



CPT/Inf (2009) 21

**Response of the Government of Greece
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Greece**

from 23 to 29 September 2008

The Government of Greece has requested the publication of this response. The report of the CPT on its September 2008 visit to Greece is set out in document CPT/Inf (2009) 20.

Strasbourg, 30 June 2009

CONTENTS

	Page
- Response of the Ministry of Interior, dated 26 February 2009	5
- Addendum to the Response of the Ministry of Interior, dated 2 June 2009	85

F092.22/1389**URGENT**

HELLENIC REPUBLIC
MINISTRY OF INTERIOR
POLICE HEADQUARTERS
DIVISION OF SECURITY & ORDER
DIRECTORATE OF FOREIGN NATIONALS
1st DEP. of IMMIGRATION & ADMINISTRATIVE
MEASURES/ 3rd OFFICE
Address: 4, Kanellopoulou Str., 10177, ATHENS
Inquiries: AGELOPOULOS Alex.
Tel: 210-6977445 (P.O.L. 925150)

Athens, 26 February 2009

TO the Ministry of Foreign Affairs
D 4 Directorate of Human Rights

CC: 1) a. MINISTRY OF INTERIOR

- Office of Acting Minister
(RE: 297/03 & 06-12-08 Order and 25.638
(att.)/03-12-08 Order by the Minister
- Office of the General Secretary of Public
Order
(RE: 21.653/03-12-08 & 21.660/04-12-08
& 21.817/17-12-08 Orders)

b. HELLENIC POLICE HEADQUARTERS

- Office of Police Chief
(RE: 31.568/06-12-08 Order)
- Office Head of Security & Order
(RE: 133.59/09-12-08 & 133.59 (att.)/11-12-
08 & 134.34/18-12-08 Orders)
- **Directorates of Hellenic Police**
- Legislation Organization
- Police Personnel
- General Policing
- Technical
- Public Security
- Education

2) Ministry of Foreign Affairs

D3 Directorate of OSCE – C.o.E.

C 4 Directorate of Justice of Foreign Affairs &
SCHENGEN3, Akadimias Street
10671, Athens

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la
Republique Hellenique, AthenesHELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

SUBJECT: “ Response to the letter forwarded by the Chairman of the “European Committee for the prevention of torture and inhuman or humiliating treatment or punishment” (C.P.T.), after his visit to our Country from 23 to 29 September 2008”.

RE: a) Document File 6691/41/AS 1422, dated 02-12-2008, issued by MEA to the Council of Europe (*with the attached Report of the said Committee dated 01-12-2008*),

b) Our document Nr. 6634/1-239625, dated 31-10-2008.

A. In response to the above referred document under point (a), concerning the subject matter thereof, particularly as far as our office is concerned, we hereby advise you as follows, per section and paragraph / point:

I. INTRODUCTION

In 2005, our country established for the first time a modern and integrated immigration policy. Specifically, under the provisions of Law No. 3386/05, it is possible to achieve a responsible management of immigration, one of the most dynamic issues of our times, involving social cohesion and related with developments in global economy and the development perspective of the countries of origin and reception, specifically in the field of protecting Human Rights. Under this framework, our country did twice offer the possibility of legalization to those who resided illegally in the country until then; furthermore, particular emphasis was given to the social integration policies, having in mind that failing such, the social web goes breaking. These policies have proven to yield satisfactory results, because in our Country we did not witness a series of explosive phenomena like the ones that occurred in other European countries.

In addition, we have taken up important initiatives at European level, with the utilization of all institutional and funding tools. Greece played a major role in the formulation of the “European Agreement for Migration and Asylum” and achieved substantial success in fortifying its external borders. For the first time, this Agreement mentions that the borders defining the Member States, thus also the borders of Greece, are European borders, which should also be protected by the E.U.

II. KNOWLEDGE OBTAINED DURING THE VISIT AND SUGGESTED ACTIONS

1. Preliminary comments : (paragraphs 8 and 9)

Point 8th – Legal framework

The Legal framework regulating the detainment of irregularly residing immigrants in our Territory is fully harmonized with European legislation.

Expulsion decisions are issued in accordance with what is regulated by article 76 of Law No. 3386/05 (administrative expulsions) and with articles 74 and 99 of the Penal Code (court expulsions). They also include the consideration of the following:

1. The Treaty for the Establishment of the European Union, specifically article 63, point 3, part b).
2. The European Convention for Human Rights, dated 9 November 1950.
3. The U.N. Convention against torture and other inhuman or humiliating forms of treatment or punishment, dated 10 December 1984.
4. The Geneva Convention about the status of refugees, dated 28 July 1951 and the Protocol of 31 January 1967.
5. The Convention for Children's Rights, dated 20 November 1989.
6. The Chart of Fundamental Rights of the European Union, dated 13 –14 October 2000.
7. Directive 2001/40 (Mutual recognition of expulsion decisions).
8. Document MIGR 33/15-4-02 of the Council (Green Book).

Point 9th – Inclusion of Border Guards in the police personnel of the Hellenic Police

1. Border Guards of the Hellenic Police are a specific category of personnel in the Hellenic Police (article 18, par. 4 of Law No. 2800/2000), engaged for a period of five years, upon completion of which they can be hired permanently after a decision taken by the competent Council.

Border Guards are hired to perform specific duties. According to the regulations of paragraph 1, article 1 of Law No. 2622/1998, as this was replaced by the regulations of paragraph 1, article 78 of Law No. 2910/2001 and complemented by paragraph 1 of Law No. 3181/2003, the duties of Border Guards include the following:

- a. To prevent illegal entry of foreign citizens into the country.
- b. To locate and arrest irregularly working foreign citizens in the country and bring them to court or re-foul them to their country of origin.
- c. To locate and arrest persons who facilitate illegal entry and work of foreign citizens in the country and bring them to court.

Border Guards, during the performance of their duties mentioned above and particularly during the identification of illegal entry of foreign citizens in the country or the facilitation of their entry and work by third persons (nationals), have the legal authority to perform police actions (such as vehicle immobilization, identification control, arrest) and regular duties (such as patrols, ambush, surveillance) which are a basic requirement for the fulfillment of their mission, according to the application of articles 76 to 79 of Pres. Decree 141/1991 (article 9 Pres. Decree 310/1998).

d. Border Guards can also be available to perform guarding duty and transferring prisoners and guarding Police Buildings and their detention stations, according to the application of articles 144 and 154 of Pres. Decree 141/1991, where it concerns the duty of transferring prisoners and articles 66 and 68, as it was replaced by article 1 of Pres. Decree 309/2001, 69 and 72 of the same Pres. Decree where it concerns the duty of guarding Police Buildings and their detention stations (article 9, Pres. Decree 310/1998).

It is clarified that the regulation of paragraph 1 of article 8 of Pres. Decree 310/1998 is no longer applicable and Border Guards are available for guarding duty of Police Stations also when their Department is hosted in the same facility as the other Police Services.

What is mentioned above in detail leads to the clear conclusion that Border Guards belong to the personnel of the Hellenic Police (**note: under no circumstances can they be possibly considered as a paramilitary force**).

2. Being a specific category of Hellenic Police personnel, with a clear role distinct from the one of other police personnel, Border Guards do not have rank promotions, but work under a system of salary advancement, entering at level 18 and completing at level 1. If the Service wouldn't have addressed the change of the current legal framework, they would remain Border Guards for their entire duty career.

3. Considering all the above, and in agreement with their association representatives, the Administration has ensured the progression of regulations which provide for the inclusion of the above categories in the police personnel, according to specific procedures, with the rank of Police Officer and with the full authority of the respective rank.

Specifically:

a. The regulations of article 13 of Law No. 3686/2008 (Gov. Gazette A' 158) provide that Border Guards who complete three years of real duty from the date of being hired on a permanent basis (which is five years after their initial hiring and a total of eight years service in the Hellenic Police Force) are included, after their written declaration, in the general duty police personnel with the rank of Police Officer and have the same duties and responsibilities as this mentioned personnel, apart from the duty of preliminary interrogation.

Those included in this way occupy an organic position of City Police Officer and are placed at the bottom of the advancement list of this rank. The previous positions of those included are annulled and an equal number of organic positions of City Police officers is established. Those of the above who do not apply for this inclusion are being dismissed. The procedures for inclusion are anticipated to be completed by the end of February 2009.

b. The organic positions of Border Guards which remained vacant until today are annulled. Those included will go through additional training based on a specific program to be defined by decision issued by the Ministry of Interior, to be able to respond effectively to the performance of their duties. The regulations relating with their training are in process.

c. These regulations aim to lift the lack of uniformity in the active personnel of the Force. Also the unfavorable treatment of Border Guards is eliminated in terms of rank advancement.

d. Those included in this way will go through compulsory additional training in the current year, which is planned to start in the first 10 days of March.

Training programs of all levels, training and post-training, have included the teaching of specific lessons relevant to the subject matter, with the aim to sensitize police personnel to issues relating with respect and protection of human rights, and the prevention of torture and inhuman or humiliating treatment or punishment.

2. Maltreatment

Point 10

The Greek Authorities express their disappointment, given the fact that the Committee's Report mentions "allegations" and "interviews" and is not able – even if we were to accept that these allegations were true – to come up with results for the overall picture, since these are only individual incidents out of thousands of irregular migrants managed by our Country.

Such allegations expressed by the Committee remain at the level of "interview"; we do not question the process of their testimony, but they still remain individual incidents (without any official complaint to the authorities), which nevertheless lead to negative conclusions against us.

Concerning the "detainment of persons by law enforcement officers based on the suspicion that they have committed a penal offence", no-one is detained merely on the basis of a suspicion, because it is proven that they have entered our country illegally.

Concerning the allegations about maltreating people with “kicks, punches, beating with a club, etc.” we comment that our country is being accused of maltreatment during arrest and interrogation with a series of generalisms (general and unclear allegations). These allegations, without any evidence, which only the courts are permitted to judge, accuse an entire country. These are individual incidents; if they did actually happen there must be evidence, about when they happened, why they were not reported, etc., so as to consider them seriously and proceed with their investigation. The Hellenic Police express their strong will to investigate them.

Police Department of Monastiri in Thessalonica (Thessalonica region)

This is the first time that this incident is brought to our attention through this report. Never has any such incident been reported to our Offices or to the Security Departments of Thessalonica Police, either by detainees or by their families – lawyers. The fact that the detainee’s name is not mentioned makes the investigation of the allegations more difficult; according to these allegations the maltreatment occurred during a search conducted by Police Officers in his home, which was then prior to his detainment at the detention station of the above Department and in a location outside the Department. It is also noted that none of the detainees who were present at the detention station of the above Department during the Committee’s visit on 26-09-2008, is currently there, thus it is not possible to question them in order to confirm their allegations.

Police Department of Omonoia (Attika region)

This particular incident, which is reported very vaguely, was not mentioned during the Committee's visits to the Department, which would permit an investigation for its verification and further procedures of disciplinary actions.

Point 11**Border Guarding Department of Ferres** (Alexandroupolis region)

An incident of violence between police officers and foreign detainees in the above Department does not exist and was never mentioned by any "Committee" during their visits to the detention station. Only during 2008, the Departments in Alexandroupolis were visited by another fourteen (14) Committees or Members of Non Governmental Organizations. All the above Committees report the detention conditions for foreigners and the lack of infrastructure in the detention station, but they never mentioned any humiliating or cruel treatment by police officers; they certified that, although there are difficulties with the present infrastructures, the relationship between personnel and detainees is the best possible.

During recent years, the Services of the above Departments have also arrested thousands of foreigners and hundreds of traffickers and there has never been any complaint about maltreatment.

Also the mentioning of "language obstacles" is not true because we have interpreters everywhere.

Point 12**Police Department of Omonoia** (Attika region)

In continuation of your informing us about this specific incident (see b' attach.), we inform you that concerning the case of the named foreigner, from a penal standpoint, the relevant file was prepared by the Athens Security Head Offices, it has been completed and forwarded to the Athens Prosecutor's Offices on 06-10-2008 and it is currently pending.

For the investigation from a disciplinary standpoint, an Administrative Investigation under Oath was ordered it to be carried out, which was assigned to a high-rank Officer of the General Head Offices in Athens.

Copies of the above file are forwarded to the Officer carrying out the administrative investigation for cross-checking. As the Administrative Investigation under Oath is not yet completed, we will inform you about the results with a further document upon completion.

Also, in the introduction "a number of cases" is reported, which causes a concern to the reader, then the Report describes only one specific case (in Omonoia), which as said above is being investigated by the competent Authorities.

Point 13**Attempts to address maltreatment phenomena – Racism and discrimination**

To begin with, our stance is that it should not be called “phenomena”. With full respect to and in recognition of the work contributed by the C.P.T., we cannot agree with this paragraph, given the fact that its information is based on generalisms that make this issue appear as a Greek phenomenon.

