

## **Response**

**of the Greek Government  
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 4 to 16 April 2013**

The Greek Government has requested the publication of this response. The report of the CPT on its April 2013 visit to Greece is set out in document CPT/Inf (2014) 26.

Strasbourg, 16 October 2014

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National Emblem of the Hellenic Republic  
HELLENIC REPUBLIC  
MINISTRY OF PUBLIC ORDER  
AND CITIZENS' PROTECTION  
HELLENIC POLICE HEADQUARTERS  
SAFETY BRANCH Athens, 19<sup>th</sup> of October 2013  
DIRECTORATE OF ALIENS

SUBJECT: "Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (C.P.T.) of the Council of Europe after its visit in Greece (04.-16.4.2013)

Ref: a) the document No. 37075 of D3 Directorate of the Ministry of Foreign Affairs (with the thereto attached document No. 6691/23/AΣ655 dated 26.07.2013 of the Permanent Representation of Greece to the Council of Europe, Strasbourg.

b) the document No. 6691/25/AΣ711 dated 09.09.2013 of the Permanent Representation of Greece to the Council of Europe/ Strasbourg

c) the document no. 6691/27/AΣ/683 dated 10.10.2013 of the Permanent Representation of Greece to the Council of Europe/ Strasbourg.

d) our document No. 71778/13/811408 dated 01.06.2013 (with the thereto attached document No. 21151 dated 29.04.2013 of the Ministry of Foreign Affairs, of D3 Directorate of OSCE, State Council and the text with the preliminary comments of C.P.T.

D) our document No. 71778/13/874329 dated 12.06.2013 (No. 6634/1-356361 dated 11.06.2013 replying to the preliminary observation of the Committee (not to all).

A. Replying to the above A ref. and further to our similar E, in respect to Chapter A of the text of the Report of the said Committee, we inform you, in respect to us, as follows, per each paragraph (recommendations/ rendering of information).

## **II. VERIFICATIONS DURING THE VISIT AND SUGGESTED ACTIONS:**

### **CHAPTER A: Treatment of detained persons by the police.**

#### **2. MISTREATMENT**

**PARAGRAPHS 15 AND 16: INFORMATION REQUESTS** for the administrative inquiries that have been ordered for the complaints received by the delegation of the Committee on physical abuse of persons detained at the Police Stations of Kypseli, Omonoia, at the Police Department of the General Police Directorate of Thessaloniki, at Monastiriou street, during the detention and interview of suspects for criminal offenses, as well as the interrogation methods which are exercised at the Security Departments of the said Services.

The Sworn Administrative Inquiries (SAI – ΕΔΕ) that have been ordered for the investigation of the said complaints are performed by Officers serving at the Subdivisions of Administrative Inquiries of Attiki and Thessaloniki, i.e. at the special Services that have been created for the said purpose, since the liable officers of the respondent-services have no administrative connection to the Officers – Investigators of the cases, and the SAI are at the stage of execution.

In particular, after we have been informed on the text of the Report (and its translation), the latter was sent to the General Police Directorates of Attiki and Thessaloniki, correspondingly, in order to be, in this frame, correlated and investigated the particular incidents, which were referred and seemed having taken place at the particular Services.

After the completion and the adoption of a decision by the competent decision body, we will inform you about the result.

#### **PARAGRAPHS 17 AND 64: INFORMATION REQUESTS:**

A) Case of mistreatment - case of alleged mistreatment of detained person on 12.04.2013 by Police Officers of the Security Department in Agios Panteleimon (paragraph 17) and

B) Case of alleged mistreatment of detained persons at the Departure Detention Center of Amygdaleza (paragraph 64).

In respect to the said complaints that were received by the Delegation of the Committee, has been issued an order for the General Police Directorate of Attiki in order to be investigated separately based on a Sworn Administrative Inquiry in depth and to each direction, so that in case of verification of disciplinary violations, could be imposed the relative disciplinary responsibilities against any and in any manner liable involved police officer.

To this purpose and upon the order of the General Police Directorate of Attiki, the Sworn Administrative Inquiries were assigned to Officers who serve at the Subdivision of Administration Inquiries, i.e. to the above referred special Service.

It is referred that in the frame of the performed Sworn Administrative Inquiry, for the case of the complaints on mistreatment of the detained persons at the Departure Detention Center of Amygdaleza, will be examined the allegations on mistreatment of a detained person addressed to the Committee that seems occurred in the beginning of March 2013 at the said Center, and it will be examined if it regards the same incident we refer in our similar document under ref. C.

After the completion and the adoption of decision by the competent decisive body we will inform you about the result:

### **PARAGRAPHS 19 AND 24: RECOMMENDATIONS**

- A) that all persons who have been deprived of their freedom must be informed about their right to submit a complaint against the Police and must be available several appropriate forms for the submission of the complaints in their languages (paragraph 19) and  
B) it must be repeated intensively the message for zero tolerance regarding mistreatment of persons who have been deprived of their freedom (paragraph 24)

Upon implementation of the above recommendations, it was issued the order No. 6004/12/56-a dated 16.10.2013 of the Head of the Staff of the Hellenic Police Headquarters, a copy of which is attached hereto, based on which it was reminded the obligation of service to the detainees at Police Authorities, of the new standardized and updated informative forms (Sample Δ-33) regarding their rights as well as the new sample Δ-34 “Complaint by a detained person” in a language they understand, in order to be ensured the capability for each detained person, independently from his nationality, to submit, while under detention, a complaint in respect to any adverse detention condition, abuse, mistreatment, or other insults of his rights and to address it to any Authority – Service – Organization he wishes, which is a fact that constitutes the main reason for the establishment of the said form – sample (Δ-34). Furthermore, it has been specified that the Services that possess detention areas, must obligatory serve to the detained persons the said form in a language they understand and keep the relative certificate of service in the personal files of each detained person on one side, and on the other side they must post the sample Δ-34 in all languages at the detention areas.

For the implementation of the above referred, the General Police Chiefs, as well as the Directors of their Services (at the level of Police Directorate) were ordered to appoint a senior Officer, who will have the responsibility for the control and supervision of the Services involved in these issues, as well as to be given the relative orders to the Officers who exercise duties of Supervisor in order to proceed to daily examination of the meeting of the said obligations and in the event that is verified that the person who exercises the duty of the Officer on Duty does not know or does not meet the above referred obligations, must be disciplinarily examined both the Officers and the Command Officers.

Furthermore, given the expressed will of the political and natural Leadership for zero tolerance on human rights violations, is again emphasized that for any information coming to light regarding any case of possible ill-treatment, it should be undertaken effective action pursuant to the provisions of the Presidential Decree 120/2008 “Disciplinary Law of Police Personnel” in combination to the Circular Orders related to this issue about the direct, in depth and to any direction investigation of such cases and if any, must be imposed disciplinary penalties, in respect to the seriousness of the action in order to be avoided any sense of impunity.

Additionally, it has been pointed out the need that both those who act as well as those who express the opinion and those who decide at Administrative Inquiries must ensure the formal and substantial completeness of their actions, by proceeding to any legal investigation actions that are necessary for the substantiated – justified and in depth investigation of the complaints in a reasonable period of time, so that any interested person should feel safe that the administrative investigation has met impartially all aspects of the examined issue, that all involved policemen, either on duty or not, during the specific period of time, have been examined, as well as any other witness and that there have been requested any existing medical certifications or forensic reports and hospitalization forms of the victims at a hospital and any other evidence, as well as any corresponding criminal substance of the case and its development.

In parallel, it was underlined that it must be examined thoroughly the existence or not of any racism motive in the behavior of policemen in case the “victims” belong to vulnerable, national, religious or social groups or are aliens, by taking into account in parallel the jurisprudence of the European Court of Human Rights (ECHR). On these data, the competent Investigation Officers of the cases have to state this in specific, in a separate paragraph, in their final reports.

Finally, the Ministry of Public Order and Citizen Protection and the Hellenic Police Headquarters are determined to impede the development of xenophobic atmosphere or racism in the Hellenic Police and monitor any illegal, improper, or indecent behavior of policemen and to that effect, any complaint or information for improper behavior of policemen, during the exercise of their duties or not at ordered service, for concealing of any violation behaviors of citizens and in general for any illegal action or omission by policemen is examined in depth and with particular attention and applies austerely the existing legislation.

**CHAPTER B: DETENTION CONDITIONS AT POLICE STATIONS AND AT BORDER DETENTION STATIONS:**

**3 – POLICE STATIONS AND BORDER DETENTION STATIONS**

**PARAGRAPH 44: IT IS RECOMMENDED** that minors should not be detained at the Border Detention Center of Iasmos, and instead they must be transferred to facilities appropriate for their needs.

In respect to the treatment of unaccompanied minors-third country nationals who are traced and detained at the region of the competency of the Police Directorate of Rodopis, we notify as follows:

A- In the event that the existing Police Authorities of the Police Directorate or Rodopi arrest families, women and unaccompanied minor aliens, as well as in the event that it is verified retrospectively that they are unaccompanied minors, while initially have declare themselves adults, they are temporarily transferred for detention at the Border Detention Stations of Iasmos, Rodopi.

The detention of unaccompanied minors and women takes place in separate detention areas from those of third county nationals arrested for illegal entry and stay, since at the detention areas of the relevant Police Directorate are no special detention facilities for unaccompanied minors while at the Departure Detention Center of Third County Nationals of Komotini with capacity of five hundred twenty eight (528) persons approximately are detained only men third county nationals.

This detention area consists out of two cells of dimensions of 380cm. x 380cm x 510cm. of maximum capacity of 15 people. There is a corridor of 200 cm width. At the posterior side of the cells exists a corridor of 180 cm. width and exterior windows with a lighting area greater than 5% of the floor area which leads to the courtyard of 700 cm X 420 cm with a wall of 280 cm height which does not meet the safety terms for detained persons' walking in the yard. There are three (3) hygienic areas outside the detention area. In the detention area exists an encased lighting installation. There is a special safety area for the storage of the personal items of the detained persons where is installed an electric water heater of 80 liters. The existing heating is performed by radiators within the corridor. There are also phones outside the cells. Last month were placed electromagnetic locks which are operated by the at any time guard of the detention area.

For the improvement of the detention conditions, the specifications of detention areas of the Boarder Detention Station of Iasmos have been inspected on 20.06.2013 by a Committee of the relevant Police Directorate which found some deficiencies based on the Regulative Order of the Hellenic Police Headquarters No. 8038/23/22 dated 7.10.2005 regarding the technical description of the detention facilities (prisons) of the Hellenic Police and it was filed the relative expenses form to the Financial Directorate of the Hellenic Police Headquarters.

Further, according to the Commission's recommendations, efforts are attempted for further improving of the material-technical infrastructure facilities and for the creation of constructive activities of hosted unaccompanied foreign minors as well as for the employment of interpreters - translators, psychologists and social workers for psychosocial support and for the facilitation of the their communication with the Greek authorities.

B. In particular, based on the administrative procedure that must be followed when the Authorities of the Police Directorate of Rodopi arrests minor aliens, the former must proceed to any action for the tracing of the families of the minor aliens in order to substantiate the fact that the minors are indeed unaccompanied. Usually, the arrested foreign nationals do not possess travel documents and their parents, according to their statements, are still in their home country. After finding out that they are unaccompanied minors, the Authorities cooperate with the National Centre for Social Solidarity and the Public Prosecutor of the Court of First Instance of Rodopi attends immediately for their transfer, after the accomplishment of the necessary procedures, to special areas for unaccompanied minors, in cooperation with attendants of the NGO "METADRASI". This procedure lasts 10 – 15 days –and this procedure is also followed by the First Reception Service. When there is doubt about the age of Aliens, they are transferred to the General Hospital of Komotini and undergo a medical examination in order to be verified their age approximately. Their identity particulars, as well as their nationality are recorded based on their oral statements because they usually do not possess travel documents, while in the event of doubts, their nationality is specified by the competent Police Officer through the screening process.

It is referred that the "Greek Council for Refugees" based on the relative documents, informs about cases of detained third country nationals, that are unaccompanied minors while at their initial arrest they state at the Arrest Service a date of birth based on which they seem to be adults. In these cases, the Detention Service proceeds forthwith to the necessary actions in order to verify approximately their age and in relation to the result, is exercised the relative treatment. There are cases that the detained third country nationals state directly that they are unaccompanied minors and thus the Services of the corresponding Police Directorate exercise the said treatment.

When based on the above referred method is verified that it regards an unaccompanied minor alien against whom has been issued a deportation decision or return, the detention is eliminated, because based on the relative Order, the Public Prosecutor of the Court of First Instance of Rodopi orders provisionally and until the appointment of a custodian, the care, housing, hospitality and protection of a minor at the special reception center for minor aliens where will be transferred the minor and thus the minor is not extradited.

C. Based on the above referred, the Services of the relative Police Directorate transfer the minors to the Borders Detention Station of Iasmos where they stay for a period of 10-15 days until the completion of the necessary procedures and then are transported to a special hospitality area for minor aliens.



## **CHAPTER D: IMMIGRANTS DETENTION CENTERS**

### **2. MISTREATMENT**

**PARAGRAPHS 64 AND 65: INFORMATION REQUESTS** for complaints accepted by the Committee by persons – detainees for physical abuse by policemen in the frame of the riots caused at the Departure Detention Center of Aliens of Komotini on 23.11.2012 (par. 64 and 65)

For the said complaints that have been addressed to a representation of the Committee, was issued an order for the Police Directorate of Rodopi for the inclusion of the said complaints as object of the current Sworn Administrative Inquiry in order to be investigated in depth and be imposed, if any, the corresponding disciplinary responsibilities against any and in any manner involved liable policeman under the jurisdiction of the Sworn Administrative Inquiry for any violation that may emerge at the course of the administrative inquiry.

After the completion and the adoption of the decision by the competent decision body we will inform you about the result.

### **4. UNACCOMPANIED MINORS**

**PARAGRAPH 80: RECOMMENDATION** for the adoption of austere measures by the Greek Authorities so that Greek Authorities should proceed to the adoption of the necessary measures in order to ensure that unaccompanied minors who have been deprived of their freedom as last resort, be detained only at centers that cover their particular needs, staffed by especially trained men and women and to be offered to them a series of constructive activities. Furthermore, to all unaccompanied minors should be rendered a custodian who will inform them about their legal status and who will protect their interests effectively.

In particular, the Committee recommends that the Special Facilities at Amygdaleza should not be used for the detention of unaccompanied minors. Instead, there must be found more appropriate installations, preferably open, that will meet the above referred requirements for such a facility.

A. in respect to the treatment of unaccompanied minors- third county nationals who are traced and detained at the Special Area of Stay for Minors-Third County Nationals at Amygdaleza (EXIIAA – which is under the competency of the Hellenic Police) are referred as follows:

At the Special Area of Stay of Minors-Third County Nationals at Amygdaleza (EXIIAA) are provisionally detained minor aliens who are about to be deported. For the best meeting of their basic needs have been constructed six (6) W.Cs. and five (5) bathrooms, with warm water 24 hours per day.

There is a formed dinning room which serves also as a room for creative activities and recreation. In the said room are found tables and seats for the sustenance of the detained persons, as well as a T.V. with USB for movies. There are also computers, library and board games so that minors-third county nationals are creatively preoccupied. During the daily function schedule of the Special Areas of Stay of Minors- Third County Nationals, the minor detained persons have activities, meetings with entities and NGO, psycho-social support, programs of hygiene and health and training. For their working out exists a fenced courtyard – sports ground.

Additionally, there are three (3) especially formed visitors' areas, where they accept visits by relatives, lawyers and representatives of Diplomatic or Consular Authorities. The telephone communication is exercised through (5) commonly used telephones (payphones) which are installed at the corridor of the detention area. If necessary, they may use their mobile phones.

There is a private cleaning service that cleans daily all commonly used areas of the detention center and the cells. The disinfection-disinsectization is exercised by a private company every Saturday and it is issued the relative certificate. Furthermore, the minors themselves are responsible for the personal hygiene and cleaning.

