>
Greece	20	93	-	<b>113</b>
Italy	-	1	-	<b>1</b>
Lithuania	1	-	-	<b>1</b>
Moldova	1	-	-	<b>1</b>
Nigeria	1	1	-	<b>2</b>
Ukraine	2	1	-	<b>3</b>
Poland	1	-	-	<b>1</b>
Romania	12	14	-	<b>26</b>
Russia	7	-	-	<b>7</b>
Serbia	-	1	-	<b>1</b>
Slovakia	3	1	-	<b>4</b>
Syria	-	2	-	<b>2</b>
<b>Grand total</b>	<b>57</b>	<b>179</b>	<b>4</b>	<b>240</b>

263. Regarding child pornography, in the Security Directorates of Athens and Thessalonica, Divisions for the combating of electronic crime (5th Division) are operating and, inter alia, are also in charge of combating the Crime of Child Pornography. These Divisions are high tech equipped and their personnel are specifically trained and continue their training through seminars organized in our country and abroad.

264. They also cooperate closely with other competent institutions (Prosecuting Authorities, Hotline telephone services, etc.) for the achievement of the common aim which is the combating of Child Pornography. We also provide information and advice to parents

and minors regularly via the Media on taking necessary measures to protect children in the Internet environment.

265. All Hellenic Police services have been informed about Law No. 3625/2007 “Ratification, implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and other provisions” (see also para. 199). This Law provides modification and additions to the Penal Code chapter concerning crimes against sexual freedom and crimes of financial exploitation of sexual life (articles 323A “Trafficking in Human Beings”, 348A “Child Pornography”), etc.

266. This new law enters into force from the date of its publication in the Gov. Gazette and regarding the Optional Protocol from 24 January 2008.

267. The Hellenic Police services were informed that on 25 August 2008 the 2004 Agreement between Greece and Albania for the expatriation of minors was ratified by Law No. 3692/2008 “Ratification of the Agreement between the Government of Greece and the Council of Ministers of the Republic of Albania for the protection and support of victims of trafficking in minors”, which was published in Gov. Gazette 173 A/25-08-2008.

268. This Agreement proves the wish of the two Countries to cooperate and implement the rights and obligations which result from international legislation on protection of children’s rights, in a joint effort to combat trafficking in minors and their exploitation.

269. The effective implementation of the Agreement is guaranteed by the National Centre for Social Solidarity of the Ministry of Health and Social Welfare, which carries the main responsibility in cooperation with the competent authorities including the Hellenic Police when needed.

270. It is worth mentioning that the staff of the E-Crime Prevention of the Headquarters of Attica were awarded in 2009 for their achievements in their field from Hellenic and Foreign Social Entities (e.g. Child’s Smile, International Centre for Missing and Exploited Children etc.).

271. Regarding the illegal adoptions, according to the data recorded by the Directorate for Public Security a number of Bulgarian criminal organizations bring Bulgarian women in late pregnancy into Greece, who give birth in Greek hospitals, and also negotiate the adoption of newly born infants by childless couples. Police investigations so far show that these criminal organizations active in Bulgaria take advantage of the poverty of their fellow citizens and either search for pregnant women or couples who recently had a child who are willing to proceed with an illegal adoption in Greece. The Police authorities cooperate with Bulgarian authorities for the combating of this illegal activity, and during the last two years we have achieved some significant results. More specifically:

- (a) The mechanisms of information exchange have improved;
- (b) A constructive cooperation between the competent Police authorities and the Liaison Officers of the other country was established;
- (c) The Ministry of Citizen’s Protection organises meetings between Operational Officers of both countries during the large scale investigations and aims to eliminate these criminal groups.

272. According to the data recorded by the Directorate for Public Security for cases of illegal adoptions which Police authorities have traced, all these cases involve Bulgarian nationals either as violators or as victims.



273. As far as it concerns disappearances of minors, all Hellenic Police services, as well as the competent Ministries-Institutions, have received an Action Guide on how to handle cases of Disappearances of Minors.

274. The Program “Amber Alert” is operative for missing children and is promoted and implemented by the Non Governmental Organization “The Smile of the Child”, which administers the program.