Where the behaviour of police officers is concerned, we must emphasize that our Ministry is particularly sensitive to the issue of an excellent behaviour demonstrated by police officers towards citizens, be they nationals or foreigners, and to the issue of faithful execution of their duties, mainly on issues relating with a total respect of human rights, difference and dignity of citizens, as this is provided also by current legislation in force. For this to be achieved, the personnel has received specific orders and instructions, and the measures taken against those officers who violate their obligations are particularly austere.

In this framework, any complaint or information concerning improper behaviour of police officers during the execution of their duties or whilst they are in service, and generally concerning any omission or any action by police officers that opposes the Constitution, current legislation and regulations and the moral order is investigated in depth, very carefully and thoroughly, and when there is evidence of a violation of the above the existing laws are applied with austerity. Our determination to severely punish any action or omission not compatible with the proper function of police officers is not negotiable.

About the issue of respect for human rights and the appropriate behaviour of police officers during action, we have published a series of orders and manuals. Some of them are the following:

- Information leaflets about the rights of those arrested and detainees under extradition, translated in 14 languages, are given upon receipt and are put up in the Police Departments.
- An order with the subject "Treatment and the rights of detainees by Police Authorities", which solves problems relating with the practical application of the rights of detainees, such as their unobstructed communication with a lawyer, with their family, with N.G.O.'s, with diplomatic representatives, their medical care, their examination by a doctor of their choice, etc.
- An order about "bringing in persons as a preventative and repressive action during the execution of police competence".
- An order about the protection of human rights during police actions.
- Publication of a "Code of Conduct for Police Officers"
- An order that addresses racism, xenophobia, intolerance during police actions.
- Notification of the European Convention about the prevention of torture and inhuman or degrading treatment or punishment.
- Notification of the General Principles of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (C.P.T.) of the Council of Europe.

(The two texts mentioned above will become a study subject at the Police Academies.)

- Establishment of the 10th of December, the day of the Ecumenical Declaration of Human Rights, as a day for events aiming to sensitize police personnel to issues relating with human rights.

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

- Publication of an Annual “Report of the Hellenic Police in the field of human rights”.

- After decision of the Hellenic Police Leadership, a “Working Group” was set up with the objective to compile and update an annual Report on the actions and activities of the Hellenic Police as a response to the complaints of International Organizations, N.G.O.’s etc., about the respect of human rights.
- This “Working Group”, which consists of Police Headquarters executives, took in mind the proposals of the Hellenic Police Departments and, under the directions and suggestions of the Leadership about the objective and the usefulness of such an “instrument”, has published this mentioned Report.

Sensitization of Police Officers about issues relating with protection of Human Rights

(i) In the framework of the global geopolitical developments which are observed internationally, it is recently considered necessary to adopt patterns of behaviour which demonstrate a deep respect to humanitarian values, as well as to racial, ethnic, social etc. groups, which are deemed “vulnerable”.

In this direction, the planning of new training programs, both at basic level and also at post-training level, aims to ensure the conditions that enable the students of Police Academies to form their personality with a sense of self-awareness, sensitivity, emotional stability, a personality with responsibility, with humanitarian values and without any cultural bias.

Nowadays the whole educational program at training and post-training level is going through a process of reformation so that the personnel receive an education adopted to real needs.

Know-how, thoroughness, equipment and constant –life-long-education, are the four axes of the modern Police. Specifically:

(1) At the basic level of education:

The training programs of our Police Schools in the field of teaching Constitutional Law include a series of themes regarding human rights, such as:

- European Convention for the protection of Human Rights and fundamental freedoms (4 November 1950). Article 3 Law No. 53/1974.
- Law No. 2502/1997 Ratification of the European Convention for the exercise of the Rights of Children
- Law No. 2472/1997 Protection of the individual from processing personal data.
- International Agreement on Individual and Political Rights (Article 7, Law No. 1532/1985).
- Declaration for the protection of all humans from torture and any other form of cruel, inhuman or degrading treatment or punishment (United Nations 9/12/1975).
- Basic rules for the treatment of detainees (31/7/1957). Articles 31-33 Law No. 1782/1988.
- Code of behaviour of competent authorities for the application of the Law.
- Declaration of moral order rules for the Police (Council of Europe 1979).
- Ratification of the Convention for the prevention of torture and inhuman or degrading treatment or punishment (Law No. 1949/1991).
- A 12-point programme for the prevention of torture (International Amnesty 1984).
- Recommendation nr. 8 of the European Committee against racism and intolerance.

- Further, in the lesson “Police for Public Security” the operational action plan “**ILAEIRA**” is included, which concerns the addressing and combating of financial exploitation of the sexual life of women and children.

(2) At post-training level the educational process aims to ensure and provide conditions which promote democratic values, respect for human rights, etc. in the Schools of National Security and Post-graduate education. The sensitization on human rights issues, apart from teaching the lesson of “Constitutional Law – Human Rights”, is also achieved by assigning projects to students with subjects such as:

- Human rights protection from humiliating and degrading behaviour.
- Xenophobia and racism in Europe – The policy of the European Union.
- Violation and protection of human rights.
- Prohibition of racist speech as a Constitutional problem.
- The treatment of arrested persons and detainees in its legal and real dimension.
- The Constitutional guarantees for arrest and detainment and the Greek reality.
- ROMA. Social behaviour, permanent residence, protection.
- Individual rights and their abusive exercising.
- Social minorities and inequalities.
- The operational action plan “ILAEIRA” is developed in the form of lectures to the above mentioned students.
- It is noted that lecturers from Non Governmental Organizations present subjects relating with issues about protection of human rights, non-racist behaviour, etc.

Also Hellenic Police officers attend training programs at national and international level, on relevant subjects, such as trafficking of human beings, cross-border crime, addressing violence to women, etc.

(ii) A special Working Group is set up under the auspices of the National Committee for Human Rights for the training of police officers on Human Rights, after a suggestion of the N.C.H.R. to the Ministry of Interior.

This Working Group shall consist of: a) a representative of the political leadership of the General Secretariat of Public Order b) a representative of the Hellenic Police (from amongst active executives) c) professors of the Police Academies d) an honorary judge or lecturer at the Judges' School e) a representative of the Athens Lawyers' Association f) a representative of the National Committee for Human Rights g) representatives of N.G.O.'s active in the field of human rights education.

Its objective shall be to thoroughly investigate the issue of educating police officers about human rights and to suggest complete proposals as soon as possible, to proceed with the reformation of education and the special practice of familiarization with non-violent means of law enforcement, in a manner that enables them to act on the basis of such a framework during the execution of their duties, and also in emergency situations or in cases of high risk, such as the arrest and interrogation of suspects.

The above will concern the basic training in the Police Academies but also in the vocational and practical training programs of those already serving.

Point 15

Regarding the “undermining of credibility” we wonder what the evidence is of this complaint against Greece. Are there any cases when accused persons were not invited to defend themselves?

General Police Directorate of Thessalonica:

Concerning this incident –*where the foreign national is not named, it is not clarified in which facility (Police or Detention Centre) in Thessalonica he was detained*- it was not possible to investigate the allegations, to check their validity and to proceed with further possible disciplinary measures.

Concerning the underlining of “recording allegations etc.” we don’t accept it as an observation, neither do we disagree, because this is the procedure we follow.

Point 16Inspection of detention facilities by an independent Authority:

1. The Hellenic Police Headquarters pay particular attention to the issue of human rights. This effort does not only include the addressing of occasional incidents, but aims to promote an atmosphere of consideration and a culture of respect for human rights. For this purpose a series of written orders have been issued referring to human rights, their importance and the protection they should receive.

In the same direction we also constantly organise initiatives and activities aiming to an appropriate response of the personnel, their familiarization with and absorption of these principles and values and the elimination of possible incidents which blacken the overall picture of the Force.

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

2. Regarding the inspection of detention facilities by an independent Authority, the Hellenic Police has no objection to this inspection being carried out by the independent Authority "Ombudsman". On 18-6-2007 the General Secretary of the former Ministry of Public Order made a suggestion about this issue to the General Secretary of the former Ministry of Interior.

Point 17

Establishment of an Independent Authority for the investigation of complaints against police officers concerning abuse – maltreatment of citizens

For the penal investigation of complaints about torture or other offenses against human dignity (article 137 A' Penal Code) one of the competent Authorities is the Directorate of Internal Affairs, which is an independent Central Service of the Hellenic Police Headquarters. It is directly under the Head of the Force and supervised by the Prosecutor of the Appeals Court.

For the disciplinary investigation of such complaints, Administrative Investigations under Oath are being ordered, which for the Attika and Thessalonica region are being carried out by the Sub-Directorates of Administrative Investigations, specialized for this purpose, which at administrative level are completely independent of the accused officers. For the rest of the regions, the administrative investigation is always assigned to Officers of another Police Region, different to the one to which the officers under investigation belong. The above also applies for cases of police officers using guns.

Furthermore, the Independent Authority “OMBUDSMAN” is competent to check the legality of the disciplinary procedures, either *ex officio*, or after reports by the persons involved and to suggest, in any case, compliance with the legal procedures or the taking of necessary measures.

The establishment of an Independent Authority for the investigation of the above mentioned complaints is not necessary, because the existing procedures and the instruments involved cover sufficiently the awarding of disciplinary justice. Besides, if these cases also include a relevant penal dimension and a police officer is irrevocably convicted, the current disciplinary regulations provide for the repetition of the disciplinary trial for the possible imposing of disciplinary sanctions (suspension, removal from service), when a disciplinary sanction is not imposed or when it is milder than the above.

Despite the fact that the Hellenic Police Headquarters have issued orders about the protection of human rights and the general conduct of the personnel on this issue several times, we are constantly on the guard about their implementation and whenever it is needed to take additional measures we proceed with the actions required.

Lastly, in order to fortify the rights of detainees before Police Authorities, it was decided to include in “information leaflets about the rights of detainees”, as one of their “rights”, the ability to submit a written complaint about possible bad detention conditions, maltreatment, abuse or other offenses of their rights, according to a standard document prepared exactly for this purpose.

Furthermore, the process of translating and standardizing these Documents is underway and they shall be forwarded to all Hellenic Police Services.

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

Point 18Detention conditions – Training programs for police officers serving at reception centres:

Regarding the behaviour of police officers, it should be noted that our Ministry is very sensitive to the issue of proper police officers' conduct to citizens, nationals and foreigners and a faithful execution of their duties, mainly concerning the total respect of individual rights, difference and dignity of citizens, as this is regulated by the current legislation. In order to achieve this, the personnel have received specific orders and instructions, and we are particularly austere to those who do not fulfill their obligations in these aspects.

In this direction, the planning of new educational programs, both at basic level and also at post-training level, aims to ensure the conditions that enable the students of Police Academies to form their personality with a sense of self-awareness, sensitivity, emotional stability, a personality with responsibility, with humanitarian values and without any cultural bias.

Lastly, the regional Police Directorates which host Special Foreigners Reception Centres organize seminars for the updating of police officers active on a daily basis with the detention Centres, in cooperation with various N.G.O's, the U.N.H.C.R., and other organizations.

III. FUNDAMENTAL GUARANTEES AGAINST MALTREATMENT

Point 19

Where the “rights of detainees to inform their relatives, etc.” is concerned, there is no obstruction in this communication; on the contrary, Authorities make any possible effort to facilitate this communication, in accordance with the regulations of the Penal Code, the Penitentiary Code and the confidentiality of communications.

Also, according to the regulations of temporary detention centres, foreign detainees can have visitors in a special space designed under the necessary safety terms and conditions, and also allowing for a comfortable communication between the detainee and their visitor.

Point 20

Legal assistance – representation and interpretation

To begin with, there is no official complaint that we have denied anyone information, because the Police Authorities give special “information leaflets”, upon take-in, concerning the rights of the arrested and the detainees under expulsion, translated in 14 languages.

Also the presence of a lawyer is legislated for every stage of the penal and administrative procedure (articles 96 Penal Code).

The communication with their attorneys and the representatives of the Diplomatic Authorities takes place without interruption during the whole week. About the uniformity of procedures, relevant decisions have been issued in the local Foreigners Directorates, which regulate further details.

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

Specifically about asylum seekers, each foreigner can be with their lawyer at any stage of the asylum procedure, according to the regulations of our national legislation concerning guarantees provided for asylum seekers.

The presence of an interpreter is also legislated and we make all possible efforts to cover the interpretation needs of all Services involved, also in cooperation with N.G.O.'s [they assist the asylum seekers free of charge in all stages of the procedure (funding for this purpose is provided by the Ministry of Health via the National Welfare Fund, i.e. funding to the N.G.O. Greek Council for Refugees, etc.)].

The provisions of Pres. Decree 220/2007 (which transposed Directive 2003/9/EU of the Council) and Pres. Decree 90/2008 (which transposed Directive 2005/85/EU of the Council) apply concerning the interpretation for foreigners seeking asylum.

