



**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**

**Comments by the Government of Greece to the conclusions  
and recommendations of the Committee against Torture  
(CAT/C/CR/33/2)**

[14 March 2006]

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

1. With reference to the contents of paragraph 6, points (e), (h), (i), (j), (k) and (m) of the document of the Committee against Torture, the following information is provided:
2. The protection of human rights is of paramount importance to the Greek Police Force.
3. To this end, strict provisions have been made in the disciplinary Regulations of the police staff, for both the most expeditious prosecution and the punishment of such offences.
4. According to the provision of article 21, para. 1 of presidential decree 22/1996, offences committed by police officers, that are subject to disciplinary measures, owing to the nature of the duties assigned to them and their special effect on the fulfilment of the police mission, should be confirmed as soon as possible.
5. Moreover, according to article 9, para 1c of the above decree, the instigation of torture, physical injury, damage to health, psychological violence and any other act or behaviour that constitutes a serious violation of human dignity, on or off duty, is punished by removal from service.
6. The disciplinary investigation of complaints for torture or other violations of human dignity is carried out by sworn administrative inquiries. In the General Police Directorates of Attica and Thessaloniki, such inquiries are conducted by special agencies, (Administrative Inquiry Sub-directorates), on which the charged police officers have no administrative dependency.
7. In other Police Services, such inquiries are conducted by officers of the competent Police Directorates in which the charged police officers serve.
8. However, for reasons of objective administration of disciplinary justice, according to the provisions of articles 11 and 15 of presidential decree 3/2004, which amended the provisions of articles 23 (1) and 27 (2) of presidential decree 22/1996, in cases of complaints of torture or other violations of human dignity:
  - (a) Disciplinary proceedings against the liable police officer by the issuance of an order for such an inquiry are initiated solely by agencies superior to the Police Directorate to which the charged officer belongs administratively;
  - (b) The administrative inquiry is assigned to an officer of a Police Directorate other than that to which the charged police officer belongs.
9. Para. 3g of circular order 6004/1/5-va' issued on 14 February 2004 by the Hellenic Police Marshal, entitled "Amendment of provisions- reform of disciplinary law applicable to police staff", pointed out once again to all agencies that the respect and protection of human rights is of paramount importance for the Headquarters and that the application of the above provisions offers enhanced guarantees for impartial and objective assertion of the relevant offences.

10. Any case of ill treatment, abuse of use of firearms by police officers undergoes disciplinary investigation according to the police staff Disciplinary Regulations and, if the findings of the commission of disciplinary offences are confirmed, the prescribed sanctions are imposed. At the same time, these cases undergo judicial investigation by the independent judicial authorities. In application of the provision of article 49 (1) of presidential decree 22/1996, as replaced by article 29 of decree 3/2004, facts the occurrence or non-occurrence of which was ascertained by an irrevocable judgment or an irrevocable release of a criminal court are binding on the disciplinary judges; in all other cases, the judgment of the criminal court is taken into account in the disciplinary hearing, but the disciplinary body is not prevented from issuing a judgment different than that of the criminal court.

11. The Hellenic Police Headquarters has repeatedly issued orders concerning the protection of human rights and the overall behaviour of the staff on this matter and is continuously monitoring their implementation. It will proceed to the necessary actions in the event that additional measures are warranted.

12. In addition, the independent authority Ombudsman is competent to review the legality of disciplinary procedures either *ex officio* or following complaints made by interested parties, and may recommend either compliance with lawful procedures or the taking of prescribed measures.

13. On the occasion of the recent (special) Report of the above authority, and Officers Committee was established to examine whether the current disciplinary law needs to be amended or improved with regard to the procedure of investigating charges against police officers for ill treatment of citizens. This Committee completed its task by preparing a report. At the same time, a Project Management Team was established by resolution of the Minister of Public Order, chaired by a higher judicial official, with the participation of police officials, whose task is to revise the disciplinary law for police staff. The said report was forwarded to the chairman of this committee in order to be taken into account.

14. The Ministry of Public Order and the Hellenic Police Headquarters are determined not to allow the development of xenophobia or the manifestation of racism within the Hellenic police force; they will not in check any illegal, irregular or improper behaviour by police officers. It should be noted that the investigation of cases to date did not establish any racist or xenophobic motivation.

15. Police Headquarters have issued the following documents:

(a) The presidential decree "Code of ethics for police officers" (N° 254/2004, Government Gazette A-238), which comprises rules for the respect of human rights and the protection of vulnerable people and social groups. The European Code of Police Ethics, the international resolutions on rules of behaviour for police officers, the observations and suggestions of National Human Rights Committee, the suggestions of the Ombudsman, the views of the Office of the High Commission for Refugees in Greece and the views of the police staff federations were taken into account in the preparation of that decree. Copies of the code were distributed to all police officers, border guards and special guards and the subject was included in the education and training courses of all police academies;

(b) A handbook on intra-family violence, which aims at protecting human rights, especially of women and children, within the family and at informing police officers when violations occur. It is also targeted at the more systematic and complete handling of such cases, through the provision of instructions to police staff. Intra-family violence is a subject covered in police academies;

(c) A circular order (7100/22/4a of 17 June 2005) on “Arrests as preventive and repressive action in the exercise of police activity”, which aims at providing interpretative clarifications to the police agencies, on the basis of the current provisions, and demonstrating sensitivity in matters of protection of individual rights of citizens, according to the relevant proposals of the Ombudsman;

(d) A handbook entitled “Arrests, treatment and rights of persons detained by police authorities” (June 2005), which deals with matters concerning the protection of the rights of citizens in police action and specifies general principles and rules established by the Code of Ethics for police staff. It includes circular orders on checking and arresting citizens, the treatment and the rights of persons detained by police authorities, and the disclosure of the identity of arrested persons.

16. The phenomenon of “traffic lights children” surfaced in the early 1990’s, with the entry into the country of economic immigrants who, as a rule, exploited their children financially and pushed them to beggary and self-employment.

17. Today, this phenomenon tends to be eliminated through:

(a) Daily police patrols and checks in sensitive areas especially in the centre of Athens and throughout the province of Attica;

(b) The almost complete integration of foreigners in the social tissue of the Greek society, owing to the fact that the Law on Aliens resulted in legalization of all persons who had entered the country, legitimately or not;

(c) The implementation of article 7 of Law 2010/01, by virtue of which, when minor aliens, victims of instigation of financial exploitation, are deported, their guardians are deported with them, since they are deprived of resources and the financial exploitation of minors is considered as the last resort for their survival.

18. The “Aghia Varvara” foundation, a “children’s land” is a unit of the 2nd Regional Health and Welfare System of Attica (it is a legal entity in public law) and operates as a decentralized and independent unit, with administrative and financial autonomy. At present, this “children’s land” provides accommodation for teenage girls (13 – 18 years old) whose parents have particular health, social or financial problems or who are totally deprived of a proper family environment. In exceptional cases the foundation may lodge teenage girls who have committed offences in the past, either by court order or by order of the Public Prosecutor of Athens for Minors.

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