275. This program operates through the cooperation of 40 State and private institutions and the role of the Hellenic Police is vital, because it will determine when to issue the alert only in cases that meet certain criteria, including risk of harm to the child; and The Smile of the Child will then administrate the activation of the whole programme in Greece. The programme Amber Alert specifically includes the Participation of radio and television stations which have committed to interrupt their regularly scheduled programs to broadcast AMBER alerts. They will do so continuously at regular intervals until the alert is concluded. The alerts contain information about the victim and the incident that will be shown on highways, airports, seaports and other transport facilities, in electronic games, in mobile phones, via e-mail, fax and generally through all technology that can transfer immediate information.

276. High Officials of the Hellenic Police and D.P.S. have participated in an event with the theme “Disappearance of minors in Europe nowadays”, which was held in Athens under the auspices of the Ministry of Interior and the Ambassador of Belgium (29 October 2008); it included the official opening in Greece of “116000”, the single EU hotline number for missing children.

277. In Greece this hotline number is operated by the NGO “The Smile of the Child” and it has received our full support.

### 3. Training

278. A seminar with the theme “Crimes against children through the usage of technology — combating child porn trafficking on the Internet” was held in Athens between 11 and 14 March 2008; it was organized by the International Centre for Missing and Exploited Children, Interpol, FBI, Microsoft and the NGO “The Smile of the Child”. 73 Police Officers — Interrogating Officers of the Hellenic Police and 17 Officers from abroad from 10 different countries participated in the seminar [Train the Trainers].

279. Between 5 and 16 May 2008 182 officials of the Hellenic Police were trained [7 educational courses) on the theme: “Prevention of juvenile delinquency and protection of minors”.

280. A 5-day seminar on issues of Minors is in the preparatory stage; it will be implemented during 2009 [4 educational courses, with 40 participants each].

281. Cognitive subjects regarding missing minors’ cases, victimization delinquency have been inserted in educational subjects of the Police Academies.

#### **Reply to the issues raised in paragraph 27 of the list of issues**

282. Regarding the legislation on domestic violence, a criminal mediation procedure is foreseen and is regulated in article 11 of Law 3500/2006 for combating domestic violence. This procedure has been adopted in compliance with the relevant Framework Decision of European Union regarding the status of victims in criminal proceedings. Starting point for this procedure is an ongoing preliminary investigation where the Competent Public Prosecutor investigates the possibility of mediation with the consent of the parties and under the condition that the alleged perpetrator accepts the mediation result.

283. Moreover, in article 15, the Law provides for the possibility to regulate temporary the critical situation, to the victim's interest, by ordering the expulsion of the perpetrator from the family house or the interdiction of his approach to all places-facilities where the victims could be found as the house, the work place, the close relatives' houses, the child schools etc.

284. This mediation procedure is implemented in practice by prosecutorial orders.

285. The competent institution for social policy and services of social care and social solidarity is the National Centre for Social Solidarity (NCSS) of the Ministry of Health and Social Welfare.

286. According to article 6 of Law No. 3106/2003, NCSS is, at national level, the coordinator of the network that provides social care Services and information on issues of welfare to vulnerable groups, such as abused women, neglected children and adolescents, woman victims of trafficking and exploitation, victims of family violence, etc.:

- (a) It operates 24 hours a day, seven days a week;
- (b) It provides counselling and psychological support and information;
- (c) It activates the mechanisms of immediate social intervention. Interventions are done immediately in situations arising in families and social groups, aiming in preventing the onset of the crisis and dealing with it early;
- (d) It refers people to the rest of the NCSS network, and to other social services and organizations for further help.

287. In the framework of combating crimes against women in domestic circumstances the Hellenic Police, in cooperation with the above mentioned institution, sent the following orders and guidelines to all Services in the country:

(a) A concise information note about NCSS, its aim, operation and the Services it provides, so that all Operational Services shall know about it whenever these services can be used for the benefit of victims;

(b) A Manual prepared by the Legislation Directorate/ HPH entitled "Dealing with Family violence" issued by the Hellenic Police Headquarters with the aim to protect human rights, especially of women and children inside families, and also to sensitize police officers. It includes thorough and full guidelines how such cases are to be handled by police personnel. This manual includes useful information on further guidance regarding dealing with victims by competent Authorities which can provide necessary help;

(c) An information manual prepared by the Ministry of Health and Social Welfare which includes the Child cities and the Centres of Childcare, as well as information about their telephone numbers, fax numbers, addresses, bed capacity, kind of care provided, gender of persons hosted and ages of children.