Lastly, we have taken the necessary actions for the hiring of specialized personnel, as this is regulated explicitly in articles 12 and 13 of Directive 2008/115/EU of the European Parliament and the Council issued on 16 December 2008, according to which our Country is obliged, on the one hand, in implementation of the aforementioned Directive, to provide detainees under expulsion with a written or oral translation of the basic points of the expulsion decisions, and legal representation by lawyers, and on the other hand, in implementation of the various recommendations issued by International Organizations, N.G.O.'s etc. to provide psychological support to the detained foreigners.

Specifically we are going to hire (35) persons for the languages Arabic, Pharsi, Urntu and Pastu, (35) psychologists and (35) Legal Advisors, who will be employed: (5) in the Attika Foreigners Directorate, (5) in Orestiada, (5) in Lesvos, (5) in Samos, (5) in Chios, (5) in the Dodekanese, and (5) in Achaia, which are the regions where irregular entries into the country are more frequent.

The service to be provided by the aforementioned employees is not part of the duties of the personnel of the Ministry, because we do not have any personnel with knowledge of the aforementioned dialects, or employees with the above specializations (psychologists, law specialists).

Point 21

Confiscation – removal of mobile phones from foreigner detainees

To enable communication between foreign citizens –arrested by police authorities in our Territory- and their lawyers and relatives, both in the detention stations (Police Departments) and the Special Foreigners Reception Centres, card-telephone devices are placed by O.T.E. The confidentiality of communications is protected and there is no time limit imposed. Telephone communication with lawyers is possible on a 24-hour basis, which also applies for the live communication in the detention facilities.

It is also possible for detainees to come in live communication with programme lawyers, where these exist, who visit the facilities daily and provide legal support to detainees, such as the programme “AEGEAS” which exists in the Police Directorates of Orestiada, Lesvos, etc.).

A small number of foreign detainees possess card mobile phones. These remain in their possession. But when the card finishes they give them up voluntarily and they receive them back when they leave.

Point 22

Keeping the detention files by the services detaining irregular migrants

The individual files of each foreigner who is being detained are kept in the department which arrested them, which is authorized for its management. In case of transportation to another detention Service they are only escorted with their medical file.

The detainees' medical files in the Special Foreigners Reception Centres are kept by the local Medical personnel and are protected by "Medical Confidentiality".

Point 23

Providing Medical Care

a. General

The foreigners arrested in our Territory are examined preventively:

- by doctors at the location of their arrest, and in case they have medical problems the detainees are taken to the nearest Health Centre or Hospital for First Aid at once and then if needed for further care to University Hospitals.
- by doctors of the nearest Health Centre or Hospital, where they are taken by the authorities who arrested them.

During medical examinations, irregular immigrants are tested for:

Tuberculosis

AIDS-HIV virus

Hepatitis B and C

Skin diseases, etc.

- Also upon initiative of the Police Directorates in cooperation with the Ministry of Health and Social Solidarity they undergo thorax examinations by mobile units of the Ministry of Health which visit the temporary detention facilities for this purpose.

- Lastly any medical incident is treated with the proper medical care and there is excellent cooperation with the Ministry of Health and Social Solidarity.

b. Special Centres for Hosting Foreigners

These facilities are served by permanent Medical Staff [Doctors, Nurses (full or part-time)] and by Psychologists and Social Workers, who provide medical services of first degree programmes of mental health and an improvement of the living conditions.

Those Centres that do not have Psychologists and Social Workers seek help from the personnel of the Mental Health Centres in the nearest Hospitals. For example on the island of Mytilini a mobile cardiographer was sent from another city for the support of a patient.

Furthermore, for this purpose the S.F.H.C. are attended on a daily basis by employees and scientific personnel from the local Prefectural authorities, as well as N.G.O.'s members, such as from "Medecins Sans Frontieres", "Medecins du Monde", etc., after a relevant permit issued by our Services.

c. S.F.H.C. Kentrikou (24, Petrou Ralli Street), S.F.H.C. for Minors in Amygdaleza and S.F.H.C. in Aspropyrgos

Foreigners that are newcomers to the S.F.H.C. Kentrikou are at once examined by a medical team of the Non Governmental Organization "Medical Intervention". The sick ones temporarily detained in this facility are examined five times the week by a medical team of the aforementioned N.G.O. The medical team consists of two (2) general practitioners, a cardiologist, a surgeon, a psychiatrist, four (4) psychologists, a social worker, two (2) nurses and one (1) coordinator, who have free access to the detention facilities and directly contact with the temporarily detained foreigners. For the facilitation of their functions, there are special facilities designed and equipped especially to function as medical units. In case of a serious disease, after consultation with the doctors, the foreigner in need is being transported to emergency units of the Attika Hospitals for examination-hospitalization. Apart from the rest of the examinations done according to the recommendation of the doctors in the hospitals, once a month, in cooperation between our Service and the Ministry of Health and Social Solidarity, a mobile unit of the Ministry carries out chest examinations in the facilities of temporary detention. Each patient detainee has a medical file, kept inside the medical facility, which includes all medical data concerning the foreigner (Patient's Records).

Since 05-02-2007, independently of the above procedure, the Attika Foreigners' Directorate operates a medical facility under the auspices of the Ministry of Health and Social Solidarity for the preventative examination of foreigners seeking asylum, staffed with the proper personnel.

The S.F.H.C. for minors in Amygdaleza is attended daily by “Medical Intervention” personnel which consists of a psychologist and a sociologist and twice a week by doctors. Minor patients suffering from serious conditions or emergency incidents are taken to emergency units in Hospitals in the Attika region for examination – hospitalization.

Lastly, regarding the medical care provided to the S.F.H.C. under the competence of the Attika Foreigners Directorate our Offices have taken the necessary actions towards the Ministry of Health and Social Solidarity seeking for 24-hour medical care provided for personnel and temporarily detained foreigners, by state doctors or optionally for the extension of the medical care provided by the “Medical Intervention” to all S.F.H.C. under the competence of the aforementioned Directorate.

IV. DETENTION CONDITIONS IN POLICE DEPARTMENTS & BORDER GUARDING DEPARTMENTS

Point 24

Concerning the “non improvement of detention conditions”

New Model Centres for the Reception and Hosting of Irregular Migrants, in accordance with the recommendations of U.N.C.H.R., have been established. Also we have upgraded those that already exist, to improve their conditions. In this effort we receive valuable help from Local authorities.

Specifically:

In Samos (capacity for 300 persons), in the Guarding Dep. of the Municipality of Kyprinos in the Evros region (capacity for 374 persons, with a possibility to increase to 500 persons); on 08-08-2008 the Centre for Reception and Hosting in Lakonia started to operate, with a capacity for 42 persons; we are also planning the establishment of new Centres in Crete, the

32

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

Dodekanese, Achaia, Kavala and we proceed with the upgrading of the already existing Centres, so as to improve their conditions, in excellent cooperation with the Local Governments. The costs for board, maintenance and medical care of the foreigners hosted in all the Centres are covered by the Ministry of Interior.

Also on 17-04-2008 the specially designed facility for the hosting of minor foreigners in Amygdaleza Attika started to operate, with a capacity for 40 persons, with the possibility of hosting another 14 persons; it includes, apart from the facilities for accommodation and hygiene [four (4) rooms of (10) persons each, six (6) bathrooms] also special recreational facilities for the children (open and closed sports facilities (5X5 football field), a library, a computer room, and a medical care room).

In this way a long standing problem such as the management and hosting of the region's irregular migrants is drastically addressed, under conditions expected from a modern European state.

Further we have proposed the financing, through European funding programmes (Funds of External Borders, Returns and Asylum), of (11) contemporary facilities receiving – hosting irregular migrants and of (10) facilities hosting asylum seekers.

The Greek Services constantly strive to create the proper conditions for the temporary detention of foreigners irregularly entering the country. Therefore we are promoting the issue of a Joint Ministerial Decision, based on the legislative authorization of article 81 of Law No. 3386/2005. The provisions of this decision regulate the creation of special hosting facilities for foreigners under expulsion, mainly at the entry points, and the ensuring of human conditions of living for the hosted foreigners. The hygienic conditions will be completely fulfilled, there will be special regulations for the hosting of

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la
République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

families and minors and also sports and recreational facilities and areas allocated for their religious practice. These special facilities will be staffed with the appropriate managerial personnel and also with the appropriate medical personnel, including interpreters. In this framework this decision will also provide a solution to the issue of improving the conditions of living for unaccompanied minors.

Point 25**Overcrowding of detainees**

The overcrowding of detainees is caused occasionally by the execution of multiple police operations which lead to an increase of arrests. In order to solve the problem of overcrowding in detention stations, local Police Directorates make redistributions in the police stations under their competence; in emergency cases, the Chief of the Force decides to transport detainees without legal documents to other facilities hosting foreigners.

Point 26**Police Directorate in Alexandroupolis*****Overcrowding of detainees***

The overcrowding of detainees observed during the last visit of the Committee to the Border Guarding Department of the aforementioned Directorate (Feres, Tycherio, Soufli) is caused by coincidence to the ceasing of operation of the special detention station in Peplos since 10-05-2008, due to maintenance – upgrading works done by the Evros Prefecture and due to the recent arrests. The detention stations provide bedsheets which are regularly replaced.

Police Directorate in Orestiada:Overcrowding of detainees

The arrested foreign irregular migrants are detained in the arrest services of the local Police Directorate for a small period (between 1-3 days), until the completion of medical examinations at the General Hospital in Didymoticho and then they are taken for detention at the S.F.H.C. in Fylakio. During their stay in the arrest services, they are given clean bedsheets and other personal hygiene items.

During the visit of the Committee members in the Border Guarding Department in Didymoticho, the detention rooms were empty because all arrested irregular migrants were transported for detention to the S.F.H.C. in Fylakio. Usually the detention station in B.G.D. in Didymoticho is not empty for long, this is the reason why other foreigners from other departments could not be transported there. Besides, the detention facilities in the Border Guarding Departments are appropriate only for short term detention and not for longer periods.

Despite the aforementioned problems and existing difficulties, our Services make all possible efforts so as to provide the best possible detention conditions for arrested foreigners. Also we are not tolerating any phenomena of violence (*as mentioned above*) or undignified behaviour by police officers to foreigners, and we investigate at once any complaint reported or brought to our knowledge.

B.G.D. in Ferres (Police Directorate of Alexandroupolis)***Overcrowding of detainees***

The overcrowding of detainees observed during the Committee's visit to the above Border Guarding Department is caused by coincidence to the ceasing of operation of the special detention station in Peplos since 10-05-2008, due to maintenance – upgrading works done by the Evros Prefecture and due to the recent arrests. The detention stations provide bedsheets which are regularly replaced.

Point 27**Police Department in Akropolis (ATTIKA General Directorate)****Lack of natural light**

During the period between 1/3 to 13-04-2007 the detention facilities have been repaired and upgraded, under the care of the Technical Department of the Hellenic Police; during this period, the cells were equipped with special system allowing the natural light to come in and also artificial light was added.

There is natural light, but not sufficient, because of the way the building was constructed and the placing of the detention facilities inside the building.

Police Department in Kypseli (ATTIKA General Directorate)**Lack of outdoors exercise**

It is not possible to allow the detainees to go out in the yard, because the inhabitants of nearby blocks of flats file intense complaints, but also it would require a large number of police officers for their movement and supervision.

Police Department in Alexandroupolis (ALEXANDROUPOLIS Police Directorate)

Lack of detention facilities

Through a Partnership between private and public sector (Law No. 3389/2005) we are promoting a programme for the construction of a new Police Building in Alexandroupolis, which will include modern detention facilities, with availability of 40-50 persons, which will fulfil all hygiene and security conditions set by the Technical Department of the Hellenic Police.

B.G.D. in Iasmos (Police Directorate of Rodopi)

This Department has a capacity for about twenty (20) persons and the detention conditions are satisfactory; there is enough space, hygiene – cleaning facilities, heating, ample light and ventilation. Access to the telephone device which is next to the detention space is free and within the department's possibilities. There is no outdoors yard or recreational space and the meals are given regularly through a local restaurant with a variety of dishes. Recently the Department's detention facility hosts minors and women, and the rest of the arrested persons are taken for detention to the Centre of Temporary Residence for Irregular Migrants in Venna Rodopi.

Police Department in Xanthi & Border Guarding Department in Kotyli
(POLICE DIRECTORATE of XANTHI)

The detention facility of the Police Department in Xanthi and the Border Guarding Department in Kotyli are located in the basement of the Xanthi Police Directorate and they have natural ventilation, toilets, bathrooms, and also natural and artificial light. Their capacity is for thirty five (35) persons and the total surface they cover is one hundred fifty (150) square meters. At the specific day of the Committee's visit, seventy (70) persons were kept in detention, the majority of which were economic migrants under expulsion decisions, issued by the Thrace Prosecutor of the Appeal Court, and should return to their countries.