The expenses for their sustenance are borne by the State. They are offered breakfast (coffee or juice or milk and croissant), lunch and dinner. All meals are produced at the installations of the Club of the General Police Directorate of Attiki, and must be highlighted that Police Officers who visit this Club have the same meals.

Finally, there is a Consultancy Room which is used for the daily medical examination of minors and also communication with association entities and representatives of NGO.

The visits by NGOs are exercised on a daily basis, during which are taking place constructive meetings with the minors regarding their psycho-social improvement. Furthermore, they are informed about their legal status (for instance the submission of an asylum application or the actions for their voluntary return by the International Migration Organization.

b. Based on the above referred, the Authorities of the Directorate of Aliens of Attiki transfer the minors to the Special Area of Stay of Minors-Third County Nationals in Amygdaleza, which is the sole facility for minors at the region of Attiki (which is under the competency of the Hellenic Police) where they are hosted until the completion of the procedures and their transfer to a special area for minor aliens.

It is underlined that pursuant to the recommendations of the Committee, efforts are attempted for further improvement of the technical and material infrastructures of the facilities and the constructive activities of the hosted unaccompanied minor aliens, as well as for the employment of interpreters – translators, psychologists and social workers for their psycho-social support as well as for the facilitation of their communication with the Hellenic Authorities.

B. Apart from the above referred, it is notified that the Hellenic Police Headquarters attends closely the serious issue of the treatment of minor refugees, which is an issue of particular attention for our Authorities and in the frame of the social role and the mission we exercise, is faced with sensitivity and attention, in order to be rendered the necessary degree of protection to this sensitive age group.

Any case of illegal entrance of alien in the Country, as well as of unaccompanied minors, is notified and referred directly by our Services to the Public Prosecutor's Authorities, pursuant to those stipulated in the effective provisions (*article 25 of the Law 3907/2001, article 83 of the Law 3386/2005, article 48 of the Law 3875/2010 and article 19 of the Presidential Decree 220/2007*).

In the event of third country nationals who are unaccompanied minors or human trafficking victims, the competent Public Prosecutor's Authorities or the Police Authorities adopt the necessary measures for the specification of their identity and nationality and substantiate the fact that they are accompanied.

Furthermore, they pay any possible effort for the as soon as possible tracing of their families and meet forthwith the necessary measures in order to secure their legal representation and if necessary their representation in the frame of criminal procedure.

The above referred procedure is maintained in any case, even if the unaccompanied minor has not applied for political asylum in accordance with article 19 of the Presidential Decree 220/2007, which had incorporated the Council Directive 2003/9/EC. The Public Prosecutor of Minors or the locally competent Public Prosecutor of the Court of First Instance is appointed as Temporal Custodian and then in cooperation with NGOs and Social Services is appointed the Permanent Custodian who is usually a social worker, in order to be ensured the necessary representation of the minor. If the appointed Custodian does not exercise his duties, he may be replaced by Order of the Public Prosecutor.

At the detention areas of the illegally incoming aliens the unaccompanied minors are **separated** from the other non legal economic immigrants until the completion of the procedures of the services in respect **to the specification of their minor age** (*which is verified after interview with a specialized personnel in cooperation with doctors who work at the reception and detention centers of aliens as well as at detention areas in order to be followed a combined approach which is not exclusively based on medical findings, but takes into account the maturity of the person, his behavior, his perception and his cultural background*), their origin, and their classification in the status of asylum and the relative information of the Judicial Authorities. They are always detained in specifically formed areas, and not with other adults, based on the special hospitality and protection status. Then, pursuant to the existing legislation and in cooperation with the National Center for Social Solidarity (E.K.K.A.) and NGOs are transferred to appropriate hospitality facilities based only on the best interests of the minor.

**UNACCOMPANIED MINORS – NON APPLICANTS FOR ASYLUM:**

If after thorough investigation their parents or the persons who have their custody are not found in our country by the competent Aliens Service, INTERPOL is informed in order to search for them in our country.

After abiding by the above referred procedure, are issued against them deportation decisions or return decisions based on detention. They are always detained in specifically formed areas and not with other adults, based on the special hospitality and protection status.

Then, the citizens of neighbor countries are rendered with a certificate of rendering – receiving by the Police Authorities of their country.

In particular regarding the minor nationals of Albania, the Greek and the Albanian Government have signed an agreement on their protection, including their repatriation, restoration and hospitalization of Albanian children, who are victims of trafficking in Greece.

Other minors are deported by airplane, after INTERPOL of their county has been informed relatively. In the event that deportation / return of unaccompanied minors becomes impossible, because there is no airway connection to their country or in the event of other problems (i.e. Iraq), they are set free (*the deportation/return decision is revoked for reasons of leniency, moral administration and ensuring of the legal administrative actions, pursuant to article 21 of the Administrative Procedure Code*) and in cooperation with the National Center for Social Solidarity (E.K.K.A.) and NGOs they are hosted at Special Hospitality Centers.

It is referred that repatriation of unaccompanied minors is exercised after having been ensured their safe return to their country of origin and reception, based solely on the best interests of the child. The requirement for the repatriation is that the minor will not face any danger in his country of origin and his social and family environment is able to ensure its normal reintegration, his mental and physical rehabilitation and the guarantee of his rights emerging from his age.

The investigation of the procedure for the safe repatriation of any unaccompanied minor is exercised by persons or/and entities for the rendering of care and the ensuring of his rights correspondingly to his needs and based on his age and maturity. For the repatriation is needed the consent of the competent Public Prosecutor of Minors and the cooperation with the competent authorities and the public and non governmental entities.

## **UNACCOMPANIED MINORS – ASYLUM APPLICANTS**

Both national legislation (Presidential Decree 114/2010 and Presidential Decree 116/2012) as well as the circular order of the Hellenic Police Chief (5401/1 – 498001 dated 03.01.2011) refer expressly the rights of minors and in particular of unaccompanied minors as well as the assurance of their rights based only on the best interests of the child. Additionally, our Services apply the Dublin Regulation by abiding strictly by the basic principle of maintenance of family reunion, and try to reunite unaccompanied minors who are at the Greek territory with members of their family residing in Member States of the EU. To this purpose they cooperate with the UNHCR/ UN and with NGOs in order to substantiate the relative requests and be possible the transfer of minors to their families, by ensuring in parallel their safety.

Minors who have applied for asylum are transferred in cooperation with the competent Services of the Ministry of Labor, Social Security and Welfare – the National Center of Social Solidarity to existing facilities appropriate for their hospitality (Asylum Applicants-Minors Reception Centers) and are exercised all necessary actions, in order to be appointed a Custodian through the competent Public Prosecutor's Authorities, who assists the minor during the entire procedure of asylum.

C. Beyond the above referred, and for the most efficient dealing with the issue of minors treatment, our Competent Services, apart from Judicial Authorities, cooperate closely with the Authorities of the Ministry of Labor, Social Security and Welfare – the National Center for Social Solidarity as well as with other public and private entities. Furthermore, there is cooperation with the Police Authorities of neighbor countries, both on bilateral level as well as through the U.N. while the entire issue of exploitation of minors is dealt also by the European Union competent bodies in which our County participates.

Our Ministry in cooperation with the other competent Ministries makes efforts for the creation of additional structures for the hospitality of unaccompanied minors and we request the participation of and cooperation with NGOs., in order to be implemented any attempt for the most effective protection of unaccompanied minors who find resort in our country.

Additionally, we already know that it has been assigned directly from the European Committee to the International Migration Organization an action based on which is stipulated the return of unaccompanied minors – third country nationals to their countries of origin.

However, the issue is extremely complex, since many of them wish to be transferred to another European country, at which stay their relatives.

In parallel, various procedures for the operation of open structures facilities are under development for the stay of vulnerable groups at the region of Attiki and in other areas of the country, as well as the operation of the Management Service for the Applications of Housing of Asylum Applicants and Unaccompanied Minors (Ministry of Labor, Social Security & Welfare – National Center for Social Solidarity).

E. Finally, aiming to the most effective protection of unaccompanied minors, have been simplified and specified the criteria for extradition and/or renewal of stay permits for humanistic and extraordinary reasons, among others, also for minor children (Law 3907/2011), it has been established an Asylum Service and Service of Initial Reception, it has been adapted the Greek legislation to the provisions of the Council Directive 2008/115/EC “laying down a uniform format for residence permits to third-country nationals” and other provisions.

Based on the provisions of the Law 3875/10 (“Ratification and implementation of the UN Convention on Transnational Organized Crime and its three Protocols and relative provisions) have been amended the provisions of the Law 3386/05 aiming to the most effective protection of the trafficking victims. A special care was stipulated for unaccompanied minors, for whom the competent Public Prosecutor’s or Police Authorities have adopted the necessary measures in order to specify their identity and nationality and to substantiate the fact that they are unaccompanied. Moreover, they make any attempt for the as soon as possible tracing of their families and they implement forthwith the necessary measures in order to secure their legal representation. It is underlined that is rendered a stay permit or is renewed the already rendered stay permit, without the obligation of payment of documentary stamp, of annual term, and capability of renewal until the issuance of irrevocable judicial order to third-country nationals who have been characterized a trafficking victims or of illegal trafficking of immigrants based on a decision of the Minister of Interior. In respect to victims of trafficking that do not cooperate, the stay permit is renewed until the in any manner completion of the criminal procedure or its filing in the record.

Upon initiative of the Secretariat General of Transparency and Human Rights operates a Work Group which will estimate the legal frame that regulates the status of unaccompanied minors.

C. We kindly request for your further actions.

D. We kindly request that the Offices of Natural and Political Leadership to which will be notified this document, be informed relatively.

E. Other receivers to whom is notified this document, are kindly requested to be informed and correlate this with the remaining correspondence.

For the Copy  
Athens, 19.10.2013

The Head of the Security  
Branch: Dimitrios Sofos  
Major General

(National Emblem of the Hellenic Republic)  
HELLENIC REPUBLIC URGENT  
MINISTRY OF JUSTICE, TRANSPARENCY  
AND HUMAN RIGHTS  
GENERAL DIRECTORATE OF CORRECTIONAL POLICY  
DIRECTORATE OF CORRECTIONAL EDUCATION OF ADULTS  
DEPARTMENT OF OPERATION OF CORRECTIONAL AND THERAPEUTIC CENTERS  
Athens, 22.10.2013

Ref. No: 90469

SUBJECT: REPLY ON THE CPT COMMENTS  
REF.: YOUR DOCUMENT UNDER NO. 37075/31.7.2013

Replying to the above ref. we inform you as follows:

In order to be ensured for minors detained persons up to the age of 18 years old a secure environment where there will be rendered to them the necessary support which is appropriate for their age group, in compliance with the recommendations of CPT, the Minister of Justice, Transparency and Human Rights has obtained the decision No. 90467/2013 for the partial amendment of the Detention Center of Korinthos to Special Detention Youth Detention Center for the hospitality of minors up to 18 years old. Given that the detained person of the Special Youth Detention Center of Avlona, aged 15 to 17 years old attend the courses of the Elementary School, Gymnasium and Lyceum that operate within the Detention Center aiming to the smooth educational procedure, their transfer to the Detention Center of Korinthos will be exercised at the moment that the competent Ministry of Education and Religious Affairs sends tutors to the said Detention Center.

The Ministry of Justice, Transparency and Human Rights has undertaken the initiative for modernizing interventions for the facing of the problem of overcrowding at the Detention Centers. In this frame, the full operation of the Detention Centers of Central Macedonia III (Nigrita, Serres), and Crete I (Chania), which will add 600 more new detention positions, is expected soon, if the personnel positions are given to the employees of mobility of Municipal Police (we have asked 855 employees).

Additionally, the effectiveness of beneficial provisions of the Law 4043.2012 based on which was given the possibility of dismissal with the term of revocation to all sentenced persons, including minors, if their penalty was up to three years, and if they had served one tenth of their penalty and if their penalty lasted three to five years and they had served one fifth of their penalty is extended by 30.6.2014 (par. 5, number 8 of the Law 4198/2013). Furthermore, based on par. 9 of the same article is rendered anew the possibility of dismissal with the term of revocation to those who had been finally or irrevocably sentenced up to 11.10.2013 to a penalty of provisional custodial sentence for violation of the law on narcotic substances, if they have served one third of the actual penalty that has been imposed to them.

Furthermore, the Draft Law on the implementation of electronic supervision in the frame of procedural coercion measures, the dismissal under conditions and the leaves of the detained persons, which is estimated that it will lead to restriction of the number of those in custody, to

decrease of the detained person who are dismissed under terms, it will be introduced to the Plenary Session of the Greek Parliament for vote in the next period.

Finally, our Ministry has expressed the interest of participation in cooperation programs that will be implemented by the Council of Europe with member states having as object the decongestion of the Detention Centers in the field of implementation of alternative means of service of the penalty.

The Secretary General of Crime Policy  
Marinos Skandamis



**Response of the Ministry of Public Order and Citizen Protection**

HELLENIC REPUBLIC  
MINISTRY OF PUBLIC ORDER AND CITIZEN PROTECTION  
HELLENIC POLICE HEADQUARTERS  
SECTOR: SECURITY POLICE  
DIRECTORATE: FOREIGN NATIONALS

VERY URGENT – DEADLINE

Athens, January 24, 2014

Reference Number: 6634/1-432131

SUBJECT: «Report of the European Committee for the Prevention of Torture and Other Inhuman or Degrading Treatment or Punishment (C.P.T.) of the Council of Europe, further to their visit to Greece (04-16.4.2013) ».

RE:

- a) Your document under no. 37075,, dated 31/07/2013 (together with the attached document under no. 6691/23/AS 655,, dated 26.07.2013 of the Permanent Greek Delegation to the Council of Europe/Strasbourg)
- b) The document under no. 6691/25/AS711,, dated 09/09/2013 of the Permanent Greek Delegation to the Council of Europe/Strasbourg
- c) The document under no. 6691/27/AS683, dated 10.10.2013 of the Permanent Greek Delegation to the Council of Europe/Strasbourg
- d) Our document under no. 71778/13/811408,, dated 01.06.2013 (together with the attached document under no. 21151,, dated 29.04.2013 of the Ministry of Foreign Affairs/Directorate: A3-Organization for Security and Co-operation in Europe - Greek Ombudsman and the text with the preliminary observations of C.P.T.).
- e) Our document under no. 71778/13/874329, dated 12/6/2013 [response to the preliminary observations of the Committee (to all), under number 6634/1-356361, dated 11/6/2013]
- f) Our document under no. 71778/13/1607060, dated 20.10.2013 [response (within 3-months) to the Committee's Report (to all) under number 6634/1-357179, dated 19/10/2013].

A. - In response to the above (under a) corresponding document and further to our similar one (under f), with respect to the chapter of the text of the above Committee's report concerning us, please be advised of the following, per respective paragraph (recommendations/request for information):

## II. FINDINGS DURING THE VISIT AND PROPOSED ACTIONS:

### CHAPTER A- Treatment of persons in police custody

#### 2. - Ill-treatment

Paragraphs 15 and 16: Requests for information on administrative investigations ordered for the complaints received by a delegation of the Committee on the physical abuse of persons detained at the Police Stations of Kipseli, Omonia and the Hellenic Police Headquarters of the Thessaloniki General Police Directorate, at Monastiriou St., in the process of detaining and interviewing suspects for criminal offences and the interrogation methods used in the Security Police Sections of the above Services.

The Administrative Inquiries (EDE) ordered to investigate the above complaints (conducted by officers serving at the Administrative Inquiries Subdirectorates of Attica and Thessaloniki), are still in progress.

After completion of the investigation and the decision-taking by the competent bodies, will let you know of the outcome.