(d) An information leaflet prepared by the Project Administration Group for the Planning of Anti-criminal Policy (PAGPAP), with detailed analysis of duties and possible actions for police officers dealing with cases of family violence;

(e) Law No. 3500/06, which defines family violence as a distinct offense and aims primarily to protect the human rights of family members;

(f) Two information guides on social — welfare institutions supervised by the Ministry of Health and Social Welfare, which include a list of institutions and authorities that contribute in assisting citizens with social problems throughout the country;

(g) A relevant Order issued by the Head of the Hellenic Police regarding the Policy of Public Order and Security for the year 2007 aiming for an effective prevention

and combating of criminality and the actual cooperation between Hellenic Police services and citizens and institutions;

(h) An Order issued by the Head of the Hellenic Police regarding Law No. 3500/06, which informs the personnel about the updated provisions of the new Law for their full implementation in conjunction with all other documents pertaining to the handling of family violence cases;

(i) A relevant order issued by the Directorate of General Police/HPH which emphasizes the need for prevention measures by the competent authorities regarding delinquency of persons of special categories, which will provide a greater feeling of security to citizens.

288. In the framework of further sensitization of police personnel, the Ministry of Interior and the Hellenic Police have organized two-day conferences for the World day of eliminating violence against women (25 November 2008), attended by police personnel.

289. After a decision issued by the Head of the Hellenic Police the educational programmes of the Police Academies have included subject matters concerning family violence; it is also planned to offer training seminars for police personnel of the vice squad Division and officials of Security Services and Police Departments on issues regarding family violence after 8 February 2008.

290. Cognitive subjects covering the phenomenon of family violence have been inserted in educational subjects of the Police Academies.

#### **Reply to the issues raised in paragraph 28 of the list of issues**

291. The phenomenon of beggary is mainly handled with the conduct of continuous and on the spot controls from pedestrians and mechanically driven police patrols in places-areas where this phenomenon appears (squares, cross-roads, Malls, roads with increased commercial activity, Churches courtyards, places of various events, trade fairs etc.) and implementation of the provisions in force in any running case. At the same time, the police officers in charge must show the required sensitivity due to the individuality of these persons that solicit in vagrancy and should be subject to a special handling because a lot of these beggars are originating from vulnerable population groups such as the minors (aliens or nationals), women or minor gypsies, financial immigrants, drugs addicted etc. Furthermore in order to be effectively handled this phenomenon, there are established from time to time, special control groups that conduct targeted sallies during the periods of feast days mainly.

292. It is identically pointed out that, during the year 2008 there are have been confirmed throughout the country (1,052) violations of section 407 of Penal Code (Beggary) and (43) violations of section 409 of Penal Code (neglect from prevention in solicit vagrancy) while have been arrested (1,158) persons in total.

293. The Ministry of Citizen's Protection must emphasize in this point that the handling of these matters is de facto made from personnel with special knowledge, experience and skills to handle such cases, while it is pointed out in all degrees of training and further training of the police personnel the peculiarity of the minors violations and the criminal actions committed from adults against them, being taught the conduct and attitude the policemen should have when they are handling minors cases.

294. Beyond that, the competent police authorities in order to handle such an issue closely cooperate apart from the judicial authorities responsible for the minors, with the services of the Ministry of Health and Social Solidarity and other public and private agencies. When the issue applies to aliens there is cooperation between the Police authorities of the neighbouring countries both in bilateral level and through the United

Nations while the whole issue of lawbreaking and exploitation of minors is also handled by the competent agencies of the European Union in which our country participates.