The detention facilities are cleaned once daily by the cleaning staff of the local Directorate, they are painted and disinfected once every two months; the detainees are offered personal items and often there are requests for a supply of new mattresses.

Proposals for the improvement of the existing detention facilities:

Now, at the detention facilities of this Directorate there are only criminal detainees; in case of arresting irregular migrants they are temporarily detained until the completion of their individual file which includes also medical examination data (*examined by the competent medical units of the region*); then they are transported to the S.F.H.C. of the Region of Eastern Macedonia & Thrace (Venna, Fylakio).

Concerning the observations about “dark and dirty cells”, we recognize that there is a problem, but not of the size and the intensity mentioned therein. The efforts we are doing are huge and they require additional funding. We are carrying out technical works for the constant improvement of the existing facilities.

Point 28

Border Guarding Department in Thermi (GENERAL POLICE DIR. Of THESSALONICA)

During the Committee’s visit this Service was hosted in another building, which didn’t include yet the preparation of an outdoors space for the detainees’ exercise (yard, sports activities, etc.)

Point 29

Border Guarding Department in Metaxades (POLICE DIRECTORATE of ORESTIADA)

About the incident of the four (4) minor foreigners, who had marks of insect bites (lice or fleas) on their bodies, we inform you the following:

-The aforementioned minor foreigner irregular migrants were detained originally at the minors’ station of the S.F.H.C. in Fylakio. Because there were more adult foreigner irregular migrants transported in the same station, but the minors should be kept separately, due to lack of space they were transported to the B.G.D. in Metaxades.

-The minors transportation took place on the previous day to the Committee’s visit.

-The Medical Dep. of the S.F.H.C. Fylakio is staffed by one (1) Doctor and two (2) Nurses, who examine the detainees on a daily basis. If they had observed a problem they would have dealt with it.

39

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

-According to the information given by the S.F.H.C. Fylakio's Doctor Mrs. GORNIOUNOVA, two (2) minor detainees, suffered from chicken-pox, which was contaged to the other two (2) minors, which caused the marks in their bodies.

-Thus the "bites" which were "diagnosed on the four minors' bodies", were not "bites from lice or fleas", but caused by chicken-pox.

Point 30

Border Guarding Department in Ferres (POLICE DIRECTORATE of ALEXANDROUPOLIS)

Absence of special facilities for women detainees

During the visit of the Committee's members one of the two detention rooms hosted also the four (4) mentioned women with their husbands, who – as mentioned – due to the large number of detainees were not possible to be hosted in a separate room.

Border Guarding Department in Soufli (POLICE DIRECTORATE of ALEXANDROUPOLIS)

Overcrowding of detainees

The overcrowding of detainees observed during the last visit of the Committee to the aforementioned Border Guarding Department is coincidentally caused by the ceasing of operation of the special detention station in Peplos since 10-05-2008, due to maintenance – upgrading works done by the Evros Prefecture and due to the recent arrests. The detention stations provide bedsheets which are regularly replaced.

Absence of special facilities for women detainees

During the Committee's visit the detention station also hosted three (3) women with their husbands, who because of the large number of detainees, was not possible to be hosted separately.

40

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

Point 31**Border Guarding Department in Ferres (POLICE DIRECTORATE of ALEXANDROUPOLIS)****Facilities for outdoors exercise**

The foreign detainees visit the yard whenever our duties allow.

Also we inform you that this Department has secured a plot of land provided by the local Municipality to build a new, modern building which shall fulfil all hygiene and security conditions required by the Technical Department of the Hellenic Police.

Point 32**Border Guarding Department in Tycherio (POLICE DIRECTORATE of ALEXANDROUPOLIS)****Hygiene facilities**

During the visit of the Committee's members one of the detention rooms was vacant because the detainees hosted there had left. The cleaning of the facilities is done by a cleaning employee who takes daily care of the Department and the detention area. The damages observed in the hygiene facilities are caused by the detainees themselves and they are constantly replaced by the local Police Directorate.

Lastly, we inform you that this Department has secured a plot of land provided by the local Municipality to build a new, modern building which shall fulfil all hygiene and security conditions required by the Technical Department of the Hellenic Police.

Police Department in Exarchia (ATTIKA GEN. POLICE DIRECTORATE)Hygiene Facilities

Due to the particularities of the region under the responsibility of the aforementioned Department, the majority of detainees hosted here are foreigners and drug addicts, who often cause damages in the hygiene installations. The damages observed by the Committee are already fully restored.

Point 33Installation of aid-bells in all cells

The notification about installing bells in each cell in order to call the guards was mentioned by the Committee also during its previous visit. Specifically concerning the lack of bells in the S.F.H.C. Kentrikou of the Attika Foreigners Directorate (*see point 39*).

Point 34"Imprisoned for endless months"

This observation is not accurate, because the maximum period of detention for foreigners according to the legislation (Law No. 3386/2005) may not exceed the duration of three (3) months. However, we inform you that according to our statistics the average detention period does not exceed 22 days.

Point 35**Measures for the improvement of detainment conditions**Overcrowding of detainees

The overcrowding of detainees is caused by the execution of multiple police operations which cause an increase of arrests. In order to solve the problem of overcrowding in the detention stations, local Police Directorates make redistributions in the police stations under their competence; in emergency cases the Chief of the Force decides to transport detainees without legal documents to other facilities hosting foreigners.

Special facilities for women and minor foreigners

The Police Directorates throughout our Territory inform the Ministry of Health and Social Solidarity so as to make possible for the transportation of minor foreigners to centres for the reception and hosting of unaccompanied minors (open centres), which are available; they are transported there with the aim to avoid their mixing with adults. Also they are provided with mental health programmes and they have better living conditions.

Any possible long detention in the S.F.H.C.'s and the police detention stations (where minors are always kept separately in specifically designed areas, not with adults, according to the special status of hosting and protection-separation, as much as the existing facilities allow), is caused by the delay of response for the assignment of a Supervisor by the Prosecution Authorities throughout the Country, in accordance with article 19 of Pres. Decree 220/2007.

Furthermore, we inform you that the separation applies also for persons belonging to other vulnerable groups (i.e. women, one-parent families, elderly, etc.) since they also have special needs and require a specific treatment by a trained and specialized personnel.

The competent Services of the Ministry are responsible for their further care.

Also all services of the Hellenic Police have received orders to facilitate the services offered by Organizations and N.G.O.'s who assist in the legal and psychological support of minors.

-Regarding the special foreigners hosting centers (closed centers S.F.H.C.) it is noted that, as explicitly mentioned in article 81§2 of Law No. 3386/05 the Hellenic Police is responsible solely for the guarding of these facilities.

Both the police and the civil personnel are doing huge efforts, however since the number of persons coming in is immense, the staff's work is very difficult.

-In cooperation with local Authorities, which are competent for the overall operation of the S.F.H.C.'s, every possible effort is made in order to improve the living conditions for the arrested irregular migrants. Also, on a daily basis scientific personnel of the local Authorities and various N.G.O.'s, after permit issued by our Offices, visit the S.F.H.C.'s and offer their services to the irregular migrants hosted.

Renovation of facilities for the detention of foreigners

1. The Technical Department of the Hellenic Police issued an order on 07-10-2005, which regulates the special terms for the detention facilities, addressed to all Hellenic Police services.

Since the issuing of this order until today, the works of renovation-restructuring of the detention facilities is under way in all Public buildings and those rented by Police Authorities.

All new rental contracts contain as a term the construction of proper detention facilities.

The repair works are completed for the Services of Transportation and Foreigners in Attika, for the minors facilities in Amygdaleza and for the Police Department in Akropolis.

2. The Technical Department of the Hellenic Police, with the aim to ensure the required by the law and the regulations security and hygiene in the Special Foreigners Hosting Centres (article 81 of Law No. 3386/05), compiled a draft of Standards (since 15-09-2006), which defines exactly the Technical Requirements of the aforementioned facilities; this is sent for control and further process so as to finalize the document with the standards, which shall be ratified as provided by the law by a Joint Ministerial Decision.

Already three new hosting facilities are created for the foreigners under expulsion in Samos, Kyprinos (Evros) and Lakonia.

Furthermore, the Technical Department of the Hellenic Police has assisted in the creation of more of these new facilities (Peplo, Lesvos, Achaia and Kavala).

3. All the above are done with the aim to improve the living conditions for detainees, based on respect and guaranteeing of human rights.

Outdoors exercise – activities for foreign detainees

Outdoors exercise (sports activities) for the detainees is possible when these exist in the Special Foreigners Hosting Centres (S.F.H.C.), where their detention is longer. In this framework there are several European Programs, such as the European Program “AEGEAS” (15.02.08 – 15.06.09) of U.N.H.C.R., aiming to the improvement of reception conditions at the entry points, specifically in South European countries, where the phenomenon of increase of the irregularly entering migrants via the sea has intensified.

These programs include the development of actions for the improvement of reception quality and infrastructure (materiel and human resources) at the entry points through training, informing and employing specialized personnel for the support of newly arriving irregular migrants (legal, social, psychological, creational occupation of foreigners, such as learning Greek, reading books, painting, artifacts, etc.).

Providing basic cleanliness items – Mattresses – blankets

Regarding the issue of keeping the rules of hygiene, cleanliness and safe hosting of the detainees in detention stations, there are clear orders-instructions given to all our services for a constant effort and interest by the commanding Officers for the thorough fulfillment of their obligations in the field of cleanliness – disinfection (areas, clothing, bedsheets & blankets), the detainees’ personal hygiene and cleanliness, the equipment of detention stations and cleaning facilities, the providing of food on regular hours, the ensuring of appropriate medical care and in general the proper behaviour to the detainees, so as to improve as much as possible their conditions of living.

46

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

Furthermore, orders have been given for the taking of all necessary measures to eliminate the risk of suicidal attempts, physical injuries, fights, etc. in the detention areas.

Point 36

Detention limit

According to the legislation (Law No. 3386/2005) the maximum period of detention may not exceed the duration of three (3) months.

V. DETENTION CONDITIONS IN SPECIAL FACILITIES FOR IRREGULAR MIGRANTS AND POLICE DETENTION STATIONS

Point 37

Centres in Peplos & Vrysika

The special Detention facilities in Vrysika- Orestiada (with a capacity of 79 persons) and Peplo- Alexandroupolis (with a capacity of 70 persons) are not operating because they don't meet the necessary requirements.

The competent Prefectural Authorities have expressed a wish to re-operate these facilities, under the condition that the required maintenance – upgrading works will be completed, so as to comply with the necessary terms and conditions.

Point 38

Emergency plans – addressing the massive entry of irregular migrants

Pres. Decree 80/2006 transposed Directive 2001/55 of the Council of Europe of the E.U., concerning the minimum requirements for the providing of temporary protection in case of a massive entry of expatriated foreigners and the measures for a fair distribution of the load between the Member States, regarding the reception and addressing consequences of this reception.

47

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

Furthermore, based on the plans “BALKANIO” and “POSIDONIO”, the necessary instructions are given to the local Gen. Secretaries of the Regional and Prefectural Authorities about their coordinating role in the Regional Coordinating Instrument, and also about the ways and procedures of hosting the irregular migrants, for whom the immediate refoulement is not possible, and also about their supervision of the establishment and operation of the Temporary Hosting Centres ran by the local Prefectural Authorities.

For the achievement of this aim the R.C.I., among other means, provides necessary equipment and organizes the necessary funding by recording them with the State Budget.

“The Prefectural Governments of the Dodecanese, Chios, Lesbos, Samos, Lassithi, Herakleio, Rethymno and Chania, where the majority of irregular migrants and asylum seekers arrive by sea, have in their area of competence Centres of Temporary Detention and a Special Directorate, which aims to organize, manage, supervise and execute the movement of the aforementioned persons.

The Special Directorate consists of employees serving at the Prefectural authorities”.

Point 39

Material Infrastructure at the S.F.H.C.’s of the Attika Foreigners Directorate

- **Kentrikou** (24, Petrou Ralli Street)

Renovation works at the S.F.H.C. Kentrikou

The renovation works mentioned in the Committee’s report, which were underway at the S.F.H.C. Kentrikou (since 16-08-2008), have been recently completed [*repair-insulation of six (6) bathrooms-toilets and the extension of one (1) new*].

48

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

Access to toilets especially during night hours

The temporary detained foreigners have access to the toilets during the whole 24 hours, at their request, apart from the time they spent in the yard or during the “internal walking” hours in the corridors. For this purpose a Border Guard is located at the corridor of each aisle on a 24-hour basis, with the duty to receive these requests from the temporary detained foreigners. The urination in plastic bottles, mentioned in the Report, was mentioned by the Committee, but only as a hypothetical possibility because of the lack of toilets inside the cells, with no specific complaint of any kind about this to the Committee’s members.