Please be advised that, in response to the preliminary observations made by the Committee's President, the Public Prosecutor, Athens Court of the First Instance ordered the Internal Affairs Directorate/Attica Police Directorate, to conduct a Criminal Pre-trial Inquiry for the investigation of the complaints regarding ill-treatment of detainees in various Police Services, which included the Committee's Report and which is pending at the stage of fact verification and gathering of evidence and data for the establishment of criminal acts.

#### Paragraphs 17 and 64: Requests for information:

(a) alleged ill-treatment case of a detainee by police officers, on 12.04.2013, at the Security Police Service of St. Panteleimon Police Station (paragraph 17) and

(b) alleged ill-treatment case of detainees at the Amigdaleza Pre-Departure Detention Centre (P.KE.K.) for Foreign Nationals (paragraph 64).

The Administrative Inquiries (EDE) ordered to investigate the above complaints (conducted by officers serving at the Administrative Inquiries Subdirectorates of Attica), are still in progress.

After completion of the investigation and the decision-taking by the competent bodies, we will let you know of the outcome.

As mentioned above, for these complaints (paragraphs 17 & 64), a corresponding criminal investigation is being conducted by the Internal Affairs Directorate/Attica Police Directorate, which is still pending.

Paragraph 18: Recommendation to take the necessary measures to effectively address the phenomenon of racist or xenophobic violence.

Under the provisions of Presidential Decree no. 132/2012, Services were established throughout the country to efficiently and effectively combat violence manifested against individuals or groups,

with racist motives and background. The establishment of these Services effectively contributes to address the phenomenon of racist or xenophobic violence, bringing to justice those who break the law.

Specifically:

- A Department Addressing Racist Violence was established at the State Security Subdirectorates of the Attica and Thessaloniki Security Police Directorates, as well as an associated Office at the five (5) Subdirectorates of the Attica Security Police Directorate and the seventeen (17) Sub-Directorates and the forty-one (41) Security Police Stations operating at the Prefectural Police Directorates.

- The 10<sup>th</sup> of January 2013 was set as the first date of operation of the Departments and Offices Addressing Racist Violence.

- The responsibilities of the above Departments and Offices are as follows:

(a) They intervene, ex officio or upon filing of a corresponding indictment, denunciation or complaint, to investigate and prosecute crimes involving the commission, preparation or in any way public incitement, provocation or stimulation in the commission of offences or the manifestation of actions that may lead to discrimination, hatred or violence against persons or group of persons as a result of their race, colour, religion, descent and national or ethnic origin.

(b) They collect, process and utilize appropriate information and data relating to the commission or preparation of offences with racist characteristics.

(c) They co-ordinate and guide the Offices Addressing Racist Violence of the Security Police Stations at the corresponding Security Police Directorates in fulfilling their mission.

(d) They develop co-operation with competent State Agencies and Bodies, as well as other social Institutions and Organizations, in the context of fulfilling their mission and effectively addressing incidents of racist violence.

(e) They undertake initiatives or provide assistance to initiatives of other Authorities, Agencies and Bodies that aim at preventing and combating racist violence.

(f) They monitor areas and regions where there is an increased risk of racist attacks.

(g) They co-operate with international Organizations and Bodies, as well as Bodies and representatives of vulnerable social groups that were or might be victims of racist attacks, to most efficiently address the incident and fully protect these groups.

(h) They keep a special log of incidents of racist violence they deal with.

(i) They inform the complainants or victims of incidents of racist violence of their rights.

(j) They take care to notify the competent Agencies in cases where the provision of medical or hospital care or psychological support to victims of a racist attack is required, as well as for the presence of an interpreter, if requested or necessary.

(k) They immediately inform the competent Public Prosecutor, whenever he/she is conducting a pre-trial investigation in cases of racist violence and, in severe cases, the Ministry of Foreign

Affairs of our country and the Consular Authorities of the countries of the victims of a racist attack.

(l) They prepare, in January each year, a report regarding the cases of racist violence they addressed in the preceding year, which they hierarchically submit to the 1<sup>st</sup> Department of Social and Cultural Issues and Response to Racism, at the State Security Directorate, Hellenic Police Headquarters.

• The 1<sup>st</sup> Department of Social and Cultural Issues, State Security Directorate/Attica Police Directorate was renamed to 10<sup>th</sup> Department of Social Issues and Response to Racism, with the following responsibilities:

(a) to address issues of racism and xenophobia and guide the regional Agencies to address them.

(b) to co-operate with competent or non-competent bodies, as well as with Agencies, Authorities, Bodies and Organizations of the European Union and other countries, at information level, in order to fully address the racist phenomenon.

(c) to appropriately study, analyse and utilize the corresponding historical, social, cultural conditions and other information and data, to fully evaluate racist tendencies and reactions and timely and effectively address the phenomenon.

(d) to keep statistics regarding incidents of racist violence, to collect, study and evaluate the annual report submitted by the Departments and Departments Addressing Racist Violence and to prepare and submit to the Chief of the Hellenic Police Headquarters, with a copy to the Chief of the Police Force, in February of each year, a total activity report, referring to the cases of racist violence which Police Services addressed during the previous year.

(e) to represent the Hellenic Police at local, European and international levels, in conferences, meetings and events, on issues of racism and xenophobia, following corresponding approval or mandate by the Chief of the Police Force.

The purpose of these regulations is to efficiently prevent and address incidents involving the commission of offences, as well as the public incitement, provocation or stimulation, whatsoever, in committing crimes or the manifestation of acts or activities against persons or groups of persons, exclusively because of their race, colour, religion, descents and national or ethnic identity.

#### Hotline and special web complaint form.

It is considered necessary to note that the above Presidential Decree provides for the operation of a single telephone number for complaints, through which any person or body concerned may directly file a complaint regarding cases of racist violence or even be informed of his/her rights in related cases. Hence, a five-digit number operates on a 24 hour basis -11414 - for the public, at the Sub-Directorate of the State Security Police, Attica Security Police Directorate, which receives calls from all fixed and mobile telephony provider networks, while ensuring the confidentiality of communications. Additionally, a special link exists at the website of the Hellenic Police, which leads to an electronic communication and complaint form for racist incidents. The possibility to file a complaint over the telephone, and via the Internet, relates to both incidents between citizens and incidents which allegedly involve police officers.

#### Training

As regards the training of police officers, permanent efforts are paid for training on human rights and, especially, in addressing racism, intolerance and respect the specificities of those belonging to

minority or vulnerable social groups and staying in our country. The training includes theoretical courses and practice and takes place both during the basic training of cadet officers, police constables and border police officers, as well as at a later stage.

Moreover, please be advised that the two hundred (200) members of the Hellenic Police, serving in the newly established Departments Addressing Racist Violence, at the State Security Sub-Directorates of the Attica and Thessaloniki Security Police Directorates and the Departments Addressing Racist Violence, at the State Security Sub-Directorates of the Attica Security Police Directorate and the Sub-Directorates and Security Police Stations of the Police Directorates of the country, have attended a special training for two (2) days, during the period from 23/1 to 2/2/2013, in five (5) training series, during which the following topics were developed:

- o Social and racism addressing issues,
- o Public safety issues.
- o Racism - Xenophobia. Addressing vulnerable social groups.
- o Legislation «On Racism».
- o Irregular immigration and racism.
- o Identifying racist violence motives.
- o Racism phenomena in Greece and experience of the network recording cases of racist violence.
- o International Human Rights Protection - Contemporary Issues.

The training was organized by the State Security Directorate/Hellenic Police Headquarters and took place care of the School for Further Education and Training of the Hellenic Police, involving, as training staff, both police officers and university professors. The training program was proportionate to the staff trained, with regard to addressing racist violence.

#### Mechanism to investigate incidents of racist violence

Please be advised that by a circular order issued by the Chief of the Hellenic Police (no. 6004/1/182, dated 24.10.2012) a mandate was given to the Internal Affairs Directorate/Attica Police Directorate to deal, in absolute priority, with complaints for acts of abuse, ill-treatment or personality insult of foreign nationals, coming from police officers, in the performance of their duties and taking place in any case, especially when foreign nationals complain about racist violence incidents. Specifically, the above Office is called to investigate immediately, pursuant to article 1, paragraph 2, sub-section a' of Act 2713/1999, crimes committed by or involving police officers of all ranks, border police officers and special guards, provided, inter alia, by articles 137A - 137D of the Penal Code. Additionally, order no. 1016/23/37 - a', dated 07-04-2010 of the Chief of Staff/Attica Police Directorate, forwarded to all Services of the Hellenic Police the Circular of the Public Prosecutor, Supreme Court, under no. 1/10, setting out the procedure to be followed in the investigation, from a criminal standpoint, of the complaints filed by detainees of Police Services against police officers, regarding their ill-treatment, within the context of police pre-trial investigation or arrest, in breach of their duties.

Please also be advised that the investigation of the racial motives is not left to the will of police officers responsible to handle such cases, but is an obligation of theirs, arising from the circular order of the Hellenic Police Headquarters under number 7100/4/3, dated 24-05-2006, addressing racism, xenophobia, intolerance and prejudice during police action. Under the above circular order, the police officer must verify the existence of a racial motive, either as a self-contained motive or as an individual one, if multiple motives exist in a particular crime and, in particular, «when the alleged perpetrators confess it, the victims and the witnesses to a crime invoke it, there are indications based on evidence acceptable to the Code of Criminal Procedure or the alleged

perpetrators and the victims of the crime identify themselves or belong to different racial, religious and social groups».

Finally, cases of complaints or information for unethical police behaviour against persons belonging to vulnerable ethnic, religious or social groups, disclosed to the Headquarters or its Regional Services - complaints, publications, submission of accusations - are registered and a further administrative investigation is ordered, to determine the validity of their contents and impute any disciplinary responsibilities on any culpable police officer involved. In particular, in accordance with the provisions of paragraph 1, article 23 of Presidential Decree 120/2008, the examination of disciplinary offences allegedly committed by police officers against civilians, precedes the examination of their other disciplinary misconduct, while, according to article 10, paragraph 1, case c' of the same Presidential Decree, acts constituting torture or other violations of human dignity, within the meaning of article 137A of the Penal Code, are punishable by the penalty of dismissal from service.

#### Preparation of an Action Plan for Human Rights

At the initiative of the Ministry of Justice, Transparency and Human Rights, a Working Group was established to prepare a National Action Plan on Human Rights, which was recently completed and entered into consultation to finalize it, including subjects related to racism and xenophobia, the detention conditions of foreign nationals and the prevention and investigation mechanisms for ill-treatment phenomena. This Group will be responsible for monitoring and updating the National Action Plan.

#### Paragraphs 19 and 24: Recommendations:

(a) ensure that all persons deprived of their liberty are informed of their right to file a complaint against the police and that appropriate forms will be available for filing complaints in their own languages (paragraph 19), and

(b) the message for zero tolerance regarding ill-treatment of persons deprived of their liberty should be frequently repeated (paragraph 24).

In implementation of the above recommendations, order under no. 6004/12/56-a', dated 16.10.2013 of the Chief of Staff/Hellenic Police Headquarters was issued, recalling the obligation to serve the detainees at Police Services with the new standardized and updated «Information Booklet for their rights» (Form A-33), as well as the new D-34 form titled «Complaints filed by detainees», in a language they understand, to ensure the possibility for each detainee, regardless of his/her nationality, to file, while in custody, a complaint on any poor detention conditions, abuse, ill-treatment or other violations of rights and address it to any Authority, Service or Organization he/she wishes, which is the main reason for the introduction of this standard form (D -34). Further, it was provided that services maintaining detention facilities should both mandatorily serve that form to the detainees, in a language they understand, and keep the corresponding proof of service in the individual file of each detainee, as well as post form D-34, in all languages, in the detention facilities.

To implement the above, General Police Directors were ordered to appoint, through the Directors of their Services (at Police Directorate level), a senior Police Officer who will be responsible for the control and supervision of the Services involved in these matters, and give similar orders to Police Officers performing supervisory duties, to carry out daily compliance checks with the obligations referred to above and, in the event it is found out by them that the Police Officer performing supervisory duties does not know or does not comply with the above obligations, both them and the commanding Police Officers be disciplinarily accountable.

Also, given the expressed will of the Civil and Operational Leadership for zero tolerance in matters of human rights violations, it was again emphasized that, in every case that any information comes to light, indicative of possible ill-treatment of a person, effective action should be taken, in accordance with the provisions of Presidential Decree 120/2008 on «Disciplinary Law of Police Personnel», in combination with the corresponding Circular Orders for the immediate, in depth and in every direction investigation of these cases and, as the case may be, the imputation of disciplinary sanctions commensurate with the gravity of the act, to avoid any sense of impunity.

Additionally, the need was stressed, for both the acting and the opening and deciding persons in administrative examinations, to ensure their legal and factual completeness, carrying out any lawful investigative action required for a thorough, reasoned, in-depth investigation of the allegations and in a reasonable time, to safely create the feeling to anyone concerned that the administrative investigation covered impartially all aspects of the subject under examination, that all police officers involved, who, at the specific time, were on duty or were involved while out of duty, were thoroughly examined, as well as any other witness and that any existing medical certificates or forensic reports and the treatment of the victim in a hospital and any other evidence was sought, as well as any corresponding criminal aspect of the case and its development thereof. Furthermore, it was stressed that, in those cases where the «victim» belongs to vulnerable ethnic, religious or social groups or is a foreign national, the possible existence of a racist motivation, or not, in police behaviour should be thoroughly investigated, while taking into account the case law of the European Court of Human Rights (E.D.D.A.). The competent investigators of cases must make a special reference on these data, at a separate paragraph, on the investigatory reports.

Finally, the Ministry of Public Order and Citizen Protection and the Hellenic Police Headquarters are determined not to allow the development of a xenophobic climate or the manifestation of racist phenomena within the body of the Hellenic Police and monitor any illegal, incorrect or improper conduct of police officers and, to that end, any complaint or information for police misconduct in the performance of duties or while out of duty, for covering criminal behaviour of citizens and, generally, any unlawful act or omission on the part of police officers, is thoroughly and very carefully examined and the legislation in force is strictly applied.

Paragraphs 22 and 23: Recommendation to the Greek Authorities to review the mission/mandate and modus operandi of the Office Addressing Arbitrary Incidents, to ensure its independence and enhance its investigatory and supervisory competencies.

In particular, as regards the incidents of ill-treatment involving - or allegedly involving - police officers in the performance of their duties, the Office Addressing Arbitrary Incidents has already been established by Act 3938/2011, which reports directly to the Minister of Public Order and Citizen Protection, as an independent mechanism for investigating complaints filed against officers of the security forces. So far it has not been possible to operate this Office, as its staffing with honorary officials, honorary Public Prosecutors and other persons referred to in article 1 of Act 3938/2011 (as amended by Act 4058/2012) has not been completed. Accordingly, the amendment of the corresponding provisions was planned, to enable the Office to operate as a reliable, trustworthy and effective mechanism, taking into account the financial circumstances. In particular, in a bill forwarded by the Ministry of Public Order and Citizen Protection, a provision was included (article 10), extending the jurisdiction of the Office Addressing Arbitrary Incidents, by adding illegal behaviour where there is evidence that it was carried out with a racial motive or involve another discrimination. At the same time, the circle of persons who may be appointed as members of the three-member Committee of the Office Addressing Arbitrary Incidents is widening,

especially with the possibility of nominating, as a member, a lawyer, registered in a Bar Association of the Greek territory, appointed at the Supreme Court, to enable its establishment and the operation of said Office with reliable persons. Furthermore, the proposed rule provides for the participation of a representative of the Independent Authority of the Ombudsman in the meetings of said Committee, able to submit proposals or give an opinion.

Paragraph 25: Recommendation to the Greek Authorities to continue their policy for strict selection criteria when enlisting personnel and provision of adequate occupational training, both initially and in-service. Further, there should be active efforts to enlist police officers from minority groups established in the country.