295. Finally it must be pointed out that, the lawbreaking minors' behaviour is the result of complicated social problems and the conditions of living in the modern society. Thus, the protection of minors with regards the prevention of their lawbreaking and the avoidance of their victimization is a matter concerning the whole society requiring an immediate activation mainly through collective initiatives and efforts of the competent governmental authorities and agencies which may provide the required degree of protection to this vulnerable age group.

## **Other**

### **Reply to the issues raised in paragraph 29 of the list of issues, Optional Protocol to the Convention against Torture (OPCAT)**

296. The Hellenic Ministry of Justice, Transparency and Human Rights has proposed the signature of the Optional Protocol to the Convention against Torture (OPCAT). Its implementation will be considered upon its ratification.

### **Reply to the issues raised in paragraph 31 of the list of issues**

297. Regarding the legislative measures taken to respond to the threat of terrorism, Greece follows the anti-terrorist policy of International Organisations.

298. Thus, Greece has not only ratified the UN conventions against terrorism but also updates and harmonises its legislative framework in compliance with European Union and Council of Europe obligations and engagements.

299. The basic EU legal instruments regarding terrorism, the Framework Decision 2002/584/JHA of the Council of EU of 13/7/2002 establishing the European Arrest Warrant and the Framework Decision 2002/475/JHA of the Council of EU of 13/7/2002 combating terrorism, are implemented into the Greek legal order by Law 3251/ /2004 (OG 127/A/9-7-2004).

300. Law 2928/2001 amends the Penal and Criminal Procedure Code "For the protection of citizens from punishable acts of criminal organisations" and remains the basic legislative text on this matter. This law provides special investigation techniques such as the DNA analysis, the waiver of secrecy and interception of communications and other procedures which could be justified as a necessary measure in a democratic society and must be used only for the purpose to protect the right of Public Security from the terrorist threat.

301. Greece has also assigned a Public Prosecutor as National Correspondent for terrorism matters, according to the Council Decision 2005/671/JHA of 20/9/2005 on the exchange of information and cooperation concerning terrorist offences. This Prosecutor, residing in the Ministry of Citizen's Protection, has access to files and cases, collects all prosecutions and convictions for terrorist offences and sends the relevant information to Eurojust.

302. Law 3691/2008 (OG A/166/5-8-2008) must also be mentioned which provides for the prevention and suppression of money laundering, terrorism financing and punishes all forms of direct and indirect terrorism financing.

303. Moreover, Greece ratified on 31st, August 2010 (Law 3875/2010) the United Nations Convention against Transnational Organized Crime and its Protocols (so called the Palermo Convention).

304. Key provisions of the Palermo Convention are:

(a) The provided protection and assistance given regardless of whether or not the victim cooperates with the law enforcement authorities;

(b) The Public Prosecutor shall defer with a Prosecution Act any further action against the victim until the end of the prosecution for the crime that was committed against him; and

(c) The reflection period is extended from one to three months.

305. The Hellenic Ministry of Justice, Transparency and Human Rights has also prepared a draft law regarding the ratification of the Council of Europe Convention on the Prevention of Terrorism, the transposition of the Council Framework Decision 2008/919/JHA, on 28th, November 2008, to national legislation amending Framework Decision 2002/475/JHA on combating terrorism.

306. All the above mentioned legislation is implemented with due respect on international standards for the protection of human rights, according to the European principles as set out in the European Charter of Fundamental Rights and the European Convention on Human Rights.

307. Greece is aware of the threats that a narrow anti terrorist policy could impact on human rights and therefore works within the International Organizations towards the fair balance between the protection of the individual rights and the security of the citizens.

**Reply to the issues raised in paragraph 32 of the list of issues, general information**

308. In order to further promote and protect human rights, since the last periodic report, Greece has ratified:

(a) The Additional Protocol to the Convention on the Transfer of Sentenced Persons (Law 3351/2005);

(b) The Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the Control System of the Convention (Law 3344/2005);

(c) The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Law 3727/2008);

(d) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Law 3625/2007);

309. Finally, the Committee for the transposition to national legislation of the Council Framework Decision 2008/913/JHA, of 28 November 2008, on combating certain forms and expressions of racism and xenophobia by means of criminal law, will complete its task by the end of September 2010.

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