Installation of help-bells in all cells

The observation about installing bells in every cell for the calling of the guards was notified by the Committee also in its previous visit. The Attika Foreigners Directorate after investigation concluded that this is not necessary, because on a 24-hour basis there is in every aisle a Border Guard who is in immediate visual and oral contact with the temporary detained foreigners, able to receive at once all their calls. Besides, it is also possible that if bells are installed, they may be abused with no serious reason.

Providing to all newly arriving detainees a clean blanket and a clean mattress

Each foreigner newly arriving to the S.F.H.C.'s of the aforementioned Directorate is given two (2) clean blankets and wherever possible one (1) clean mattress. Due to the daily several comings and goings of foreigners, who generally don't remain for long in the S.F.H.C.'s (average period 20 days) the old mattresses are replaced by new ones whenever this is needed. In order to achieve the improvement of hygiene and cleaning conditions, there are professional laundries and driers installed at the S.F.H.C. Kentrikou, which are located in the detention facilities, so as to provide the most frequent possible washing and disinfection of bedsheets and clothing for the detainees. Also the bedsheets of the regional S.F.H.C.'s are taken to cleaning at regular intervals.

Lastly, the detainees take care of their personal hygiene, with the encouragement of the detention guards, with cleanliness and hygiene items provided by our Service, so as to safeguard at the best possible degree the detainees' hygiene conditions.

Establishment of a daily outdoors exercise program

Spending time outdoors in the S.F.H.C. Kentrikou facilities during the time of the Committee's visit used to take place according to the following schedule:

Monday 6-7 p.m. spending time outdoors wing D2 men

7-8 p.m. spending time outdoors wing D3 men

Tuesday 6-7 p.m. spending time outdoors wing D4 men

7-8 p.m. spending time outdoors wing D5 men

Wednesday 6-7 p.m. spending time outdoors all women

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la
République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

7-8 p.m. spending time outdoors wing foreigners of special conditions

Thursday 6-7 p.m. spending time outdoors wing D2 men

7-8 p.m. spending time outdoors wing D3 men

Friday 6-7 p.m. spending time outdoors wing D4 men

7-8 p.m. spending time outdoors wing D5 men

Saturday 6-7 p.m. spending time outdoors all women

7-8 p.m. spending time outdoors wing foreigners of special conditions

After the Committee's visit and after receiving its recommendations, women and foreigners of special conditions are spending time outdoors on a daily basis, and the Attika Foreigners Directorate is looking into the possibility of providing a daily time outdoors also for all men.

- **Aspropyrgos S.F.H.C.**

Construction of an internal yard for outdoors activity

The S.F.H.C. in Aspropyrgos, as well as the Prosecution of Irregular Migration Department of Western Attika, which is responsible for the S.F.H.C.'s operation are hosted in a rented building which does not have an outdoors yard; neither is it possible to construct a yard in the surrounding area, where the temporarily detained foreigners would be able to exercise.

Broken windows

During the Committee's visit, at the second floor of the S.F.H.C. in Aspropyrgos there were reconstruction works in progress for the bathrooms and toilets, caused by a damage in the sewage system. Whilst these works were carried out this floor was not in operation for foreigners' detention. The broken window glasses mentioned in the report were located in this floor, where the works were carried out and were caused by the reconstruction. After the works completion and the re-operation of the floor all windows have been replaced by armed glass.

- **Minors S.F.H.C. in Amygdaleza**

Night urination in plastic bottles, due to lack of toilets in the rooms

The minor foreigners have access to the toilets located in the S.F.H.C. Amygdaleza on a 24-hour basis.

During nighttime the Special Guard on duty, located at the aisle, receives all requests of minor foreigners.

The urination in plastic bottles mentioned in the Report – as in the case of the S.F.H.C. Kentrikou of the same Directorate – was mentioned by the Committee as a hypothetical result of the lack of toilets inside the cells. The Committee was asked by the Officers accompanying its members whether they received specific complaints by minor foreigners, but the Committee's members responded that there is no specific complaint.

Detainees' activities

With the exception of the S.F.H.C. in Amygdaleza, where after reconstruction there is an area for recreational activities, no other S.F.H.C. under the responsibility of the Attika Foreigners Directorate has such a space, due to non-existing building infrastructure.

Solving problems (S.F.H.C. Kentrikou and Aspropyrgos)

-Furthermore, we inform you that after an order issued by the Deputy Minister of Interior (since 10-08-2008), a "Working Group" was established, aiming to the solution of problems (*hygiene issues – issues of proper operation*) which occurred in the S.F.H.C.'s of the Attika Foreigners Directorate (Kentrikou and Aspropyrgos). Our Directorate has compiled every fortnight "Informing Memos" addressed to the Political and Natural Leadership, which prove that the entire works have been completed.

-Lastly, the Technical Department of the Hellenic Police in cooperation with the Attika Foreigners Directorate is looking into the possibility to create recreational rooms in each floor, which may also include the transformation of a part of the detainment space, which will however decrease the number of detainees.

Points 38, 40 and 50**Living conditions – Special Foreigners Hosting Centre in Pagani Mytilini**

1. The island of Lesbos is in the front line of intake pressure.

As an example, during 2008, a number of 13.112 irregular migrants and 8 smugglers were arrested here.

2. The Detention Centre for Irregular Migrants in Mytilini, located at Pagani, is operating under the responsibility and care of the Prefectural Government of Lesbos, according to the plan “POSIDONIO”.

The Lesbos Police Directorate has assigned an Officer of the Lesbos Security Department, who is responsible for the management of guarding issues by the police personnel and for the Center’s general operation on security issues.

3. The irregular migrants coming from the Turkish coasts, after their arrest, are taken to the Gen. Hospital of Mytilini to go through medical examinations and then to the Reception Centre for Irregular Migrants, where they are detained until the completion of their administrative expulsion.

-The existing Police Services in Lesbos keep all regulated procedures and apply the current legislation and inform upon their arrest the Mytilini Prosecutor Authority & and the Welfare Directorate of the Lesbos Prefecture, for the cases of irregular entry of minors and persons needing medical or any other help.

4. Their living conditions is under the responsibility of the Lesbos Prefecture, which has received notifications (through relevant reports) about the various problems facing those irregular migrants hosted in the Centre (clothing, heating, etc.).

54

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

-The efforts done (by the police and civil personnel) are significant, but due to the massive arrivals (especially during the summer months there were one hundred –100 – persons coming daily) their work is particularly difficult.

Concerning the staffing of the Centre with personnel, this is not within the competence of the Hellenic Police, which is solely responsible for the guarding of the special hosting facilities, as mentioned explicitly in article 81 §2 of Law No. 3386/05.

-The Centre is guarded by a number of police officers from the Lesvos Police Directorate, who by majority speak English; recently their force increased by five (5) Special Guards, so as to provide a longer time outdoors for the detainees.

-There is already a program for spending time outdoors and the irregular migrants hosted at the Centre spend time outdoors regularly twice (2) the day, in morning and evening hours.

-It is noted that this Centre is staffed by two (2) doctors, one of which is employed recently and the other for a long time, one (1) very experienced nurse, three (3) employees, one of which is responsible for maintenance works, one (1) sociologist, handling the programs carried out in the Centre, and one (1) financier handling finance.

5. The unaccompanied minor foreigners, in any case, are treated with special care.

We inform the Ministry of Health and Social Solidarity so as to organize the transportation of minor foreigners to reception and hosting centres for unaccompanied minors seeking asylum, wherever it is available (in this case at the Institute of Social Care “THEOMITOR” in Agiaso Lesvos).

-Also there are no complaints reported by foreign detainees about abuse or torture by policemen during their hosting at the Centre.

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

7. Concerning the N.G.O. “Medecins Sans Frontieres” we inform you the following:

Our Service permitted the entrance of members of the Organization “Medecins Sans Frontieres” at the detention facility for irregular migrants in Panagi Mytilini, during the period between beginning of June to end of September 2008; then and according to their document, dated 26-09-2008, addressed to the Lesvos Prefectural Government, they left on their own will, thus interrupting the program providing medical services of mental health and improvement of the living conditions.

-The Lesvos Prefectural Government provided for them a large tent in the yard. During their stay there they tried to construct a toilet and a bathroom, to improve the infrastructure. Unfortunately these constructions didn't last and are being currently rebuilt.

- Also, according to a document issued by the Lesvos Prefecture, they made two medical errors, when on an open wound they placed heating ointment and when they gave a patient wrong medication.

-During their stay there, they assisted in a lot of issues, but they constantly criticized the staff working at the Centre.

- The Lesvos Police Directorate provided every possible assistance to the Organization's representatives, having in mind the Pres. Decree 254/04 “Code of Conduct for Police Officers”, the Pres. Decree 141/91 and the Chief's Order Nr. 4803/22/44 issued on 04-07-2003.

Furthermore we are looking again at the possibility of cooperating again with this N.G.O. in the S.F.H.C. in Vathy, Samos. A memo of cooperation is written up.

-Also the coordinator of the “Centre of Support for the Repatriated Migrants – Ecumenical Refugees Program”, Mrs. Efthalia Pappas, and her associates, who implement a co-funded program within the framework of the European Fund for Refugees, have received a permit to visit the newly arriving foreigners seeking international protection, to offer them information, counseling and legal support for all stages of the procedure and interpretation services for the persons in the target group.

Point 38

Problems occurring by the settlement of irregular migrants in Patra

1. The problem of economical migrants having settled around the Port and the wider region in Patra is not new, it has occurred more than ten years ago.

In order to solve it since 1997, several consultations between competent institutions have taken place (Regional, Prefectural, Municipal authorities) without finding a permanent and viable solution for the migrants accommodation – boarding. After the recent meetings organized last January in the city of Patra with the competent authorities, aiming to address the issue, those foreigners who lack legal documentation are gradually transported to other accommodation facilities for foreigners.

2. In addressing the problems caused to the city of Patra, the established Unit for the Combating of Irregular Migration and the rest of the competent Services of the Achaia Police Directorate provide daily patrols on foot or by vehicle for the guarding of the external Port zone and the prevention of the migrants entering the city; they also constantly check- intake irregular migrants from various gathering points, for the prevention of their possible illegal actions and when needed apply the regulations of the existing legislation.

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

3. It must be noted that most of the foreigners in Patra went there in the hope of finding a way to move on to Western European countries; this results in a very small number of people that reaches the asylum application procedure, even though the U.N.H.C.R. and other institutions have frequently invited them to, which would allow their integration in some program which is financed either by international or European or United Nations funds. They themselves declare that their final destination is not Greece.

4. Also most of these irregular migrants come from countries raising problems about their expulsion, which makes their removal difficult and sometimes impossible.

5. Further we are concerned about the humanitarian aspects of this issue at local level and thus we make any possible effort in cooperation with several competent authorities. For the achievement of this aim we cooperate with the Services of other Ministries (Ministry of Health and Social Solidarity, Ministry of Mercantile Marine and Islands Policy), the General Secretariat of Western Greece Region, the Municipalities, the U.N.H.C.R., and several Non Governmental Organizations.

- In seeking a solution for the problem of migrants who entered the country irregularly and are located in the area of Patra, the selection of a space in the area of Drepano in the Municipality of Rio is under way, where the new Reception and Hosting Centre for Irregular Migrants will be constructed; according to the plan the intention is to start the construction of the necessary facilities as soon as possible, for the Centre to facilitate the first migrants.

-Thus this is the completion of the first phase of a chronic problem harassing the wider Patra region, a solution that respects the country's international and European obligations, fitting to our culture and civilization. The relevant costs will be covered by the Ministry of Interior, which keeps its commitment to the local authorities that this Centre shall be constructed outside the urban network of the city of Patra and any other city. The alliance with the local authorities for the safeguarding of Human Rights and the ensuring of social peace and security of the inhabitants is our first priority.

6. The N.G.O. "Medecins Sans Frontieres" is active in this aforementioned settlement (which is not under the competence of the Min. of Interior/ Hellenic Police Headquarters) since 12-05-2008 with one (1) doctor, one (1) psychologist and one (1) technician.

Point 46

Detainees' activities

(See Point 35)

Point 48

Food

The Financial Directorate of the Hellenic Police has submitted to the Ministry of Finance and Economics for approval an operational plan, which requests for a funding of (1.400.000) Euro in Budget Line 2739 "Other general expenses and Social Welfare benefits" in order to deal with the expenses expected from the adaptation of the daily costs for catering the detainees by 50% (since about 01-07-2009).

59

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la
République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

VI. CONCLUSIONS

Points 52, 53 and 54

These points have been thoroughly addressed in previous paragraphs.

EXHIBIT

A list of recommendations, comments and requests for information by the C.P.T.