The Hellenic Police admits students in the Schools of the Police Academy following the system of general examinations, carried out under the responsibility of the Ministry of Education and Religious Affairs, in accordance with the corresponding provisions regulating issues relating with the admission of students in higher education, both men and women, Greek nationals or expatriates from northern Epirus, Cyprus and Turkey, who wish to enlist in the Hellenic Police and are qualified candidates.

Also, the Hellenic Police employs, using the system of objective criteria, special guards, border police officers, police officers and officers of special duties, Greek nationals (men - women) who meet the skills required by the provisions in force, depending on the positions announced.

The existing legal framework does not provide for the possibility of appointing foreign nationals in the Hellenic Police.

Additionally, in accordance with article 1 of Presidential Decree 88 (Government Gazette issue no. A' 68/08-04-2002), the appointment or employment of nationals of other Member-States of the European Union, as police officers, is not allowed.

### 3. Guarantees in connection with ill-treatment

#### A. Notification for the detention.

##### Paragraph 27:

Repeated recommendation to the Greek Authorities to take the necessary measures to ensure that persons deprived of their liberty by the Hellenic Police will have the effective right to notify a close relative or a third party of their choice on their situation, from the first moment of deprivation of their liberty. If necessary, individuals should be allowed free telephone communication.

Further, legal provisions should be adopted, explaining in detail the cases where the exercise of the right to inform a third party on the detention of a person may be delayed and any such delay should be covered by appropriate safeguards (e.g. any delay should be recorded in writing, together with its reasons and the approval of a judge or Public Prosecutor should be sought) and be strictly limited in time.

With regard to «the rights of detainees to inform a close relative, etc.», there is no contact inhibition, on the contrary the authorities facilitate communication, subject to the provisions of the Code of Criminal Procedure (under which police officers are required to carry out all pre-trial investigation acts necessary to ascertain an illegal act and expose the offender, always acting in accordance with these and under the supervision and direction of the competent Public Prosecutor), the Penitentiary Code and the confidentiality of communications.



To that end, the circular order under number 4803/22/44 placed, inter alia, particular emphasis on the right to an interpreter, to ensure the rights of detainees who are not sufficiently familiar with the Greek language, the right to communicate with relatives of detainees or other persons of their choice, with their attorney, as well as with representatives of bodies active in human rights issues, and their right to health care services.

In addition, as regards the protection of the health of detainees, in the same circular order as above it is pointed out that the protection of the health of detainees and the provision of the necessary, on a per case basis, health care to them, consist basic obligations of the Police Authority. Medical care is provided by the physician performing police health services and, in the event of his/her incapacity or absence, by another physician, while the detainee is entitled, during examination by the official physician, to request to be also examined by a physician of his/her choice.

Furthermore, in accordance with the regulations on temporary detention facilities, foreign nationals are visited in special areas that are designed to meet the necessary safety requirements and conditions, while allowing comfortable communication between the detainee and the visitor.

Telephone communication of detained foreign nationals with their families and the lawyers of their choice takes place through payphones placed under the responsibility of the detention services and efforts are made so that the number of payphones adequately serves the needs of detainees. Additionally, the usage time of payphones must be such as to serve the needs of all detainees. Calling cards are purchased at the expense of the detainees and care of the guard of the detention facilities from the free trade, while calling cards are also granted free of charge by non-governmental organizations (NGOs) and other Bodies active in the human rights of immigrants (e.g., Red Cross, etc.).

The possession and use of mobile phones and any other electronic device by the detainees is prohibited, for safety reasons.

However, in case of emergency (failures or insufficient number of payphones, direct and continuous communication of a detainee for serious reasons, etc.) any possible additional facilities are provided to detainees for communication with their relatives and lawyers and their cell phones are used, if they possess such, together with the official phones of the detention services.

#### B. Access to a lawyer.

##### Paragraphs 28 and 29:

Recommendation to the Greek Authorities to take the necessary measures to ensure that the right of access to a lawyer would be effective in practice, by the detention authority. For this purpose, they need to «win» the support of Bar Associations, so that all detained individuals without the financial ability to pay in order to have their own lawyer, have fast access to lawyers ex officio, who will perform their duties in a diligent manner.

The presence of a lawyer is institutionalized in every stage of the criminal and administrative proceedings, under the provisions of the national legislation.

The designated representatives of the Greek Council for Refugees (GCR) have daily access to all detention facilities and communication with irregular immigrants for legal assistance, to ensure access of detainees to the asylum process and enable their representation during examination of their request.

Please be advised that the same happens with representatives of other bodies involved in the issue of immigration, such as the United Nations High Commissioner and other non-governmental organizations. All arrestees are served with Information Booklets, through which they are informed of their rights, both for the detention and the asylum procedure.

The presence of an interpreter is also institutionalized and efforts are made to meet the interpretation needs in all Services involved, both with interpreters appointed by the Greek State and interpreters from non-governmental organizations.

Actions were implemented, are implemented and will be implemented through the annual programs for the years 2009-2010-2011-2012 of the European Return Fund related to the employment of interpreters, to inform detainees in a language they understand.

Additionally, please be advised that, at this stage, through the Bar Associations of the country, pursuant to the implementation of corresponding activities of the European Return Fund, the provision of free legal assistance to detainees-foreign nationals will start in the immediate future, in the context of the administrative process to return them to their home country.

#### C. Access to a physician.

##### Paragraphs 30 and 31:

Recommendation to the Greek Authorities that ensuring access to a physician for people placed under detention at Police Stations or Border Police Stations will be observed in practice.

Foreign nationals arrested in the territory of our country are preventively examined by physicians in the headquarters of the services that have arrested them, while in cases where health problems exist, care of said Services, they are immediately transferred for the provision of first aid to the nearest health centre or hospital and then, if necessary, for further treatment at university hospitals.

Also, the contribution of non-governmental organizations, which have regular access to Detention Centres, in providing medical services to irregular immigrants is significant.

In addition, the «Business Plan» and the Memorandum of Understanding of the competent Ministers have already been drafted, to provide medical support in all detention facilities for irregular immigrants (First Reception Centres, Pre-Departure Detention Centres, and Immigration Citizenship and Identity Centres, police detention facilities) by services of the Ministry of Health/National Centre for Health Operations (E.K.EP.Y.), while the processes for the immediate recruitment with medical staff of the facilities where irregular economic immigrants are detained continue.

Towards this end, as of 1.10.2013 a Grant Award Agreement has been signed between the Office for the Administration of European and Development Programs (Y.D.E.A.P.) of our Ministry and the Ministry of Health/National Centre for Health Operations (E.K.EP.Y.).

Specifically, the Business Plan of the National Health Operations Centre (E.K.EP.Y.) aims at the health coverage of immigrants on the basis of the following lines:

- Providing health care to immigrants, both within Detention Centres and in health establishments of various levels, at the National Health System
- Preventing the spread of various contagions among immigrants, the staff, and their dispersal in the wider community.
- Promoting an integrated approach to health care in Immigration Detention Centres, both by improving the health of immigrants, and by improving accommodation/detention conditions.

In addition, the procedures for the recruitment of fifty (50) psychologists, fifty (50) social workers and sixty (60) translators-interpreters have been recently completed, by signing lease project contracts, for the psychosocial support of third-country nationals in return status and to facilitate their communication with the Greek Authorities, while their appointment is expected, depending on the existing staffing requirements (mainly in services of the Attica General Police Directorate, the region of Evros and that of North Aegean).

#### D. Update in relation to rights.

##### Paragraph 32:

Recommendation to the Greek Authorities to take measures to ensure that all persons detained by the Police, for any reason, will be fully informed on their rights, as soon they are deprived of their liberty (i.e., from the time they are forced to remain with the Police). This should be ensured by immediately providing clear verbal information, and be completed at the earliest opportunity - i.e. immediately upon arrival at the police station - by providing the Information Booklet mentioned above.

In order to further enhance the rights of detainees, the following documents are served by the Police Authorities:

√ «Information Booklet on the rights of detainees» (relative circular order under no. 4803/22/14-a', dated 03.11.1995), as their «right» to file a written complaint on any poor detention conditions, ill-treatment, abuse or other violations of rights, according to a Form instituted specifically for this purpose. These Forms were translated into (16) languages and were sent to all Hellenic Police Services (circular order of the Police Chief of Staff under no. 7100/24/3-e ', dated 12-10-2010).

√ An information booklet was printed for asylum seekers, under the heading «Basic Information for asylum seekers in Greece», in (15) languages (along with Greek), in cooperation with the United Nations High Commissioner for Refugees and the non-governmental organization «METADRASI». This information booklet was sent to the competent Police Services (Attica Police Directorate, Thessaloniki Police Directorate, Athens Airport Police Directorate, Thessaloniki State Airport Police Directorate and all other Police Directorates in the country), both in document and electronic format, to be distributed to irregularly entering the country foreign nationals-detainees (e.g. at the Detention Centres) and asylum seekers.

√ The information booklets on the rights of foreign nationals arrested and awaiting deportation [Form KA 141 (a)], as well as foreign nationals arrested and awaiting return (Form KA 141 (1)), were recently standardized and, in the immediate future, will be forwarded to the Police Services, where they will be served to detainees in Police Services, to ensure they know their rights and facilitate in practice their exercise, with a view to formally enhancing the safeguards of legality, impartiality and objectivity during police action, as well as transparency in the administration of detainees by Police Authorities.

(a) In particular, to harmonize the «Information Booklet for detainees-foreign nationals awaiting deportation» with the provisions of Act 3386/2005 (Government Gazette issue no. A'-212) on the «Entry, residence and social integration of third-country nationals in the Greek Territory», the new Information Booklet [Form AK-141 (a)] was standardized to be used by the Hellenic Police Services.

This booklet was translated into twenty two (22) languages: French, English, Italian, German, Spanish, Arabic, Turkish, Albanian, Russian, Bulgarian, Romanian, Serbian, Polish, Georgian, Chinese, Pakistani (Urdu), Afghan (Pashto), Iranian (Farsi), Bengali, Dari, Sorana and Swahili.

(b) In addition, the «Information Booklet for detainees-foreign nationals awaiting return» [Form AK -141 (1)], in accordance with the provisions of Act 3907/2011 (Government Gazette issue no. A' -7) on the «Establishment of an Asylum Service and a First Reception Service and adaptation of the Greek legislation to the provisions of the Directive 2008/115/EC» with regards to the common standards and procedures existing in the Member-States for the return of irregularly staying third-country nationals» and other provisions», was translated into seventeen (17) languages, to be used by the Hellenic Police Services: French, English, Spanish, Arabic, Turkish, Albanian, Russian, Bulgarian, Georgian, Chinese, Pakistani (Urdu), Afghan (Pashto), Iranian (Farsi), Bengali, Dari, Sorana and Swahili.

Please be advised that the Information Booklets on the rights of foreign nationals arrested and awaiting deportation [Form AK 141 (a)], as well as of foreign nationals arrested and awaiting return [Form AK 141 (1) 1, explicitly state the right of the detainee - foreign national to be examined by a physician, while he/she may be examined by a physician of his/her choice.

(c) In addition, articles 22 and 23 of the Internal Rules of Operation for the Custody Services for Immigration Detention Facilities (Y.F.E.K.A.) (Government Gazette issue no. B'/1851-29.07.2013), entitled «Rights» and «Liabilities of Detainees», respectively, were translated to be posted on the existing Pre-Departure Detention Centres (P.KE.K.) for Foreign Nationals, in ten (10) languages: French, English, Arabic, Pakistani (Urdu), Afghan (Pashto), Iranian (Farsi), Bengali, Dari, Sorana and Swahili.

As to the operation of the existing Pre-Departure Detention Centres (P.KE.K.) and Citizenship and Immigration Identification Centres, within which Custody Services for Immigration Detention Facilities (Y.F.E.K.A.) operate, the decision of the Chief of the Hellenic Police under number 6634/1-355613 03/10/2013 (Government Gazette issue no. B/1851-29-07-2013) may be applied proportionately, in its part concerning the protection of human and other rights provided for detainees.

Please be advised that the translation of these forms is intended to further strengthen the rights of detainees against the Police Authorities and is part of the special importance attributed by the Hellenic Police Headquarters and our Ministry to the utmost respect and protection of the rights of all detainees in police detention facilities, as resulting from the existing conventions and international treaties.

√ In addition, the United Nations High Commissioner for Refugees, under a Memorandum of Understanding signed between the United Nations High Commissioner for Refugees and the Ministry of Public Order and Citizen Protection to implement the Project HOME/2011/EBFX/CA/EA/2012, funded by the European Commission, entitled «Enhancing the

framework of first reception for mixed immigrant groups entering the Evros region and the islands of the Aegean Sea», distributes printed information material, through the representatives of the United Nations High Commissioner for Refugees to new entrants-foreign nationals, at the points covered by the said Project.

#### E. Conducting investigations.

##### Paragraph 33:

Recommendation to the Greek Authorities to draw up a code for conducting interrogations and to take steps to introduce the electronic recording of police interviews/interrogations, taking into account the above observations.

In parallel, specific training in advanced, recognized and accepted interrogation techniques should be regularly provided to involved police officers. A system to continuously monitor and control the standards and procedures of police interrogation should also be applied, to facilitate the investigation of allegations for ill-treatment.

Further, the vocational training for operational police officers and interrogators should place particular emphasis on the approach which is based on natural (physical) evidence, thus reducing dependency from information and confessions acquired through interrogation, to ensure conviction.

Police officers having the status of an investigative officer assist, in practice, the work of the judiciary, since all pre-trial investigation acts conducted by both the staff of the Hellenic Police and other bodies (e.g. Coast Guard), in the exercise of their duties, are carried out in accordance with the Code of Criminal Procedure (C.C.P.) and the provisions of Acts set by the Ministry of Justice, thereby eliminating the potential for independent and arbitrary exercise.

Consequently, the introduction of a Code for Police Interrogation appears unnecessary, since the provisions governing its conduct are included in higher ranking legal texts and are applied by all investigators, regardless of the institution to which they organically belong.

Further, the provisions of the rules of substantive criminal law and regulations have a consistency and a continuity, are modified - improved following the evolutionary context of time and are adapted to the demands of the modern society, in order to meet projected needs.

F. Detention records.

Paragraph 34:

Recommendation to the Greek Authorities to develop and introduce personalized detention records.

The personalized detention record (unique for each foreign national) is drawn upon admission of a detainee, during his/her confinement in the detention facilities of the Hellenic Police. In particular, the following procedures are followed:

- (a) detainees are picked up from the Arrest Services by the duty officer of the detention facilities, by means of a «memorandum», listing their identity particulars, the reasons for their detention, whether they are considered suspects to escape, if they are dangerous to themselves or others, as well as any other information which should be taken into account at the time of detention. In case they had undergone medical examinations or hospitalization before being confined in the detention facilities, they are accompanied by the corresponding documentation showing their condition and any medication,
- (b) for safety reasons, money, valuables and any other items carried by the detainees and not allowed to pass into the detention facilities are removed, kept in a specially designated area or safe and recorded in the Detainee's Records, where the detainee signs both upon removal and their return. Any removed items are returned to detainees when leaving the detention facility,
- (c) submit to the duty officer an affirmation with the particulars of a family member or friend they wish to visit them during their detention, if they have no first or second degree relatives by blood or marriage,
- (d) all medical data concerning detainees-foreign nationals (e.g. transportation to hospital, etc.) are recorded in the Detainees' Records.

In addition to the above, please be advised that the operation of Pre-Departure Detention Centres (P.KE.K.) and the Centres for Foreign Citizens Identification contributed, inter alia, to achieve a uniform and orderly operation of the Detention Centres, respecting human rights of the detainees, and ensuring that the entries, in the detention records, of the transfers of detainees are accurate.

Additionally, please be advised that towards the creation of electronic records of detainees, our Directorate has recently introduced an electronic application form which, among other things, shows the arrest date of the foreign national, the initial detention method on the arrest date and the subsequent administrative procedure followed (reference to justice, voluntary return through the Hellenic Police, voluntary return through the International Organization for Migration, imprisonment, acquittal, release on bail, detention, judicial deportation, judicial deportation without detention, administrative deportation with detention, administrative deportation without detention, asylum seeker, readmission, re-return).

## CHAPTER B' - Detention conditions in police stations and border police stations

### 1. - Police facilities in Attica

#### Paragraph 38: Request for information on renovating the premises in the detention facilities of the Attica Security Police Directorate (7th floor of the Athens Police Headquarters):

To improve the detention facilities of the Attica Security Police Directorate (7th floor of the Athens Police Headquarters), an outlay was approved for making repair, rebuilding and upgrading works to all detention facilities, which started on 15/04/2013 (immediately after the visit of the Committee's delegation), lasted about a month and ensured satisfactory detention conditions, both in terms of security of the detainees and in terms of their hygiene and decent living conditions.

#### Paragraph 40: Request for information on renovating the facilities of the Perama Police Station:

The detention facilities of the Perama Police Station had been reviewed, since 2009, by the three-member committee inspecting detention facilities of the Piraeus Police Directorate, and the inadequacy of its detention facilities had been established, because of building and other operational problems. In April 2013, the above mentioned detention facilities were inspected by a competent committee of the Headquarters as well, which confirmed the above.

Until the final resolution of the matter, the Police Stations of the Piraeus Police Directorate were given the appropriate instructions so that, starting from 17.04.2013, the Perama Police Station does not accept, for any reason, any detainees and any women detainees are transferred to the detention facilities of the Salamis Police Station.

### 3. - Police Stations and Border Police Stations in the Eastern Macedonia and Thrace.

#### Paragraph 44: Recommendation not to detain, any longer, minors at the Iasmos Border Police Station (B.P.S.) and, instead, settle them in facilities appropriate to their needs.

For reasons of economy of space, please be advised that a response on this was given in relative e' above (our document under number 6634/1-357179, dated 19.10.2013).

### 5. - Taking action

#### Paragraph 51A: Recommendation to the Greek Authorities to take urgent measures to ensure that detainees-immigrants irregularly entering the country are transported, without delay, to centres specifically designed to meet the requirements of said population, duly taking into account the criteria of C.P.T. for the detention facilities for immigrants irregularly entering the country.

For all foreign nationals detained at our Services, in order to complete all necessary administrative procedures for their repatriation, in accordance with the instructions of the Operational and Political Leadership of the Force and our Ministry, the time limits for detention provided by the Greek law are exhausted to achieve said objective. Additionally, the Hellenic Police, through its existing Services, makes every effort to expedite asylum procedures and enhance the policy of forced and voluntary returns of third-country nationals to their home countries.

Please be advised that, as a rule, and until their return procedures are completed, irregular foreign nationals are detained at Pre-Departure Detention Centres (P.KE.K.) for Foreign Nationals and in police detention facilities (for short stays).

As regards foreign nationals arrested at the borders of our country, it is clarified that they are held to finalize the necessary official procedures (identification, recording, fingerprinting, photographing), deportation decisions are then issued with detention and their detention continues until the administrative procedures for their repatriation are finalized.

If, however, their return from the country is not possible, due to extreme difficulties, such as the difficult identification - establishment of their nationality, the willingness of their local Consular Authorities to co-operate and issue travel documents, the war situation in the countries of their origin (e.g. Syria) then, exceptionally, by decision of the local General Police Chiefs of the Country's Regions, the procedure laid down in article 78 of Act 3386/2005 (suspension of deportation decisions) is followed, because of impossibility, as a result of lack of travel documents, until it becomes feasible. To this end, detainees are updated on their obligations, in order to depart from the country, within the period ordered for voluntary departure, for their country or the country of their choice.

As regards foreign nationals arrested in the country, it is clarified that they are held to finalize the necessary official procedures (identification, recording, fingerprinting, photographing), return decisions are then issued for detention and their detention continues until the administrative procedures for their repatriation are finalized. If, however, the return from the country is not possible, for the above reasons and because of any requests to renew the deferral of their return, return decisions are issued without a detention. In this case, it is specifically mentioned that the foreign nationals were informed, in their own language or a language they understand, that they are given the option, within the deadline set for voluntary departure (granted automatically), which ranges from (7) to (30) days, to depart themselves from the country, for their country or the country of their choice.

In case decisions for return on detention (maximum detention time: 18 months) have been issued and the return is not feasible, the above decisions are suspended and decisions postponing the return are then issued, for up to six (6) months.

Except for the foreign nationals who are sent back to their home country through the northern borders of our country, mostly Albanians, and those handed over to the authorities of the neighbouring country (Turkey), under the existing Readmission Protocol, all other foreign nationals, the repatriation whom is possible, are transferred to the Attica Directorate for Foreign Nationals, in order to complete the corresponding procedures for transferring them.

In any case, it is pointed out that our operational goal is to complete the corresponding administrative procedures in accordance with the legislation in force, in a short time, and to focus of our efforts in the cases of foreign nationals who can be repatriated.

The number of foreign nationals who are not returned to their home countries (through the deportation/return and return procedure) due to exceptional difficulties encountered in our efforts to return them, results to them being supplied with corresponding «Memorandums» for departure from the country, which are served to them on receipt, informing them about their above rights and obligations.



However, these do not leave our country and are trapped in it, the ultimate effect of it being their continued stay in the country, looking for ways to escape towards Central Europe, through our sea and land borders.

Paragraph 51b: Recommendation to the Greek Authorities to strive to transfer all under custody or sentenced to imprisonment persons to an appropriate correctional institution.

Non-acceptance of detainees by judicial prisons, for reasons of overcrowding, and their stay in police detention facilities, for which we have repeatedly received criticism by international organizations, humanitarian organizations, etc., is not due to the belatedness of our Services and continues, despite the implementation of the provisions of Act 4043/13-02-2012 on «Measures to improve the living conditions in detention facilities and other provisions».

The above is an actual problem, creating significant side effects on the smooth operation of the Services and will be resolved only with the immediate admission of criminal inmates by the judicial prisons.

It is pointed out that, in accordance with article 66, paragraph 6 of Presidential Decree 141/1991, police detention facilities are places for short detention, which are not allowed to detain persons under custody or sentenced, destined for correctional facilities, except for the absolutely necessary, before their transfer, time and if their direct delivery to these is not possible.

Paragraph 51c: Recommendation to the Greek Authorities to take concerted action to ensure that:  
o capacity rates at Police Stations and Border Police Stations will be revised, so as to provide for at least 4 sq. m. of living space, per detainee, in multi-lodging facilities.

o women are detained separately from men.

o all detainees have quick access to proper toilet facilities, at all times, including at night.

o every detainee is provided with a clean mattress, a clean blanket, clean bedding and a means of rest, such as a built-in bed or a bed.

o food for the detainees is adequate and appropriate, and includes one hot meal per day, for individuals detained for more than a few days.

o all detainees, staying for more than 24 hours, are given a package with basic toiletries (which includes sufficient pieces of soap, washing powder, toilet tissue, shampoo, shaving gear, toothpaste and toothbrush), free of charge.

o all detainees are given adequate amounts of detergent to keep their cells clean.

o detention facilities (including sanitary facilities) are maintained in good condition and clean.

o all detainees have access to adequate lighting.

o all detainees staying for more than 24 hours have access to showers and hot water.

o all detainees staying for more than 24 hours are given, on a daily basis, the ability to have prison yard access.

The Ministry of Public Order and Citizen Protection and the Hellenic Police Headquarters pay particular attention to ensuring that the necessary hygiene and safe accommodation rules are met for all detainees in the Pre-Departure Detention Centres (P.K.E.K.), the Immigration Citizenship and Identity Centres and the police detention facilities (for short stays), and their observance by all Police Services, which, on a daily basis, are handling a large number of detainees, either during their custody or during their transfers to and from the courts, detention facilities, etc. (Act 3907/2011 and 3386/2005).

To this end, specific legislative initiatives were assumed for the meaningful reform and improvement of the existing detention structures and the amendment of the national asylum procedure, by creating contemporary and permanent structures in order to adequately respond not only to the requirements of the present, with regard to migratory flows, but also to cover the emerging needs that will arise over time, in a manner ensuring the rights, in general, of the guests at these sites, as befits a civilized country, with a European orientation. These innovations, combined with the detention policies and the matrix of measures taken, including our immigration policy, have given substantive solutions.

The observance of all safety rules and conditions for detention facilities, as well as their construction in accordance with the specifications, are necessary to eliminate the possibility of escapes, self-harms, etc., to ensure the protection of personnel of the Hellenic Police Services, which is responsible for guarding detainees, and ensure detention conditions conforming to human dignity and our civilization.

In particular, the necessary steps have been taken to address the problems associated with deficiencies of the detention facilities at the premises of the Hellenic Police, while orders have been issued to all our regional Services, with instructions - orders for full compliance with their obligations, as result from the applicable conventions and international treaties.

We also watch the whole issue, by interfering, with specific instructions - orders, in case deficiencies - malfunctions are noted, to quickly improve the existing conditions.

It is emphasized that the opinions, complaints and findings, as well as any comments - recommendations contained in the reports, etc. of international organizations, humanitarian organizations, etc. about the conditions in the detention facilities of our regional Services, are a matter of concern, thorough study and investigation on the part of our competent Services and the necessary additional measures are taken, so that our country is not discredited abroad and is not blamed by the International Organizations.

In its continuing effort to safeguard human rights, improve building infrastructure and ensure sanitary accommodation and the protection of detainees, a Technical Description of the detention facilities has been drawn, under which the detention facilities of Police Services are constructed - reconstructed, taking into account, inter alia, the Directives of the Committee of the Council of Europe for the prevention of torture and other inhuman or degrading management or punishment (C.P.T.). In this context, projects are implemented, either through the Public Investment Programme (PIP), or through Public - Private Partnerships (PPP), involving the construction of new, modern, buildings that have the most appropriate detention areas, fully meeting both the working needs of staff and the needs of incoming citizens, while providing humane detention conditions for persons under custody in these Services.

At this point we wish to note that our continuous care for the subject has already led us to cease operation of the existing structures that did not satisfactorily meet accommodation conditions [the Special Residence Facilities for Foreign Nationals at Piraeus, Hellenikon (old) and Aspropyrgos in Attica and Venna at Rodopi, Evros, as well as the detention facilities of the Border Police Station (B.P.S.) at Tycheron, Alexandroupolis, Evros, were repealed due to unfit - old spaces].

The aim of all of the above is to constantly improve detention conditions of foreign nationals awaiting return [the detention of these foreign nationals is fully compatible with the Directive EC/115/2008 (Regulation 15)], safeguard human rights in the context of dignity and respect of diversities, non-marginalization and non-segregation of people into categories.

In particular, to achieve the above aims, the following actions - initiatives were, inter alia, manifested:

- Technical works were carried out to improve the facilities at the existing Pre-Departure Detention Centres (P.KE.K.) for Foreign Nationals at Amigdaleza-Attica, Xanthi, Komotini and Drama in Eastern Macedonia - Thrace and Corinth, Peloponnese.

The facilities that have been designed for the stay of irregular foreign nationals have central heating and have no problem of water supply.

Alongside, through competitions of bids, the supply of linen, towelling, personal hygiene items, etc. was completed and existing needs were fully covered.

- The ceded area of approx. seventeen (17) acres at the region of Filakio, Evros has been developed and already operates as First Reception Centre (KE.P.Y.), with a capacity of two hundred and fifty six (256) persons.

- Apart from the operation of the First Reception Centre at Filakio, the First Reception Service has launched the procedures for setting up a First Reception Centre at Lesvos and the region of Attica.

- A building was ceded by the Army General Staff at Poros, Evros, which operates as First Administration Centre for Irregular Immigrants. Using studies drawn by the Technical Directorate /Hellenic Police Headquarters, development-reconstruction works have already been completed, with a total budget of 36.000,00 euros.

- The Centres of Samos (with a capacity of 285 persons) and Chios (with a capacity of 120 persons) have re-opened in Northern Aegean, as Immigration Citizenship and Identity Centres, within which transitional First Reception units exist [to make them functional, renovation works were made with a total budget of 86.016,84 euros]

- An Immigration Citizenship and Identity Centre has been built and operates in the island of Lesvos (with a capacity of 90 persons), in which transitional First Reception units exist.

- Repair - renovation works were performed at the existing facilities of the Foreign Nationals Directorate of Attica (Central - 24 P. Ralli St.).

- an amount of 844.538,00 euros was secured through the External Borders Fund, corresponding to the repair - renovation - redevelopment costs (painting, renovation of sanitary facilities, installation of metal beds) at the detention facilities of the Border Police Stations at Soufli (32 beds) and Kyprinos (Filakio, Evros) (378 beds), respectively, the contract with the successful bidder company was signed and the works were completed.

- The Municipality of Ferres ceded a plot of 6.910 sq.m. to house the Ferres Police Station - Border Police Station. The modern building construction project, with a total budget of 2.500.000,00 euros (contractual amount: 1.925.000,00 euros) has been completed on 17-05-2012 and the Services have already been relocated.

- The Municipality of Didymoteicho has ceded to us an area near the urban fabric, for the construction of a building to house the Police Station, the Security Police Station and the Border Police Station (B.P.S.) of Didymoteicho.

The necessary studies have been drawn and the procedures for the issuance of a building permit were initiated. The construction cost will be proposed to be included in the European External Borders Fund.

- Works are performed (redevelopment - reconstruction - expansion - installation of prefabricated homes) to create a First Reception Centre and a Pre-Departure Immigration Detention Centre (P.KE.K.) for Foreign Nationals in Lesvos.

- Works are performed (redevelopment - reconstruction - expansion - placement of prefabricated

homes) to expand the Pre-Departure Immigration Detention Centres (P.K.E.K.) for Foreign Nationals at Corinth and Drama (Paranesti).

• Funds were approved and works were completed for the repair of detention facilities at the following Services of the General Attica Police Directorate:

√ Foreign Nationals Directorate of Attica:

- Special Residence Facility for Minors-Foreign Nationals at Amigdaleza (E.CH.P.A.A. Amigdaleza).

√ Athens Police Directorate:

- Detention Facilities of the Security Police Directorate, Attica (7th floor of the Police Headquarters, Athens).

- Detention Facilities of the Kolonos Police Station.

√ Southeast Attica Police Directorate:

- Detention Facilities of the Anavissos Police Station.

• Building projects were drafted to lease buildings with modern detention facilities in the following Services:

√ Athens Police Directorate:

- Police Stations: Omonia, Syntagma, St. Panteleimon, Petralona, Neos Kosmos, Kaisariani, Daphni.

√ Piraeus Police Directorate:

- Piraeus Police Directorate, Police Stations: Drapetsona, Perama, Salamis, Kaminia, Poros.

√ West Attica Police Directorate:

- Police Stations: Kamatero, Mandra.

√ North East Attica Police Directorate:

- Police Stations: New Philadelphia, Glika Nera.

√ Southeast Attica Police Directorate:

- Police Stations: Heliopolis, Vari.

• Funds were approved and works were completed for the repair of detention facilities, in the following Services of the Corfu Police Station:

√ Cassiopeia Border Police Station,

√ Paleokastritsa Border Police Station

√ Paleokastritsa Police Station.

• The construction of the following buildings was completed:

√ Prespa Border Police Station - Agios Germanos Police Station (Agios Efstratios - Andissa) (Florina Police Directorate).

√ Delvinaki Border Police Station - Delvinaki Police Station (Ioannina Police Directorate).

√ Konitsa Border Police Station - Konitsa Police Station (Ioannina Police Directorate).

√ Nea Vissa Border Police Centre (Orestiada Police Directorate).

√ Metaxades Border Police Station (Orestiada Police Directorate).

The aim of all the above is to ensure human rights in the context of dignity, respect for diversities, non marginalization and non-segregation of people into categories.