B. ADDITIONALLY

1. Generally:

a. It is known that irregular migration tends to increase in a dangerous manner, and our country faces in recent years an increased migrating flow by foreigners of various nationalities, who aim either to permanently settle in Greece or to move on to other European countries.

- The rapid increase of the migration flow has led to serious impacts on Greek society and specifically on the management of this phenomenon.

- The problem of managing irregular migrants is especially intense in the North and South Aegean islands, where detention facilities are not sufficient when compared with the number of irregular migrants, entering particularly during the summer months.

- The efforts done (by police and civil personnel) are significant, yet under the massive number of arrivals, the staff's work is especially difficult.

Here we mention the statistics for arrested irregular migrants in our Territory, which prove the aforementioned facts:

During 2007, the total number of foreigners arrested for irregular entry and residence, by all the Police Directorates and Port Authorities was (112.364), [(103.124) by Police authorities and (9.240) by Port authorities, when the same number during 2006 was a total of (95.239). This is an increase of 18%. During 2008, the total number of foreigners arrested for irregular entry and residence, by all Police Directorates and Port Authorities was (146.337). Also during 2006 (994) smugglers of irregular migrants were arrested; in 2007 this number was (1.421), which is an increase of 41%. In 2008, there were (2.211) smugglers arrested. The continuous increase in the number of irregular migrants entering our country causes the adaptation of measures taken for the addressing of this problem by competent authorities.

b. It should be noted that, during the recent visit of the Executive Manager of the FRONTEX Organization Mr. **LAITINEN**, to our Country, the following comparative data concerning irregular migration during the period July-August-September of 2008 were presented, which prove that Greece faces an intensifying migrating pressure by foreigners of various nationalities, who aim either to permanently reside in Greece or to move on to other European countries. Specifically:

A/A	COUNTRY	NUMBER OF IRREGULAR MIGRANTS ARRESTED	PERCENTAGE
1.	GREECE	27.984	47%
2.	ITALY	14.730	25%
3.	SPAIN	8.864	15%

61

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la
République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

2. The new strategy for the management of the migration phenomenon

In recent years, the fundamentals concerning migration issues have taken a new direction, based on reality and the respect of Human Rights. In the past, the dominant view was that of a “blind” constraint of any form of migration, which led to phobic syndromes in local societies; this was replaced by a passive reception of a huge number of migrants which lacked planning. However, starting with the passing of Law No. 3386/2005 a new migration policy has been planned and is implemented, which perceives migration as one of the factors that contributes to development and progression. This new migration policy is part of a wider national strategy that aims at social cohesion within the spirit of the Lisbon Strategy. Of course, we continue and intensify our work on the improvement of the institutional framework – and not only – in cooperation and dialogue with the representatives of the migrants and all stakeholders.

The basic axes of our strategy concerning the management of immigration can be concisely described in the following points:

- Full guarantees for respecting Human Rights.
- Legalization of the residence of immigrants. It is estimated that from the voting of Law No. 3386/2005 until today the opportunity to legalize their residence was used by more than 200.000 persons who have lodged relevant applications.
- Smooth social integration.
- European and international cooperation for a more rational management of migration.
- Cooperation with and support to the countries of origin of migrants, with the aim to assist those citizens who wish to remain in their countries.
- Strengthening of the decentralizing character of migration management.

- Constant study of the features of migrants living and working in our country, in order to enhance the effectiveness of implemented policies.
- Support in employment by attracting the labour force which is necessary for the development of our economy, combined with support to the already resident employed migrants.
- An integrated management of external borders, with the condition of a full respect for all Human Rights.

The establishment of a unified Ministry of Interior facilitates the promotion of the above aims and the coordination of all institutions involved.

The first basic changes that took place in this direction are the following:

- The establishment of a General Directorate for Migration Policy and Social Integration at the Ministry of Interior, which includes:
 - A separate Directorate for Social Integration, which is staffed with the necessary personnel.
 - A New Directorate for Migration Policy, with the competence, inter alia, to coordinate the operation, administration and generally the management of the temporary hosting facilities for irregular migrants and asylum seekers, and also the facilities hosting foreign nationals. The responsibility for the proper operation of these facilities belongs, according to the new Code for Prefectural Government, to the local Prefectural Authorities, always in cooperation with the Hellenic Police.

New Centres for the Reception and Hosting of Irregular Migrants have been established, which fulfill the requirements of U.N.H.C.R. and we continue the efforts to improve the already existing centres. In this effort we have the valuable cooperation of the Local Authorities.

- **Additionally** we have proposed the financing, through European Programmes (Funds of External Borders, Return and Asylum), of 15 modern facilities for the reception – hosting of irregular migrants, and of 12 facilities for the hosting of asylum seekers.
- Presidential Decree 235/2007 defines the establishment of 6 Departments for Combating Irregular Migration in the islands of Lesbos, Chios, Samos, Rhodes, Kos and Evoia; the respective permanent positions for Border Guards have increased by 150, in order to achieve a more efficient and rational management of irregular migration.
- In order to staff the existing vacant permanent positions at the existing Border Guard Departments and all the Border Guard Departments in the country, and to staff the 6 newly established Departments for Combating Irregular Migration, after decision taken by the Ministry of Interior, we have concluded the procedure for the employment of 400 new Border Guards.

- Furthermore, the Ministry of Interior:

- Has prepared a Manual which mentions the rights and obligations of third country nationals, which is soon going to be translated and printed in order to be distributed by the Municipalities and Regional Authorities of the country. This manual contains a detailed description of the rights and obligations during their stay in our country and contributes greatly to them being well-informed in a language they understand; its aim is to fully ensure their rights and to protect them from moving into an illegal status due to ignorance of the relevant legislation.
- Has increased, by legislation, the penal sanctions and fines imposed on those who facilitate illegal entry of foreign nationals into the country (Smugglers).
- Has ensured access to education and full medical care to the children of irregular migrants independently of their legal residence.

- Has taken measures for the social integration of migrants by establishing the National Committee for the Social Integration of Migrants and the setting up of the “Integrated Action Programme for the smooth adjustment and social integration of third country nationals who live permanently in Greek Territory” (*Programme “ESTIA”*), and for the promotion of actions for human trafficking victims, female migrants, programmes for vocational training, learning the Greek language, providing social services, intercultural dialogue, etc.
- Has taken on the creative utilization of modern computer and communications technology and the creative integration of Electronic Governance in order to provide better services to migrants and to accelerate the relevant procedures.

3. Addressing the phenomenon of irregular migration:

Support to the countries of origin of migrants – Border control

Irregular migration is a phenomenon, constantly developing, each time depending on parameters and dynamics which are changing and often unpredictable. Our Ministry’s policy and actions, regarding the irregular migration, can be concisely described in three directions:

- Humanism – Full respect to Human Rights
- Hosting – health – hygiene and social welfare
- Legal treatment to migrants.

1. Support to the countries of origin of migrants

We implement, inter alia, the European Program for the “Economic and technical assistance to third countries in the sectors of asylum and migration – AINEIAS” (20/4/2006 – 20/4/2008).

We firmly believe that when we speak about an efficient management of migration flows we should also implement a strategy for the support and assistance to their countries of origin, so that economic migrants will not be forced to leave their Homelands. Given the fact that most third country nationals living and working in Greece come from Albania, the Min. of Interior has submitted a proposal, in March 2005, to the European Commission for the implementation of actions in Albania, in the framework of the first declaration of the Community Programme **“Financial and technical assistance to third countries in the sectors of asylum and migration – AINEIAS”**. The planning of this Programme is based on conclusions drawn by the Council of Europe, according to which the fortified cooperation of Member States with third countries plays a significant role in the effective management of migration flows and mainly in the prevention and combating of irregular migration.

In this framework, the **main objective** of the programme AINEIAS is to support the competent Albanian Authorities for the effective implementation of the **“Agreement between the European Community and the Republic of Albania for the readmission of persons who reside without authorisation”**. This Agreement went into force on the 1st of May 2006 and defines the terms under which each party shall accept in its territory persons residing without authorisation in the territory of the other party and also the additional mutual obligations of the contracting parties.

II. Cross-border cooperation and border control

Our Country, in the framework of the Schengen Treaty, has planned and implements a series of effective measures for the prevention and combating of irregular migration and cross-border crime generally, with a full respect to Human Rights, by investing into:

a) The Cooperation with third countries, especially countries of origin and transit of irregular migrants on issues of information, training, etc.

b) The Bilateral and International Cooperation, that is:

- Agreements with neighbouring countries for cooperation in the management of common borders, with the aim to improve security.
- Police cooperation Agreements with Albania, Bulgaria, and FYROM and Agreements for Readmission with Romania, Bulgaria and Turkey.
- Cooperation with Albania for the combating of irregular migration and cross-border crime generally, operating joint projects and implementation of the programme AINEIAS, as mentioned above.
- Regional cooperation with Bulgarian Services for the combating of irregular migration and cross-border crime generally and our participation in the program of twin-making between Germany and Bulgaria (PHARE) for the upgrading of Border Bulgarian Police.

c) Taking measures for the external borders:

i) Our Country, due to its geographical location, its neighbouring with countries of origin and transit of irregular migrants and the particularities of its borders, faces an intense migration pressure by foreigners of various nationalities, as it remains one of the entry points into the E.U.

67

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

Our extended land borders – 1.248 km, out of which 997 km. are land (in many points forests and difficult to cross), 226 km are rivers and 25 km are lakes – cause by definition obstacles in their efficient surveillance.

ii) The organized smuggling of irregular migrants is done in a variety of ways and their entry into the Country is attempted either illegally or with seemingly legal procedures.

MEASURES:

For the dealing with and the management of the above situation, we take the following measures, always firmly based on respect for Human Rights:

- Intensification of controls at the legal points for transit individuals, with trained personnel and modern technical means (passport control by the Hellenic Police, merchandise control, transportation means, persons and luggage by the Customs Services).
- Surveillance of our sea borders, by the personnel and the means of the Port Police.
- Cooperation and effective coordination of all competent state organizations and services (Ministries: Interior, Economy & Finance, Foreign Affairs, National Defense, Health & Social Solidarity, Mercantile Marine, Aegean and Islands Policy).
- For the overall management of the phenomenon of irregular migration at European level, since December 2006, the Council of Ministers of J.H.A. has implemented a joint model for the integrated management of the E.U. external borders.
- Cooperation with the FRONTEX Organization, which is responsible for the improvement of operational cooperation between Member States. Also this Organization organizes joint Operations between M-S in areas with a high migration pressure, such as Greece.

- At national level we are preparing a National Strategic Plan for the integrated management of the external borders, concerning irregular migration and cross-border crime generally, according to the terms and conditions of the Community Acquis.

This effort sets the foundations for an integrated management of the phenomenon, and ensures at last the conditions for the planning of a national policy- strategy, not only for the benefit of our national interest, but mainly based on respect to Human Rights and human values. Its basic axes will be promptly specialized.

III. The existence and the implementation of the Readmission Protocol with Turkey:

In the framework of Police Cooperation Greece signed a Readmission Protocol with Turkey o 08-11-2001 which was ratified by Law No. 3030/2002.

Turkey doesn't implement the agreement, which is also proven by statistics; thus since April 2002, when the Protocol's implementation started, until today (20.02.2009) we have submitted to Turkey **4.163** requests for readmission, concerning **60.875** foreigners, out of which it has accepted the admission of **only 7.472**. In fact only **2.206** irregular migrants were delivered, mainly due to the delayed responses by Turkey beyond the terms defined in the Protocol.

Unfortunately, the Turkish side continues to not comply with the Protocol's regulations, to not cooperate on readmission issues, and to cause various operational problems, during the process of delivering the irregular migrants at Kipoi, Evros, with the aim to obstruct or even to postpone or annul the readmission procedures. Specifically:

Most of the times the response of Turkish authorities is negative, even though the evidence is massive (i.e. arrest of Turkish smugglers, visas on passports, turkish money and tickets of buses, photos of irregular migrants in Turkish sites, etc.)

They choose to give delayed responses, which leads to not being able to deliver the irregular migrants (maximum detention period 3 months).

They refuse to admit irregular migrants, when they intentionally declare, during their delivery another nationality, so as to avoid their readmission. Even when it is proven that the irregular migrants have falsely declared another nationality, so as to not be expatriated to Turkey, the Turkish side doesn't admit them.

The problem of irregular migration caused by Turkey and the lack of cooperation in the readmission issues –based on the aforementioned agreement- is constantly declared by Greece both to our partners in the European Union and to European Organizations (i.e. FRONTEX), responsible for the management of irregular migration and the protection of the E.U. external borders, for the taking of further measures for its effective addressing.

In the framework of the Joint Operation POSEIDON 2008, enacted in our country since May 2008, under the auspices of FRONTEX, with the participation of the Hellenic Police and the Port Police, the Port Police has recorded specific incidents when Turkish port police boats transport irregular migrants to Greek islands, either by towing plastic boats or by carrying them themselves. The relevant digital records have been sent to FRONTEX by the Port Authorities.

4. “Special measures for the protection and support of children and minors”

The Hellenic Police pays particular attention to the protection of minors from risks, which they are exposed to, which sometimes lead them to laziness, then often to unemployment which may in turn lead to criminal tendencies.

Apart from the measures taken for their protection (nationals and foreigners) by the Hellenic Police Services (competent Public Security Directorate/Hellenic Police Headquarters), our Directorate also takes a series of measures for the protection of minor foreigners, in cooperation with other competent organizations for their further management, as such:

Unaccompanied minors

The Greek legislation prohibits the expulsion of minors:

- When their parents or their guardians reside legally in Greece.
- When there are reform measures imposed by decision of the Minors' Court.

In case of third country nationals who are unaccompanied minors or victims of trafficking in human beings the competent Prosecution Authorities take the necessary measures for the investigation of their **identification and nationality** so as to establish the fact that they are unaccompanied.

Also they make every possible effort for the fastest possible identification of their family, and take at once the necessary measures for their legal representation and, when needed, for their representation at the penal procedure.

The above procedure is always kept, even when the unaccompanied minor is not seeking asylum, in accordance with article 19 of Pres. Decree 220/07. The Minors Prosecutor or the Local Prosecutor of the Appeal Court is assigned the responsibility of the minor's Special Temporary Supervisor, so as to ensure his/her necessary representation.

a. Unaccompanied minors – not seeking asylum

When after thorough investigation, their parents or guardians are not found in Greece by the competent Foreigners Service, we inform INTERPOL to seek their parents in their country of origin.

After keeping the aforementioned procedure, there are expulsion decisions issued against them with detention. They are always detained in especially designed areas and not with adults, in accordance with the status of hosting and protection.

Eventually, the nationals of neighbouring countries are delivered to the Police Authorities of their countries, with a document of receipt- delivery. Specifically for minors nationals of Albania, the Greek and Albanian Governments have signed an agreement for their protection, including the expatriation, rehabilitation and medical care of Albanian children, who are victims of trafficking in Greece.

Recently, Law No. 3692/2008 “Ratified 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”.

The rest of the minors are expatriated by airplane, after informing the INTERPOL in their country. When the expulsion of unaccompanied minors is not possible, due to lack of airway connection with their country (i.e. Afghanistan) or other problems (i.e. Iraq), they are released under restraining conditions, according to article 78 of Law No. 3386/2005. After informing the competent Minors Prosecutor and in cooperation with the Ministry of Health and N.G.O.'s they are hosted in special facilities.

Unaccompanied minors – seeking asylum

The competent authorities for the application of asylum seeking, whenever they are called to handle an asylum application by an unaccompanied minor, report at once to our Directorate about his/her accommodation. The Ministry of Health and Social Solidarity attends to their hosting in one of the **special centres for the reception of unaccompanied minors**, and the minor's safe transport to that location. The competent Police service of the area where the minor is hosted informs the local Minors Prosecutor, or in their absence, the competent Prosecution Authority, to act as their temporary supervisor.

None of the asylum applicants is extradited from our country until the final completion of the examination of 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 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).

Also all Police Services have received instructions to facilitate the work of Organizations and N.G.O.'s who provide legal assistance and psychosocial support to minors.

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

The protection of the unaccompanied minors seeking asylum is continued, and additionally it is regulated that the competent authorities for the receiving and screening of the asylum application, when this is submitted by an unaccompanied minor, shall take the following measures:

- a. To ensure that the child's accommodation needs are satisfied by hosting them either with adult relatives, or with a foster family, in Hosting Centres with special infrastructure for minors or other facilities appropriate for minors, and that the child's hosting protects them from the risk of trafficking or exploitation.
- b. Attempt the joint hosting of siblings, taking in consideration the age, maturity and generally the minor's interest.
- c. Try to locate as soon as possible members of their family.
- d. Try to minimize the changes of hosting facilities of minors.
- e. In case there is the risk that the minor's relatives may pose a threat to their life or integrity, especially if they reside in the country of origin, the collection, processing and sharing of information regarding these persons is done confidentially, so as to keep them safe.

We are also trying to ensure that the personnel handling cases of unaccompanied minors either has or is receiving proper training relevant to the minors' needs. This personnel has the duty to confidentiality of personal data, which they become aware of during the performance of their duties. The procedures of screening asylum applications and the minors' residence in our country are regulated by the principle of the minor's interest, according to international rules and National Legislation.

-In case it is noted that the minor is a **victim of trafficking in human beings**, then article 47 of Law No. 3386/2005 is applied. The competent Directorate of Public Security of the Hellenic Police Headquarters has given specific instructions for its implementation.

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Étrangères de la République Hellénique, Athènes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

-Lastly, the sensitive issue of minors and particularly unaccompanied minors, is not just a “police problem”, thus the Police has to cooperate with other Services and Organizations, such as the Prosecution Authorities, the Ministry of Health and Social Solidarity, competent Authorities of the Ministry of Interior, the Ministry of Education, the Ministry of Justice, several N.G.O.’s and associations (Smile of the Child, etc.).

5. ASYLUM PROCEDURES

1. National strategy on asylum

The asylum institution, as guarded by the **1951 Geneva Convention about the Refugee status**, is a field which calls for international commitments, at practical, moral and political level for all countries that ratified the Convention. This political commitment has turned into action in Europe, with emphasis to the prioritization of international protection issues within the European institutional space.

The Police Services, competent for these responsibilities, pay particular attention to the “right to asylum” and to the **non refoulement principle**; they do not remove any foreigner from the country, until the completion of the relevant procedures: none of the asylum applicants is extradited from our country until the final completion of the examination of 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 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).

2. Integration of the Community legislation:

Our national legislation has integrated all four Directives of the 1st phase towards a Common European Asylum system. Specifically :

- (a) Directive 2003/9/EC (Reception Conditions) is transposed into our national legislation by Presidential Decree 220/2007, published in the Government Gazette on 13-11-2007.
- (b) Directive 2005/85/EC (Asylum Procedures) is transposed into our national legislation by Presidential Decree 90/2008, published in the Government Gazette on 11-07-2008.
- (c) Directive 2004/83/EC of the Council (Minimum Requirements for granting or withdrawal of refugee status or international protection) is transposed into our national legislation by Presidential Decree 96/2008, published in the Government Gazette on 30-07-2008.
- (d) Directive 2003/86/EC (Family Reunification) is transposed into our national legislation by Presidential Decree 167/2008, published in the Government Gazette on 04-11-2008

3. Statistics

During the last five years we note the increase of asylum applications, in comparison with a decrease in other E.U. countries: **4.469 applications in 2004, 9.050 applications in 2005, 12.267 applications in 2006, 25.113 applications in 2007 and 19.884 applications in 2008.**

The statistics are:

YEARS	2004	2005	2006	2007
APPLICATIONS	4.469	9.050	12.267	25.113
REJECTIONS	3.744	4.585	10.414	20.684
GRANTS	11	39	64	140
HUMANITARIAN STATUS	43	85	129	75

2008 STATISTICS ON ASYLUM at FIRST AND SECOND DEGREE

APPLICATIONS SUBMITTED at A' DEGREE	19.884	APPLICATIONS SUBMITTED at B' DEGREE	13.368
*APPLICATIONS EXAMINED at A' DEGREE	29.573	APPLICATIONS EXAMINED at B' DEGREE	3.342
APPLICATIONS GRANTED ASYLUM (A' DEGREE)	14	APPLICATIONS GRANTED ASYLUM (B' DEGREE)	344
PERCENTAGE OF ASYLUM RECOGNITION OF THE EXAMINED APPLICATIONS	0,05%	PERCENTAGE OF ASYLUM RECOGNITION OF THE EXAMINED APPLICATIONS	10,29%
APPLICATIONS FOR HUMANITARIAN STATUS RENEWAL -	34	APPLICATIONS FOR HUMANITARIAN STATUS RENEWAL -B'	21

77

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

A' DEGREE		DEGREE	
PERCENTAGE HUMANITARIAN STATUS RENEWAL	0,11%	PERCENTAGE HUMANITARIAN STATUS RENEWAL	0,63%
** PENDING APPLICATIONS A' DEGREE	3.483	** PENDING APPLICATIONS B' DEGREE	30.457

*** CONCERNS ALSO APPLICATIONS FROM PREVIOUS YEARS**

**** CONCERNS ALSO PENDING APPLICATIONS FROM PREVIOUS YEARS**

The majority of the screened applications is abusive, which is proven by the content of the interview, where their aim is to prolong their stay in Greece; this is mainly attempted by economical immigrants (particularly from Bangladesh, Pakistan, Georgia, etc.) and leads to an increase in the time required for the screening – completion of all these applications, the result of which is that they stay in our country legally as long as their case and its examination is pending. Even though a lot of effort is put in granting protection to those who really need it, and the asylum applications have increased, the percentage of those who are granted asylum seems to be low, because of the large number of asylum applications which are abusive.

Specifically during 2007 it seems that the majority of asylum applications is abusive, because after their preliminary examination, those who present themselves before the Asylum Committee (a percentage of 9% does not come to support their application), only declare economical reasons for leaving their country; this results in the Committee rejecting the majority of applications (percentage 85%). It must be noted that the Committee includes a representative of the Athens Lawyer Association and of U.N.H.C.R.

78

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

It is a fact that a large number of foreign nationals enter our country illegally and massively, **without any identification documents** of any kind that state their country of origin, and seek political asylum. It is also noted that, as investigation of the cases proves, many of them tend to declare false identification data, also concerning their origin, and claim that they are subjects of a country in the territory of which there are civil conflicts or totalitarian regimes, in order to receive a more favourable treatment by the authorities.

4. Procedures for the granting of asylum

- The objective of the Greek State, according with our recent legislative framework, is to ensure the unhindered possibility of application for asylum for every foreign national. This applies also for those transported to Greece according to the Dublin Regulation.
- Screening all cases relating with foreign nationals, in order to determine the real causes for leaving their country and to examine the possibility that some of them may request protection based on being granted asylum. The cases of minors and of persons who belong to vulnerable groups (i.e. elderly, diseased, women) and families are prioritized.
- Informing the foreign nationals about their rights and specifically about the right to receive the services of an interpreter, to communicate with and be represented by a legal adviser, or with international organizations, such as U.N.H.C.R. or other NGOs.

- Asylum seekers are not subject to detention in Greece, merely because they applied for asylum. However, when a third country national comes under detention due to irregular entry into the country and submits an asylum application, during their detention, then they stay in detention and their application is screened. In any case, the detention of foreign nationals and asylum applicants (who were initially arrested for illegal entry), where administrative expulsion is concerned, is subject, according to our national legislation, to Court and Administrative (Ministry of Interior) review, in order to ensure the possibility to release the detainees when these designated bodies decide that the reasons that impose their detention are no longer applicable.
- The right to be visited by lawyers and representatives of the U.N.H.C.R. and by N.G.O.'s.
- The applications for asylum are examined on the substance and individually, in accordance with the national legislation concerning asylum procedures at the first and second degree, without the requirement to submit evidence; further, after the final rejection of their application they have the possibility to lodge a subsequent application for asylum at a later date providing that there is new evidence or arguments.
- For the screening of asylum applications at the second degree (against the rejecting decision issued by the Police on the asylum application) the competent authority is the Refugee Committee. This Committee is an independently deciding instrument, which in contrast to the previously existing situation, now has a deciding competence (not merely advisory).

It consists of the following: One member of the main personnel of the State's Legal Advisor, who serves in the Legal Advisor Office of the General Secretariat of Public Order of the Ministry of Interior, assigned by decision of the head of this office, as the President; its members are one representative of the Special Legal Service of the Ministry of Foreign Affairs, one representative of the diplomatic body of the Ministry of Foreign Affairs, one representative of the Foreigners Directorate/ Asylum Department/ Hellenic Police Headquarters, one representative of U.N.H.C.R. and one representative of the Athens Lawyers' Association.

- Its foreign national seeking asylum is allowed to be present with their **lawyer** during all stages of the asylum procedure, as regulated by our national legislation about the guarantees for the asylum seekers.
- The presence of an **interpreter** is also legislated and there are efforts to cover the interpretation needs in all Services involved, also in cooperation with N.G.O.'s. [they assist legally the asylum seekers during the procedure (relevant funding is provided by the Ministry of Health through the National Welfare Fund., such as to the N.G.O. Greek Council for Refugees)].
- Each asylum seeker receives a modern information leaflet about the asylum procedures in five (5) main languages of the asylum seekers (Arabic, Turkish, Persian, English and French), which was published with the cooperation of the U.N.H.C.R. in the framework of the European program "Equal" and distributed to all competent Police services. This leaflet is given along with the rest of the information documents to all arrested foreign nationals under extradition.
- The delivery of any decision relating with an application for the granting of international protection is carried out according to the provisions of our national legislation. The foreign nationals are informed in a language they understand, which they sign, about the content of the decision and their further appeal rights, either to the Refugee Committee (an independently deciding body) or to the Council of State or for a later application.