Paragraph 51d: Recommendation to the Greek Authorities to pay due attention to the establishment of special guard positions for persons detained by law enforcement agencies.

The establishment of Custody Services for Immigration Detention Facilities (Y.F.E.K.A.) under decision no. 4000/4/32-la', dated 10.05.2012 of the Chief of the Hellenic Police (Government Gazette issue no. B' 3091/22-11-2012] at Amigdaleza - Attica, Corinth, Drama, Komotini and Xanthi and their manning with permanent police staff (and not staff involved, by rotation, in foreign nationals issues), with exclusive powers and duties to guard the facilities and, in general, manage

foreign nationals detained in said Pre-Departure Detention Centres (P.K.E.K.) for Foreign Nationals results in specializing the staff in the administration of detainees, with full respect for human rights.

As regards the issue of police conduct, it should be pointed out that our Ministry is particularly sensitive to the issue of irreproachable conduct on the part of police officers to nationals, both nationals and foreign nationals, and the faithful performance of their duties, especially as it concerns absolute respect for individual rights, diversity and dignity of citizens, as provided by the applicable law. For this reason, specific orders and instructions have been given to the staff, while our severity is exhausted on those who are forgetful of their obligations.

#### CHAPTER D - Immigration Detention Centres:

##### 1. Preliminary observations

##### A. Legislation

##### Paragraph 58: Request for information on the duration of detention of foreign nationals.

(i)- The Ministry of Citizen Protection promoted, already in early 2011, a law completely redesigning admission and detention of irregularly entering and staying in the country immigrants.

Specifically on the issue of irregular immigration, a legislative framework, fully harmonized with the EU legislation, exists and the detention of irregularly entering and staying in our country foreign nationals is stipulated in special provisions of Acts 3907/2011 and 3386/2005.

In no way foreign nationals are detained arbitrarily, aside from what is provided by law.

In particular, please be advised that, for all foreign nationals detained in our Services, in order to complete all required administrative procedures for their deportation, the time limits provided by the Greek law on detention are exhausted to achieve that objective. Additionally, the Hellenic Police, through its existing Services, makes every effort to expedite asylum procedures and strengthen the policy of forced and voluntary returns of third-country nationals to their home countries.

According to article 30 of Act 3907/2011, which transposed Directive 2008/115/EC «on common standards and procedures in the Member-States for the return of irregularly staying third-country nationals», the maximum detention period cannot exceed six months and may be extended for a limited time only, not exceeding twelve (12) months, in the cases where, despite the reasonable efforts of the competent Services, the return procedure is likely to take longer.

In particular, in accordance with the provisions of article 30 of Act 3907/2011 and, particularly, paragraph 5 «... The detention continues for as long as it meets the conditions of paragraph 1 and is necessary to ensure a successful return. The maximum detention time may not exceed six months».

Please be advised that the detention may be extended to (18) months, only if the third-country national does not co-operate for the return to his/her home country and is the result of the provisions of paragraphs 5 and 6 (combined), article 30 of Act 3907/2011 «... the time limit of paragraph 5 may be extended for a limited time only, not exceeding twelve (12) months, in the cases where, despite the reasonable efforts of the competent Services, the return operation is likely to last longer, because: a) the third-country national refuses to co-operate or b) obtaining the necessary documentation from third countries is delayed.”

These provisions are aligned with article 15 (detention) of EU Directive 115/2008, which was transposed by Act 3907/2011.

In any case, the existence of detention conditions shall be reviewed automatically every quarter, by the institution that issued the detention order or the Service further handling the third-country national and, to impose or continue imposing the measure, the availability of suitable detention facilities and the possibility to ensure decent living conditions for the detainees is taken into account.

Additionally, a Joint Ministerial Decision (JMD) is promoted, so that «the external return control system» operates care of the Independent Authority «Ombudsman».

(ii)- Detention of asylum seekers:

(a) Community Law: According to Directive 2005/85/EC (article 18) «Member-States may not detain a person for the reason that he/she calls for asylum» and «when an asylum seeker is detained, Member-States shall ensure that there is a possibility of a speedy judicial review».

(b) According to Presidential Decree 114/2010, as amended and in force, on «Detention of asylum seekers», our national legislation was adjusted to that of the Community.

Specifically, on the issue of detention of immigrants who have applied for asylum, it is provided that:

(i) If an asylum seeker has been previously detained, pending his/her administrative deportation, the total detention period cannot exceed one hundred eighty (180) days, counting the detention time after the submission of the application for international protection.

The detention may be further extended beyond one hundred eighty (180) days, by an especially reasoned decision. Nevertheless, the detention CANNOT in any case exceed a total of eighteen (18) months, regardless of the time the application for international protection was submitted and is considered on a priority basis.

(ii) If the asylum seeker for international protection is NOT a detainee, the competent Authority issuing the detention order may consider his/her detention necessary for one of the following reasons:

a. he/she does not have or has destroyed his/her travel documents and is necessary to establish his/her identity, the conditions of his/her entry and the facts of his/her origin, particularly in cases of mass arrivals of irregularly entering the country foreign nationals,

b. he/she poses a threat to national security or public order, for reasons particularly explained in the detention order,

c. it is considered necessary for the speedy and effective consideration of the application,

d. he/she poses a threat to public health.

This detention is ordered for the absolutely minimum period required and in no case may exceed ninety (90) days.

According to paragraph 4 of Presidential Decree 116/2012 and the option to extend the detention period, which cannot exceed twelve (12) months, the total detention time, in the present case, for asylum seekers CANNOT, in any case, exceed a total of fifteen (15) months.

(iii) When the Asylum Service becomes operative (from 07.06.2013), a foreign national applying for international protection at the Asylum Service, if he/she is already detained, may remain in custody (with a new detention order) for one of the following reasons:

- a. to establish the particulars of his/her identity or origin, or
- b. if he/she poses a threat to internal security, upon a reasoned judgment by the Police Authority, or
- c. if his/her detention is deemed necessary for the speedy completion of the consideration of his/her application, including the one filed in First Reception Regional Services.

The total detention period for an asylum seeker (i.e. the detention time before the application is filed, plus the detention time after submission), may not exceed:

(1) for case (c) of paragraph 2 (speedy completion of the consideration of the application) one hundred eighty (180) days, which in no case can be extended.

(2) for cases (a) of paragraph 2 (establishing the particulars of identity or origin) and (b) of paragraph 2 (foreign national considered by the Police Authority as reasonably posing a threat to national security or public order) twelve (12) months. In these cases, (a) and (b) of paragraph 2, the detention may be further extended for up to six (6) months (i.e. total detention period: 18 months maximum), by a newer and explicitly reasoned decision of the bodies mentioned in paragraph 4, article 12 of Presidential Decree 113/2013, on the continuing existence of the reasons imposing it.

For an order for the detention or not of a foreign national requesting international protection to be issued by the above Police Authorities, based on either the need to establish the particulars of his/her identity or origin or the need for speedy completion of the consideration of his/her application (reasons a or c above), a written recommendation of the Head of the local competent Regional Asylum Office (article 12, paragraph 4 of Presidential Decree 113/2013) is previously required. The Head of the local competent Regional Asylum Office, after the submission of the application for international protection by the foreign national (registration of the application), informs in writing, by fax, the competent Authority issuing the detention order on the registration of the application and the date set for the interview. On the day of registration of the application or, at the latest, on the following one, the Head of the local competent Regional Asylum Office will send to the competent Authority issuing the detention order, in writing (by fax) a recommendation on the detention.

(iv) If the foreign national is not detained for administrative deportation, he/she may be detained as long as he/she poses a threat to the internal security for the reasons particularly explained in the detention order issued by the Police Authority.

In the case of paragraph 3, article 12 (foreign national who was not under administrative detention when he/she filed an application for international protection, but it was justifiably considered, at a later stage, by the Police Authority that he/she poses a threat to national security or public order), his/her detention is imposed for the time strictly required and, in principle, may not exceed ninety

(90) days. According to paragraph 6, article 12 of Presidential Decree 113/2013, the above detention may not exceed twelve (12) months. It may, also, be further extended for up to six (6) months (i.e. total detention time 18 months maximum), by a newer and particularly reasoned decision of the bodies of paragraph 4, article 12 of Presidential Decree 113/2013, on the persisting existence of the reasons imposing it.

b. Recent policy developments

Paragraph 60A: Request for information on the operation, to date, of the first Reception Centre at Filakio: average occupancy, length of detention and indication of the facilities where people went, after they left the Centre.

The stay of irregular immigrants at the First Reception Centre (KE.P.Y.) of Filakio, Orestiada, lasts an average of twelve (12) days, while exceptionally, in special cases, this period may be extended for up to twenty five (25) days. As a rule, persons belonging to vulnerable groups, i.e. single parents, unaccompanied minors, the elderly, victims of torture, victims of trafficking and persons with disabilities or suffering from incurable diseases leave after a short time from the First Reception Centre, subject to the completion of the first reception procedures and the provision of all necessary health and psychosocial support services. Depending on the category of the vulnerable group, to which each person belongs, he/she is transferred either to a proper host structure, through the network of the National Centre for Social Solidarity (EKKA), or to public hospitals, if his/her treatment is deemed necessary or to a corresponding support or hosting unit/service (state or supervised by the state, but under the administration of a body of the civil society). Foreign nationals belonging to vulnerable groups (e.g. unaccompanied minors) are separated and stay in a separate wing, for safety reasons, same as families are separated from adult men, etc.

Irregular immigrants are leaving the First Reception Centres with a referral note from the Head of the First Reception Centres to the Hellenic Police, which has the responsibility for their further administration.

Paragraph 60B: Request for information on the reasons why Syrian nationals are detained at Immigration Detention Centres, for periods up to several months, as it happened at the time of the visit.

Greece hosts approximately 20.000 refugees from Syria (of which 14.000 arrived in the last three years), who are granted six-month residence permit on humanitarian grounds, which may be renewed. Moreover, in dealing with the Syrian humanitarian crisis, Greece implements the international rules and similar practices applicable to nationals in need, in close cooperation with the European bodies.

In particular, for the due protection and reception of Syrian refugees, please be advised that the geopolitical developments in the near Middle East, especially after the march of events in Syria and Egypt, require immediate vigilance on our part. In this light, our country devised a policy - strategy, based on the following three pillars:

(a) the treatment and administration of displaced Syrian nationals, under the international rules and practices applying to persons in need. In no case a decision rejecting a request for asylum is issued, unless for reasons of public safety and order, nor are they repatriated (decisions postponing return for six months are issued, which may be extended if the reasons for their issuance are still valid),



b) ensuring the necessary response level to address the crisis that can be manifested in the form of a mass influx of Syrian nationals to Greece, through the preparation of the «IONI» Operational Plan,

(c) the prospect of reactivating the return process of Syrian nationals to Turkey, given that there are, in our neighbouring country, organized camps and reception facilities, financed by the international (United Nations) and the European community.

At the same time, some of the Member-States of the European Union consider, bilaterally, the possibilities of controlled admission of Syrian nationals in their territories. In contrast to this development, no substantive discussion has begun within the European Union on the method of integrated administration of those displaced who have already gathered in various Member-States of the European Union. Our country says that, based on the principle of solidarity, priority should be given to establishing a uniform way to deal with the problem, that will take into account the needs and concerns of all Member-States, particularly those located at the external borders of the European Union, aiming at an organized equidistribution among Member-States.

### c. Pre-Departure Centres and Detention Centres visited.

Paragraph 61: Recommendation that the Detention Centres, such as those found at Petrou Ralli St. and Filakio, with an absolutely unsuitable correctional design, are used in the future only for the detention of persons for short periods.

As mentioned above (see Paragraph 51) repair - renovation - redevelopment works were performed at the existing facilities of the Foreign Nationals Directorate of Attica (Central - 24 P. Ralli St.) and at Filakio, Orestiada.

### 2. – Abuse

Paragraphs 64 and 65: Requests for information on complaints received by the Committee, from detainees, on their physical abuse by police officers, in the context of the riots caused at the Pre-Departure Detention Centre (P.K.E.K.) for Foreign Nationals at Komotini, on 23/11/2012 (paragraphs 64 and 65).

The Sworn Administrative Inquiry (E.D.E.) ordered to investigate these allegations is still in progress.

After completion of the investigation and the decision-making by the competent body, we will inform you of the outcome.

As mentioned above, for these complaints (paragraphs 64 & 65) a corresponding criminal investigation is being conducted by the Internal Affairs Directorate/Attica Police Directorate, which is still pending.

### 3. - Detention conditions

#### a - Pre-Departure Centres

##### Paragraph 69: Request for information on the renovation of the premises of the Pre-Departure Detention Centre (P.KE.K.) for Foreign Nationals at Komotini.

By the end of 2012, early 2013, the following works have been performed in the detention facilities of the Centre:

- √ restoration of damages at sanitary facilities,
- √ electrical works, and
- √ restoration of damaged windows at the dormitories.

In the past year (2013) the following works were performed:

- √ renovation and oil-painting of dormitories,
- √ installation of solar water heaters,
- √ placement - installation of washing and drying machines and
- √ placement - installation of four (4) payphones, per dormitory.

Additionally, the Rhodope Police Directorate has submitted requests to the Technical and Financial Directorates of the Headquarters, as well as to the Service for the Administration of European and Development Projects (Y.D.E.A.P.) of our Ministry, for which efforts are made to be met as soon as possible and which refer to:

- √ the reconstruction of sanitary facilities,
- √ the supply and installation of televisions in the detention facilities,
- √ the installation of an air-conditioning system
- √ the supply of entertainment goods,
- √ the installation of a fire protection system and
- √ the supply a large quantities of clothing.

##### Paragraph 72: Recommendation to the Greek Authorities to take all necessary measures to ensure that:

- o The official capacity rates will be reviewed in order to provide a minimum area of 4 sq. m. per detainee, in multi-lodging facilities and will be respected in practice.
- o All multipurpose rooms will be equipped with tables and chairs equal to the number of the detainees and each person will be provided with a personal locker.
- o Detainees will be provided with clean bedding and the ability to wash their clothes.
- o All detainees will be offered at least one hour of daily outdoor exercise.
- o A program of activities will be drawn up in each centre (educational, recreational and occupational).
- o At least one recreation room, equipped with TV and games, will be created at each centre.
- o Each centre will be equipped with a room to exercise different religious beliefs.
- o Detainees will be provided with a sufficient quantity of personal hygiene and cleaning products (including washing powder).
- o It will be ensured that maintenance works will be executed, at regular intervals, in all Pre-Departure Centres.

A. Our country remains consistent in the implementation of the measures announced, which have been approved by the European Union (ACTION PLAN) and relate to upgrading the First

Reception system, constructing First Reception Centres (KE.P.Y.), reforming the national asylum system (Asylum Office and Refugee Authority) and implementing a rational international protection system, establishing Pre-Departure Detention Centres (P.KE.K.) and Identification of Citizenship and Immigration Centres, enhancing the policy of forced and voluntary returns of third-country nationals to their home countries. Above all, as a priority, ensuring reception and stay conditions, together with a decent standard of living.

b - In particular, please be advised that the actions of the National Action Plan for the Administration of Migration Flows (ACTION PLAN) are continued, to create First Reception Centres (KE.P.Y.) and Pre-Departure Detention Centres (P.KE.K.) for Foreign Nationals under Act 3907/26-01-2011, through the First Reception Service, the Service for the Administration of European and Development Projects of our Ministry and corresponding to it Directorates/Attica Police Directorate. This project was recently updated.

To achieve the above, the main zoning plans, including the basic operational infrastructure of the First Reception Centres and Pre-Departure Detention Centres (P.KE.K.) for Foreign Nationals for the nationals of third countries irregularly staying in our country (dormitories, infirmaries, mess, etc.), are being drafted and completed to ensure, to the maximum, the hygiene and safety conditions of those staying in them.