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la
République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

Furthermore the procedure of translating parts of the decision in several languages, those which are more frequent in the countries of origin, is underway.

- Those involved in asylum procedures receive training, through seminars and co-funded community programmes, in cooperation with U.N.H.C.R. and N.G.O.'s, which applies both for the Attika Asylum Service and for the Services of the rest of Greece.
- The procedure for the issuing of new traveling documents according to the 1951 Geneva Convention for those under the refugee status is underway and, in harmonization with Community Law, for those granted humanitarian status. Additionally, travelling documents shall be granted also to those under special humanitarian aid. Furthermore there is the intention to issue an electronic "PINK CARD" similar to the new identification cards issued for Greek citizens.

C. CLOSING REMARKS

Migration is an essential parameter in the bonds created between different nations, but also for the enhancement of the development, economy and civilization, both of the countries of origin and the countries of reception. It certainly is an important advantage and a factor of renewal of societies, not a problem. It allows the reception countries to promote the human resources that live and produce within their territory without differentiation. Besides, difference, where it exists and develops without obstructions and bias, is an enriching factor, a source of progression which promotes new, creative beginnings in all sectors, also upgrading the quality of our Democracy.

It is a fact that each state is responsible for the guarding of its borders and the safeguarding of the rights of its citizens, by checking the identity and the intentions of those who enter its territory irregularly. The conditions of reception and detention of those foreign nationals who enter irregularly should always comply with the full respect of human rights, and human dignity in general.

The Hellenic Ministry of Interior and the Hellenic Police Headquarters give particular emphasis to the response of our Services to the above mentioned, which are a constant and fixed obligation of the Hellenic Police personnel.

Our objective is to keep our daily practice and conduct regarding the respect of Human Rights as a steady and immovable Principle, despite the difficulties in the conditions and the high requirements for the management of an increasing number of irregular migrants entering our country.

D. Kindly requesting for your actions.

ATTACHED:

- 1) Letter dated 18-6-2007 by the former-Secretary General of the former-Ministry of Public Order addressed to the Secretary General of the former-Ministry of Interior (*point 16*).
- 2) Forms D-33 and D-33 [1] (*point 17*).

THE HEAD OF THE SECURITY

83

& ORDER

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la
Republique Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS
Translations Service

GEORGE GALIATSOS

GENERAL

MENELAOS KOSTARIS

A' POLICE OFFICER

Certified exact translation of the attached original in greek

Athens, 24/03/2009

The translator

Elena Asimaki

ΕΠΙΣΗΜΗ ΜΕΤΑΦΡΑΣΗ

TRADUCTION OFFICIELLE

OFFICIAL TRANSLATION

Φ.092.22/3516

HELLENIC REPUBLIC
MINISTRY OF INTERIOR
HELLENIC POLICE HEADQUARTERS
BRANCH OF SECURITY AND ORDER
DIVISION OF FOREIGN NATIONALS
1ST DEPARTMENT OF MIGRATION AND ADMINISTRATIVE MEASURES-
3RD OFFICE
4 P. Kanellopoulou str - 101 77 - Athens
Inquiries: Alex. AGGELOPOULOS
Telephone: 210 - 6977448 (P.O.L. 925150)

Athens, 2nd June 2009

To: Ministry of Foreign Affairs
D4 Directorate - Human Rights
3 Akadimias str
106 71 - Athens

CC: Recipients' list

Ref. no.: 6834/1-1221514

Subject: Letter by the European Committee on the prevention of torture and inhuman or degrading treatment or punishment (C.P.T.) for the temporary suspension of a public statement made against our country

REF: a) Document no. F. 6691/20/ΑΣ 475, dated 21-04-2009, by the Hellenic Permanent Delegation in the Council of Europe (with an attached letter by Mauro PALMA, President of the said Committee)

85

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique,
Athènes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS Translations Service

-ΕΠΙΣΗΜΗ ΜΕΤΑΦΡΑΣΗ

TRADUCTION OFFICIELLE

OFFICIAL TRANSLATION

b) Our document no. 6634/1-1218969, as dated from 26-02 2009 (communication: general)

In reply to the above referred document under (a) and following our above referred document under (b), we additionally advise you on the following progress, per section and paragraph/ point: (as set forth in the Report of the said Committee, dated 01-12-2008)

II. ACQUIRED KNOWLEDGE DURING THE VISIT AND RECOMMENDED ACTION

Point 9 – Recruitment of Border Guards in the Hellenic Police Personnel
Supplementary training of Special Guards and Border Guards who have been recruited in police personnel started on 23-03-2009 and shall be completed on 05-01-2010 with the participation of 5,312 persons.

Point 12 – Police Station of Omonoia (General Police Directorate of Attica)

In relation to the investigation ordered regarding maltreatment of the foreign Iraqi citizen, Alen ALISALAH, s/o Salah, please be advised that up to this day (01/06/2009) it is still pending.

Point 13 – Efforts in order to confront incidents of maltreatment – Racism and Discriminations

In relation to respect to human rights and policemen's behavior during their service, we additionally mention:

- Communication of reports and general policy recommendations of the European Commission against Racism and Intolerance (ECRI) by the Council of Europe to Police Services

86

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellénique.
Athènes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS Translations Service

ΕΠΙΣΗΜΗ ΜΕΤΑΦΡΑΣΗ

TRADUCTION OFFICIELLE

OFFICIAL TRANSLATION

- Communication of the 3rd ECRI Report on conditions in Greece aiming at adjustment of actions of Hellenic Services on racism issues and protection of vulnerable social groups
- Communication of the 8th ECRI Recommendation on combating racism while fighting terrorism", aiming at the research and harmonization of actions on racism and intolerance issues
- Communication of the 9th ECRI Recommendation on the fight against anti-Semitism
- Communication of the 11th ECRI Recommendation on combating racism and racial discrimination in policing, for research and harmonization of actions taking under consideration its context as well

IV. DETENTION CONDITIONS IN POLICE STATIONS AND BORDER STATIONS

Point 27

Police station of Acropolis - General Police Directorate of Attica

During this period, the following were conducted: hydraulic works, cleaning of blankets, replacement of locks and oil painting of detention facilities

Police station of Kipsell - General Police Directorate of Attica

The following will be conducted promptly: oil painting of detention facilities and reconstruction of their ventilation system

Police station of Alexandroupoli - Police Directorate of Alexandroupoli

In relation to lack of lighting and ventilation of the detention facilities which has been identified by the Commission at the day of its visit, the windows of the detention facilities have been enlarged as much as possible

Point 32

Police station of Exarchia - General Police Directorate of Attica

87

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique,
Athènes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS Translations Service

ΕΠΙΣΗΜΗ ΜΕΤΑΦΡΑΣΗ

TRADUCTION OFFICIELLE

OFFICIAL TRANSLATION

In addition we mention:

- On 19/3, 30/3 and 29/04/2009 we had the hydraulic facilities of detention areas repaired
- On 30-03-2009 the safety lock was replaced
- On 10-04-2009 we had the detention facilities oil painted and replaced all damaged sheets and bedcovers
- Decontamination and disinsectisation are carried out on a monthly basis
- A request has been made to the Technical Directorate of the Hellenic Police for the conduction of an on-site inspection – preparation of a study in order to establish an artificial ventilation mechanism and to conduct further hydraulic repairs

Point 35 – Measures to improve detention conditions

A project has been incorporated in the Collective Agreement no.055 of the Public Investments Program for 2005 in relation to "Laying out of reception and temporary detention areas for illegal immigrants in districts of our country, of total budget 8,000,000.00 €, aiming at ensuring and creating decent and human residential conditions for immigrants of our country. Within such framework, agreements of 4,352,187.15 € have been entered into for the conduction of works in reception areas for illegal immigrants in the districts of Samos, Evros, Lesvos, Lakonia and Lasithi, wherefrom a total of 4,331,307.98 € have already been disbursed.

Moreover, the Ministry of Interior has provided Prefectural Local Governments of the Country with the total sum of 13,884,191.60 € from 2005 to 2008 in order to cover traveling, boarding, clothing and accommodation expenses, purchase of sanitation products, coverage of operational expenses etc. Specifically, the said amount has been allocated as follows: 3,128,657.62 € for 2005, 2,492,535.03 € for 2006, 3,063,004.65 € for 2007 and 5,199,994.30 € for 2008.

88

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique,
Athènes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS Translations Service

ΕΠΙΣΗΜΗ ΜΕΤΑΦΡΑΣΗ

TRADUCTION OFFICIELLE

OFFICIAL TRANSLATION

Finally, a project related to the conduction of a study for reporting of existing conditions on entrance and acceptance of illegal immigrants, analysis of the need for new guest houses, improvement of operation terms for the existing ones according to specific standards, information and training of the personnel employed in such centers and sensitization of local communities in relation to illegal immigration is going to be incorporated in the Operational Program "Administrative Reform 2007 - 2013" of the National Strategic Reference Framework.

V. DETENTION CONDITIONS IN SPECIAL FACILITIES FOR ILLEGAL IMMIGRANTS AND POLICE DETENTION FACILITIES

Point 39 – Logistical Structure in Special Residency Areas for Foreigners –Division for Foreigners in Attica

Central (24 P. Ralli str)

Renovation works: Works on reconstruction – insulation of six (6) bathrooms/ toilets and expansion for a new one have been completed from January 2009 and they function properly.

Installation of help bells in all cells: The Division for Foreigners in Attica, upon a request made to the Technical Directorate of the Hellenic Police, has requested a study for installation of bells in all cells, according to the Commission's Recommendations.

Resolution of problems: As far as construction of dining - entertainment facilities on every floor of the Central Special Residency Areas for Foreigners (24 P. Ralli str) is concerned, on 07/04/2009, an agreement was sent by the Division for Foreigners in Attica, upon analysis of the respective designs by the Technical Directorate of the Hellenic Police, so as the latter to prepare a study for the creation of the aforementioned areas (its cost has been

89

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellénique, Athènes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS Translations Service

ΕΠΙΣΗΜΗ ΜΕΤΑΦΡΑΣΗ

TRADUCTION OFFICIELLE

OFFICIAL TRANSLATION

estimated to approximately 180,000.00 €) and respective decision to be taken by the Natural and Political Leadership.

If their materialization is decided, the aforementioned interventions shall burden the detention areas.

Point 38 – Problems emerging from the residency of illegal immigrants in Patra

As far as the confrontation of illegal immigration in Patra is concerned, upon a meeting held in Western District of Greece, it was decided to immediately construct a Center for the Temporary Detention for Illegal Immigrants, by providence of the Western District of Greece, in MOMA camp in Riganokampos, Patra, until a definite solution to be given by constructing a Special Detention Facility for Illegal Immigrants in the Municipality of Rio, Patra.

In order to ensure healthy conditions of living and secure guarding of immigrants, which are going to be transferred from Iroon Politechniou str, to the center of temporary detention for illegal immigrants, constructed within MOMA facilities in Riganokampos, Patra, the Police Division of Achaia sent a document on 11/05/2009 to the Secretary General of Police Division of Western Greece expressing that it is necessary for the Technical Directorate of the Hellenic Police to send an expert group of engineers to inspect the areas and recommend proper measures that have to be taken under consideration during the construction of the necessary structures.

Point 48

Board

Substantial changes have taken place in relation detainees' board in the Security Division of Thessalonica, upon a relevant internal order (dated 26/04/2009) aiming at their proper management, the Improvement of their

90

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellenique,
Athènes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS Translations Service

ΕΠΙΣΗΜΗ ΜΕΤΑΦΡΑΣΗ

TRADUCTION OFFICIELLE

OFFICIAL TRANSLATION

daily food (provision of homemade food twice a day) and avoidance of entrance of illegal products. More specifically:

- On a daily basis, a board amount (5.87 €) is granted to detainees in the morning;
- Provided that their board is taken care of exclusively by the Police Division restaurant and not from another restaurant, they declare whether they prefer to eat at noon (choice between two kinds of food) or in the evening (one kind of food), paying the respective amount.
- For those who do not wish to eat such way there is the possibility for buying snacks (e.g. sandwiches, croissants, juices, etc) from the snack bar of the Police Division of Thessalonica.

B – We request for your further actions.

Adamantios MOUSTAKIS, Major General
Deputy Head of Security and Order Branch

Signature authenticity certified

Certified exact translation of the attached original in greek

Athens, 10/06/2009

The translator

Elena Asimaki 

91

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

Service de Traductions du Ministère des Affaires Etrangères de la République Hellénique,
Athènes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS Translations Service

TOTAL P.08