After the completion of the autopsies in progress by competent engineers of the Technical Directorate/Attica Police Directorate and upon finalization of the facilities that will be selected, the studies required for each facility will be immediately and separately drawn, since each of these will reflect any variations (infrastructure networks, topography, usable area, etc.). After the studies are submitted, any incurring costs, which will burden the regular budget of the Hellenic Police, will come up.

It has to be noted that, in March 2013, the First Reception Centre (KE.P.Y.) operated at Filakio, Evros, with a capacity of 256 persons, while the First Administration Centre for Irregular Immigrants at Poros, Evros (Alexandroupoli) is already operational.

c. In particular, it was decided to create Pre-Departure Detention Centres (P.KE.K.) for Foreign Nationals: besides using the area ceded at Filakio, Orestiada, Evros, to use the Corinth and Paranesti, Drama, camps respectively, convert the former Special Residence Facilities for Foreign Nationals, Attica Directorate (24 P. Ralli St. - Tavros), establish facilities at Amigdaleza - Attica, Komotini, Xanthi, reconstruct buildings of the former Special Residence Facilities for Foreign Nationals at Chios and Samos (operating as Immigration Citizenship and Identity Centres), create an Immigration Citizenship and Identity Centre in Lesbos, while ongoing procedures are in place for the establishment and operation of other Centres, in other parts of the country, able to significantly increase the capacity of facilities for foreign nationals, for whom the issuance of an administrative or judicial return is pending, in full compliance of the safety and hygiene rules and always respecting human rights.

The First Reception Centres (KE.P.Y.) and the Immigration Citizenship and Identity Centres inaugurate a new system for the registration, evaluation, valid verification of the identity and origin of the third-country nationals subject to the process of first reception, through a specific know-how and specialized for this purpose staff, while their segregation, registration and medical examination are safeguarded, as well as the support of vulnerable groups (unaccompanied minors, women, single-parent families) and, of course, the guidance of those entitled to international protection.

d. - It has to be noted that foreign nationals staying there are detained by order of the Authority, as deportation /return orders have been issued against them and in no case they walk free or exit from Detention Centres.

They also come from countries where it is possible to repatriate them, as they originate from countries that do not face any problems (e.g. countries where unsettled conditions prevail due to civil conflict, of a recurrent nature, or are subject to persecution within countries of the opponent authoritarian regimes etc.) and their embassies located here co-operate with regard to the issuance of travel documents (e.g. Pakistan, Bangladesh etc.).

These are foreign nationals who have entered and stay irregularly in the country, which are fully identified and not criminals or delinquent foreign nationals who are detained at correctional facilities.

The corresponding and competent national, international and non-governmental organizations (NGOs) and institutions may visit the premises of the Centres where foreign nationals awaiting return are detained.

Detained foreign nationals systematically receive information on the regulation applicable to detention facilities, as well as on their rights and obligations, including their right to come into contact with the above organizations. For this reason, corresponding documents have been posted in prominent places.

e. - In order for the facilities operating for the accommodation of irregular immigrants to fully meet the requirements of safety and hygiene, both for the staff serving and the foreign nationals staying in them, Technical Specifications were prepared and all required technical interventions were made.

To better serve the needs of police personnel and detained foreign nationals, requests are submitted through the competent Police Directorates to the Technical and Financial Directorates of the Headquarters, as well as to the Service for the Administration of European and Development Projects (Y.D.E.A.P.) of our Ministry, which efforts are made to meet as soon as possible.

In addition to the above, a preparation of a complete study on the increase of safety terms and the improvement of premises for all existing facilities is in progress.

f. - Custody procedures for detainees and the needs arising for their detention require the availability of a large number of police personnel in the existing Pre-Departure Detention Centres (P.KE.K.) and the Immigration Citizenship and Identity Centres which, currently, cannot be covered by the respective Police Directorates.

Therefore, for the safe custody of the premises of the facilities where foreign nationals are accommodated, sufficient police forces are made available from the respective Police Directorates, backed up from the General Regional Police Directorates, to prevent their escape.

Please be advised that, since these Centres have started operating, in isolated cases where concern or disruption were caused by certain foreign nationals, police personnel acted wisely, in accordance with the instructions given, to defuse tension and restore order.

Furthermore, to address the manning of Custody Services for Immigration Detention Facilities (Y.F.E.K.A.) with the necessary personnel, efforts are made to back up the corresponding Police Directorates with police personnel through transfers (regular and supplementary) and secondments.

Article 14 of Act 3907/2011 provides for the assignment of the external custody of the facilities of the Centre or Unit to the competent Police Authority, which shall take appropriate restriction measures in leased ceded facilities. Custody, under subparagraph b', paragraph 1 of article 14 may be assigned, along with the Police Authority, to specialized Private Security Services Firm (I.E.P.Y.A.), upon approval by the Minister of Public Order and Citizen Protection. This provision of article 14, paragraph 1 of Act 3907/2011 was replaced with article 1, paragraph 2 of Legislative Act, dated 20/03/2012 (Government Gazette issue no. A' 61), which was ratified by the first article of Act 4084/2012 (Government Gazette issue no. A' 190). Under the current form of this provision, custody may be assigned to properly trained staff of Private Security Services Firms, by decision of the Minister of Public Order and Citizen Protection. To ensure the selection of trained staff, an enabling provision was added to this provision, by which the Minister of Public Order and Citizen Protection may issue a decision specifying the type, content and duration of the training undergone by this staff and the personnel of the Hellenic Police providing it.

Additionally, by decision of the Chief of the Hellenic Police, an «Internal Regulation for the Operation of Custody Services for Immigration Detention Facilities (Y.F.E.K.A.)» was drafted (Government Gazette issue no. B' 11851, dated 29-07-2013), to ensure the uniform and proper operation of these Centres and adjust, in the most expedient manner, the needs arising from the detention of immigrants.

The Internal Regulation of Operation for the Custody Services for Immigration Detention Facilities (Y.F.E.K.A.) provides that they are manned with the personnel required for their operation from the Hellenic Police, as well as with personnel from Private Security Services Firms. Chapter IV provides in detail for the duties and regulates matters regarding the personnel of Private Security Services Firms employed in these facilities.

For this purpose, a competent Committee completed the issuance of technical standards - requirements for the preparation of a draft notice to tender for the nomination of a private service provider company, to which the internal security services for the Pre-Departure Detention Centres (P.KE.K.) for Foreign Nationals in Corinth, Drama and Filakio, Orestiada, will be assigned, and, following notice under number 11/2013, the submission of bids by the interesting companies was already completed, which will then be evaluated by the competent committee, in accordance with the applicable legislation, so that a contractor is nominated.

Please be advised that all corresponding procedures for carrying out the corresponding tender, pursuant to the applicable legislation, are posted on the Internet.

g. - In addition to the above, please be advised that the operation of the Pre-Departure Detention Centres (P.KE.K.) for Foreign Nationals contributed, inter alia, to:

- dramatically increase the capacity for detainees (it positively affected the efforts to arrest and deter, made on a daily basis by the Border Police Stations and the Immigration Services in the hinterland)
- achieve a uniform and orderly operation of the Detention Centres, respecting the human rights of detainees,
- avoid detention of irregularly entering and staying in our country foreign nationals in police

detention facilities, but at Detention Centres that have facilities meeting the standards for a multi-month detention

- provide prison yard access at the facilities and have a program for carrying out activities on the part of detainees,
- have accurate entries in the detention and transfer records for detainees,
- configure the areas of the facilities (toilets, baths) so that they immediately serve the needs of detainees, without delays,
- a continuous and uninterrupted presence of physicians, to ensure the necessary medical care and psychosocial diagnosis and support by medical, nursing and other occupational staff from the State or non-governmental organizations or other organizations and bodies.

h. - The operation of Pre-Departure Detention Centres (P.K.E.K.) and other detention facilities for foreign nationals involves a series of contracts (food for the immigrants, cleaning crews, etc.) between the Greek government and service providers, through transparent procedures, as defined by the applicable law.

The common objective of all competent Services of our Ministry is the great importance attached to the absorption, through the Return and External Borders Fund, of the financing granted by the European Union, as well as the funds planned to be spent in support of the efforts our country pays to address the phenomenon of irregular migration, thereby working with the competent Ministries and other corresponding bodies.

All the above are implemented in the light of the international obligations of our country and the best practices applied in other countries and aim at the safety of both the detainees and the staff.

Our goal is to have one status, all over the country, in this area, as appropriate to the Greek culture and the sensitivity we all have over irregular economic immigrants.

#### B. Special Facilities for immigrants irregularly entering the country.

Paragraph 77: Recommendation to the Greek Authorities to take all necessary measures to ensure that:

- o The official capacity rates will be reviewed in order to provide a minimum area of 4 sq. m. per detainee in multi-lodging facilities and be respected in practice.
- o All detainees are offered a simple or built bed, mattress, blanket and bedding, all clean.
- o All detainees have direct access to toilets, even during night hours.
- o All detainees are offered at least one hour of daily outdoor exercise.
- o In each centre there is a recreation room, equipped with a TV and games, as well as a prayer room.
- o Regular maintenance and disinfection works are performed and adequate funding exists for this purpose.
- o Detainees are continuously supplied with a sufficient quantity of cleaning and personal hygiene products.
- o In addition, for individuals detained for more than a few days, a program of activities should be developed (educational, recreational and occupational).

Please refer to corresponding Paragraph 51C.

#### 4. - Unaccompanied Minors

Paragraph 80: Recommendation for stringent measures on the part of the Greek Authorities, to take the necessary steps to ensure that unaccompanied children deprived of their liberty as a last resort, are detained only in centres intended to meet specific needs, staffed with specifically trained men and women and are presented with a range of constructive activities. In addition, all unaccompanied minors should be provided with a guardian informing them about their legal status and effectively protecting their interests.

More specifically, the Committee recommends to not use anymore the Special Facility at Amigdaleza for the detention of unaccompanied minors. Instead, more appropriate facilities need to be found, preferably open ones, which will meet the above requirements for such a facility.

For reasons of economy of space, please be advised that a response on this was given under relative e' (our document under number 6634/1-357179, dated 19.10.2013).

In addition, the National Action Plan on Human Rights includes a series of actions aimed, inter alia, at protecting this sensitive age group, such as the operation of a Service for the Administration of Housing Requests by Asylum Seekers and Unaccompanied Minors and the assessment of the legal framework governing the status of unaccompanied minors.

Paragraph 81: Recommendation for stringent measures to be taken on the part of the Greek Authorities to implement emergency plans in every Pre-Departure Centre, to deal with unaccompanied minors in accordance with their own status. Additionally, it should be reminded to police officers that they must accurately record the ages given by the arrested immigrants, having irregularly entered the country. Individuals claiming to be minors should be treated accordingly until proven otherwise, unless the claim is clearly unfounded.

For reasons of economy of space, please be advised that a response on this was given under relative e' (our document under number 6634/1-357179, dated 19.10.2013).

Besides, please be advised that the signing of a Memorandum of Cooperation between the First Reception Service and the Hellenic Police Headquarters is promoted, in order to effectively regulate the cooperation between Hellenic Police Services which, in the context of their duties, participate in the first reception procedures of third-country nationals, and the First Reception Service, whose mission is to effectively manage third-country nationals irregularly entering the country, under conditions respecting their dignity, by subjecting them to first reception procedures.

#### 5. – Staffing

Paragraph 83: Recommendation to the Greek Authorities to review the staffing of Immigration Detention Centres. In addition, the staff should not noticeably carry their batons within the accommodation areas of these centres. If this equipment is deemed necessary, as control equipment during uprisings, that should be available on site, then it should be stored in a predefined area, outside the visual field of the detainees.

Please refer to corresponding Paragraph 51.

## 6. – Healthcare

### Paragraphs 84, 85 and 86: Recommendations to the Greek Authorities:

o to strengthen the team providing medical care at the Amigdaleza Pre-Departure Detention Centre. The number of physicians and nurses should be significantly increased and provisions should be made for a dentist in the Centre. Further, measures should be taken to ensure adequate medical presence in the Thessaloniki Transfer Centre. In all centres visited by the delegation it is advisable to employ more nurses.

o to allow for a psychiatrist who will visit all centres. Also, psychologists should have more preventive role, as it concerns the support of the detainees.

o to receive clarifications regarding the financing of health care services in the Immigration Detention Centres.

o to continue their efforts to ensure that each newly arriving detainee will be properly interviewed and will be physically examined by a physician or a nurse, who will have the necessary skills and will report to the physician, as soon as possible after his/her arrival at the Pre-Departure Centre or the special detention facility.

Please refer to corresponding Paragraphs 30 and 31.

### 7. - Other issues:

Paragraph 88: Recommendation to the Greek Authorities to provide all detained immigrants irregularly entering the country with all necessary information in relation to their legal status, in a language they can understand. Also, to be informed in advance of their right to be represented by a lawyer, during consideration of the detention order before the administrative courts, and of their right to challenge the detention measure in cases of deportation.

As it concerns the essential information regarding the legal status of detained immigrants irregularly entering the country, in a language they can understand and their right to a lawyer, please refer to the Paragraphs 32 and 28-29, respectively.

Regarding their right to challenge the detention measure in cases of deportation, please be advised that this is provided by the applicable legislation.

In particular, article 76 of Act 3386/2005 on «Conditions and procedure for administrative deportation» states that «... The foreign national being detained, along with his/her rights under the Code of Administrative Procedure, may object against the detention order or the extension of his/her detention, before the presiding judge or the magistrate of the administrative court appointed by him/her, in whose district he/she is detained...», a right which he/she may exercise at any time during detention.

A similar provision exists in Act 3907/2011.

Paragraph 89: Request for information on the non-completion of the efforts to repatriate irregularly entering and staying in our country foreign nationals, within the period provided of eighteen (18) months (the detention being renewed every 3 months).

Please note that have referred extensively to the detention issues in Paragraphs 51A and 58.



Apart from these, briefly, please be advised that the detention of foreign nationals in Greece takes place in accordance with the provisions of Directive EC/115/2008 (on returns), on an individual basis. The detention is reviewed automatically every quarter and may be extended for up to (18) months, only if the third-country national does not co-operate for his/her return to his/her home country. It is clarified that not all nationalities of foreign nationals are detained, only those whose return to their home country is possible.

It has to be noted that, as it concerns the detention period, the applicable law (Acts 3386/2005 and 3907/2011) provides that foreign nationals are detained for the necessary time until completion of the return procedures and in no case this can exceed eighteen (18) months (the court reviewing on a quarterly basis the necessity of detention), while an average detention time cannot be calculated, as it depends on the response and cooperation of the local Consular Authorities of the irregularly entering and staying in the country foreign nationals.

Paragraph 90: Recommendation to the Greek Authorities to adopt internal rules for each Pre-Departure Centre and special detention facility, which should be prominently placed in the accommodation areas, in languages the detainees understand.

Please refer to corresponding Paragraph 32.

Paragraph 91: Recommendation to the Greek Authorities to establish adequate facilities at all Immigration Detention Centres, which will provide detainees with the opportunity to meet their guests, comfortably and friendly (e.g. around a table) and that a place for visiting children will be nearby. Immediate steps should be taken to create a suitable area for visits at the Amigdaleza Pre-Departure Detention Centre.

The continued efforts to improve the detention conditions at the Pre-Departure Detention Centres (P.KE.K.) for Foreign Nationals are shown in Paragraph 72.

Paragraph 92: Recommendation to the Greek Authorities to allow detainees at Immigration Detention Centres keep their mobile phones and to amend the corresponding regulations accordingly.

Please refer to corresponding Paragraph 27.

#### B. - ADDITIONAL ISSUES:

In addition to the above actions we provide, inter alia, information on the measures taken with regard to the management of irregular immigration:

- Establishment of the National Preventive Mechanism against Torture

By Act 4228/2014 (Government Gazette issue no. A/ 7) our country ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of the General Assembly of the United Nations, which provides, inter alia, for the establishment of an independent national preventive mechanism against torture within the Member-State. The provisions of the above Act nominate the Ombudsman as National Preventive Mechanism and provide that, in the performance of its duties, he/she may co-operate with other bodies active in the field of human rights and, in particular, the prevention of torture and other inhuman and degrading treatment.

- National Action Plan for Human Rights

Implementation of the actions provided by the National Action Plan on Human Rights on subjects related to the improvement of detention conditions in Immigration Detention Centres (Pre-Departure and Identification ones), the treatment of unaccompanied minors etc., to serve the purpose of protecting the human rights of detained foreign nationals, in cooperation with the competent Directorates/Attica Police Directorate and the Services of our Ministry.

- New European Financial Plan 2014-2020

Preparation and implementation of the actions provided for in the new European Financial Plan 2014-2020, which are an obligation to cover the fundamental needs of detainees-foreign nationals, in order to carry out our commitments, as they result from the National Action Plan on Asylum and Migration (ACTION PLAN), the financing of which was approved by the European Union, as well as the corresponding European Union Directives.

- Create open-structure facilities

Ongoing procedures for the operation of open-structure facilities, for the accommodation of vulnerable groups in the Attica region and other parts of the country, as well as for the operation of the Service for the Administration of Housing Requests by Asylum Seekers and Unaccompanied Minors (Ministry of Labour, Social Security and Welfare - National Social Solidarity Centre).

- Voluntary returns

Support of the voluntary return program already in progress and funded by the European Union, with the aim of creating a national framework of incentives for the voluntary repatriation of foreign nationals irregularly staying in the country (i.e. those who do not possess a residence permit). To this end, the funds of the European Return Fund will be utilized and the cooperation with the International Organization for Migration (IOM) and non-governmental organizations (NGOs) will continue.

- Working Group to inspect the living conditions at the Pre-Departure Detention Centres (P.KE.K.) for Foreign Nationals.

By decision under number 6634/1-357410, dated 15/11/2013, of the Chief of Staff/Attica Police Directorate a «Working Group to inspect living conditions at the Pre-Departure Detention Centres (P.KE.K.) for Foreign Nationals and submit proposals for improving them» was established.

C.- Please proceed to your own further actions.

D. - The Operational & Political Leadership Offices communicated herein, where the present is submitted, are kindly requested to be informed accordingly.

E. - Other recipients, to whom the present is also communicated, are kindly requested to be informed accordingly and correlate it with the other correspondence.

THE CHIEF OF SECURITY POLICE SECTOR  
Mr. DEMETRIOS SOFIOS  
POLICE MAJOR GENERAL

## Addendum to the Ministry of Public Order response in respect of paragraphs 80 and 81

From MFA:14-0011852-0001

Thu 20 Feb 2014 02:01:17 PM EET

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### Paragraph 80

A working group has been appointed by the Ministry of Justice, Transparency and Human Rights in order to examine the legal framework for the status of unaccompanied minors and propose improvements, especially on the institution on guardianship. Members of the working group are from the Ministries of Justice, Transparency and Human Rights, Public Order and Citizen Protection, Labor Social Security and Welfare, as well as the UNHCR Athens and the Greek Ombudsman for Children's Rights.

### Paragraph 81

Regarding the facilities available for receiving unaccompanied minors:

- i. It is foreseen that 230 places will be co-financed by the state budget and the European Refugee Fund, until the end of 2014. Their future operation after 2015 will strongly depend on the new *Asylum and Migration Fund*.
- ii. In addition, 120 places are financed from EEA grants until 30 April 2016.

**Response of the Ministry of Shipping and the Aegean Sea**

HELLENIC REPUBLIC  
MINISTRY OF SHIPPING AND THE AEGEAN SEA  
MARITIME POLICE - HELLENIC COAST GUARD HEADQUARTERS  
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Akti Vassiliadi, Gates E1 - E2  
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Athens, February 2014  
File Number: 421.82 Draft no.:

TO: AS IN DISTRIBUTION LIST

SUBJECT: Comments made by the Ministry of Shipping and the Aegean Sea on the report of the European Committee for the Prevention of Torture and other Inhuman and Degrading Treatment or Punishment (CPT) of the Council of Europe, after the completion of the visit of their delegation in our country (4-16 April 2013).

Ref.:

- a) your document under no. 37075/31-07-2013.
- b) the report of the Port of Igoumenitsa Central Harbour Office under no. 421.100/14/AS: 1896/29-01-2014
- c) the report of the Port of Patras Central Harbour Office under no. 423.14/AS: 1228/14/29-01-2014

1. Referring to the findings of the Committee's report on the subject, which were communicated to us with the relevant document under (a) and according to what is mentioned in relevant documents (b) and (c), we would like to let you know of the following:

i. As is known, one of the key challenges facing our country, on a daily basis, are the mixed migratory flows of irregular entry, via the sea, of third country nationals, the majority of whom (at a rate possibly exceeding 90%), pass through Greece, their final destination being other European countries.

ii. In this context, the surveillance -for the sea borders- and search and rescue mechanisms of the Maritime Police - Hellenic Coast Guard (HCG - ELAKT) are tested on a daily basis. The Maritime Police - Hellenic Coast Guard devote the majority of their resources to effectively address the impact of this phenomenon, within the Greek territory. It should be made clear from the beginning that trafficking foreign nationals is not purely a law enforcement issue, but a phenomenon caused by the international socio-political changes in third countries and pertains to the interest of all Member States of the European Union suffering from its consequences. Given, therefore, that our country is called upon to cope with a phenomenon which has a European and, clearly, not only a national dimension, we believe that the above should be considered by each European or national institution that performs work reduced to the evaluation of the existing conditions.

iii. The political mission of the Maritime Police - Hellenic Coast Guard is the protection - surveillance of the Greek sea borders (constituting the external borders of the entire Europe), as well as of the areas of its local competence, with a parallel moral obligation to safeguard human

lives and respect the fundamental human rights deriving from the international acquis for third country nationals, as long as said persons remain, in accordance with the law and in the pre-trial period, under the responsibility of the competent Harbour Offices, and until they are collected, for further administration, by the local authorities of the Hellenic Police. Hellenic Coast Guard officers have achieved a professional performance of the highest level, which has unequivocally received international recognition, through corresponding credits and distinctions. To ensure this performance, Maritime Police - Hellenic Coast Guard constantly looks forward to a systematic collaboration with institutions, governmental and non-governmental organizations, for the protection of the fundamental rights of every person and organizes a series of training activities to raise awareness of its staff in this respect. Moreover, it should be noted that all cases of delinquent behaviour of Maritime Police - Hellenic Coast Guard officers are immediately and thoroughly examined with the same severity, regardless of the source of the incident reported, so that those responsible are referred, without delay, to justice and the relevant criminal and disciplinary responsibilities and penalties are imposed.

iv. In particular, it should be noted that the administration of foreign nationals who have irregularly entered our country by sea, takes place temporarily at maritime police facilities, until a Public Prosecutor's decision is issued to abstain from criminal prosecution. According to standard practice, Public Prosecutors abstain from criminal prosecution for said persons and, subsequently, administrative procedures are ordered to commence. In this case, foreign nationals are transferred to temporary residence areas, intended for this purpose (First Reception Centres, Articles 7 & 8 of Act 3907/2011). Where no First Reception Centres operate, foreign nationals must be delivered to the competent for the application of administrative proceedings Authority, namely the services of the Hellenic Police. We, therefore, believe that the construction of more appropriate infrastructure, under the supervision of the Maritime Port Authorities, for the temporary detention of foreign nationals, pending the completion of the brief completion process and the completion of the criminal proceedings, is unnecessary because:

- in view of the construction and operation of First Reception Services, as provided by Act 3907/11, a relevant initiative would lead to duplication, without forgetting the - unnecessary - budgetary expenditure, under very difficult economic times faced by the country,
- the criminal proceedings, in similar cases, are extremely short and, if foreign nationals are immediately taken by the competent Police Authorities, no such need arises
- in the vast majority of the Maritime Port Authorities no land port areas exist, under their jurisdiction, where such infrastructures could be developed.

v. It has to be noted that, at the initiative of the Minister of Shipping and the Aegean Sea, Mr. Miltiadis Varvitsiotis, suitable areas were established, in cooperation with the local bodies, for the temporary stay (up to 48 hours) of mixed migratory groups, for the period they remain under the responsibility of the Maritime Port Authorities.

vi. In this light and as regards the Port of Igoumenitsa Central Port Authority, its officers implement an organized plan to prevent the flow of irregular exit of foreign nationals to Italy and, by extension, the rest of the European Union, through their port, using passenger/ferry boats. This effort is clearly reflected in the - high over the time - number of arrests. Almost on a daily basis, foreign nationals are arrested, either without travel documents or with false documents, as well as their traffickers. Also, under the Greek-Italian Readmission Agreement, foreign nationals, who, despite the efforts of the Harbour Office's staff, manage to travel to Italy, usually hidden in trucks and other types of vehicles, are returned by the Italian Authorities.

vii. As a result of this, a large number of detainees is accumulated per year. For the year 2013, the number of detainees amounted to 2.087, and stayed at the Temporary Detention Facilities of the Services of the Port of Igoumenitsa Central Harbour Office, for periods of a few days, until their final pickup by the Thesprotia Police Directorate. Following oral and written interventions of the Port of Igoumenitsa Harbour Office, lastly, all detainees are regularly picked up by the Thesprotia Police Directorate.

viii. Regarding infrastructure, the Port of Igoumenitsa Central Harbour Office, as law enforcement/police - surveillance Authority, has detention facilities which, objectively, are destined for the detention of persons under lawful restriction, for very short periods, usually in the context of the pre-trial stage and until the transfer - delivery of those arrested. For this reason, they are not similar to the (correctional) facilities and other detention/accommodation centres, nor ensure stable living conditions, rather only conditions for short stays.

ix. Specifically, with regard to the Committee's notes, we mention the following:

- Recently, upon request of the Port of Igoumenitsa Central Harbour Office, all detention facilities were painted and are regularly disinfected, care of the Igoumenitsa Port Organisation S.A.
- Food continues to be distributed, regularly and continuously, to detainees, the cost being covered by the fixed advance payment of the Port of Igoumenitsa Central Harbour Office, according to the Joint Ministerial Decision under no. 363.24/2013/31781 (Government Gazette 2349/issue B').
- The detainees who remain for longer periods in the Detention Facilities of the said Harbour Office are regularly transferred to the facilities of the Harbour Office, which provide bath with hot water.
- Regarding detention facility no. 3 (paragraph 55 of the report) within the building that formerly housed the Harbour Office (now housing the Special Operations Echelon), please be advised that it is not used as «isolation» for immigrants, but for criminal detainees (traffickers of foreign nationals, drugs, etc.). It is also pointed out that the immediate transfer to the Igoumenitsa Health Centre and the General Hospital at Filiates is ensured for those detainees in need of care and those who wish it.
- Women are always held in a separate area from men.
- For minors detainees there is a special detention facility.

x. Regarding comments in paragraph 56 of the report in question, please be advised that the premises of the detention facilities of the Central Port of Patras Harbour Office are no longer in the same premises as those in the year 2009 (i.e. in a prefabricated house/container). Since the end of 2010, detainees are hosted in facilities that have been ceded by the Patras Port Organisation S.A., with a total area of approximately 48 sq.m., with two separate accommodation areas for men and women, in a land area of the Old (North) Port of Patras. For your complete information, please find enclosed the relevant topographic chart.

xi. For the period of June and July 2013, for which specific information is requested, please be advised that the longest period for which a person has remained in the custody/detention facilities of the Central Port of Patras Harbour Office is thirteen (13) days. Usually detainees are held/detained for a period of 1-2 days. In addition, please be advised that, in cases where persons under custody/detainees are given a time-limit by the courts to present their defence, they may be held for a period of 3-4 days. Moreover, for the same period, the average number of detainees in the custody/detention facilities of the said Harbour Office, on a daily basis, is 3-4 persons.

2. Finally we believe that, for the optimal management of the issue of irregular immigration at a European level, the collaboration, cooperation and understanding of all parties involved is required, in the context of a European effort, based on the principles of subsidiarity, proportionality and fair sharing of responsibilities.

THE CHIEF, DIM. P. BANTIAS, VICE ADMIRAL/MARITIME POLICE

**Response of the Ministry of Justice, Transparency and Human Rights**

HELLENIC REPUBLIC  
MINISTRY OF JUSTICE, TRANSPARENCY AND HUMAN RIGHTS  
DIRECTORATE GENERAL: CORRECTIONAL POLICY  
DIRECTORATE: CORRECTIONAL EDUCATION OF ADULTS  
SECTION: OPERATION OF CORRECTIONAL AND THERAPEUTIC FACILITIES  
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Athens, 24/01/2014

Reference: 8249

TO: The Ministry of Foreign Affairs,  
Directorate D3, Organization for Security and Co-operation in Europe - Council of State  
Subject: Reply to the observations of C.P.T. in total

Ref.: 1. Your document under no. 37075/31.7.2013

2. Our document under no. 90469/22.10.2013

Following the above corresponding document under 2, please be advised the following with respect to all observations made by C.P.T.:

1. On paragraph under no. 11: The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of the General Assembly of the United Nations was ratified by Act 4228/2014 (Government Gazette issue no. A/2014). Regarding additional resources (both human and financial) which will be made available to the Ombudsman for meeting his/her responsibilities as a National Preventive Mechanism for Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the provisions of the third and sixth article of the draft law are relevant. In particular, the third article states:

«Third article

Manning a National Preventive Mechanism

1. To exercise the powers under the provisions of this Act, the National Prevention Mechanism is manned with members of the special scientific staff provided in article 5 of Act 3094/2003 on the «Ombudsman and other provisions».

2. To adequately staff the National Preventive Mechanism, three (3) organic positions of permanent staff are created with the Ombudsman (sector: University Education/Special Scientific Staff or by private contracts of indefinite duration in the same specialty as the one provided in paragraph 3, article 5 of Act 3094/2003, as replaced by paragraph 7, article 284 of Act 3852/2010 and added by paragraph 1, article 9 of Act 3861/2010. These positions are covered as stipulated in the preceding paragraph, provisions which govern the status of the staff serving in them.

3. For the effective exercise of the powers of the National Preventive Mechanism, permanent or under private contract of indefinite duration officials may be seconded to the Ombudsman from government agencies or legal entities of public law or legal entities of private law of the general

public sector, as defined by the corresponding applicable provisions, for the administrative and secretarial support of the National Preventive Mechanism. Secondments are made by joint decision of the Ministers of Administrative Reform and e-Government and the competent, each time, Minister, at the request of the Ombudsman, without an opinion of the official councils, in departure from the applicable general or special provisions. The term of secondment is set to three years and may be extended twice, for a similar period of time, by a declaratory act of the Ombudsman, while it is binding for the employee's agency. Other than this, for the secondments or transfers of staff apply the provisions of article 25 of Act 4024/2011 and paragraph 22, article 3 of Act 3845/2010.

4. The Ombudsman assigns the performance of the duties of the National Preventive Mechanism, under these provisions, to one of the Deputy Ombudsmen».

The sixth article states:

« Sixth article

The costs resulting from the operation of the National Preventive Mechanism and the performance of its duties are covered by the annually budgeted appropriations of the Ministry of Administrative Reform and e-Government, upon recommendation of the Ombudsman».

2. On paragraph no. 94: The Ministry of Justice, Transparency and Human Rights took the initiative of modernizing interventions to address the problem of overcrowding in the detention facilities. Paragraph 11, article 40 of Act 4111/2013 (Government Gazette 18 issue A/ 2013) provides for the detention, in closed sections of rural detention facilities, of detainees serving a sentence of imprisonment for up to 10 years, if there is enough space there and overcrowding conditions at the other facilities. To this end, by the decisions of the Minister of Justice under nos. 93316, 93317/1-11-2013, 93325/1.11.2013 and 93318/1-11-2013, the Rural Detention Facilities of Cassandra, Chania, Kassaveteia and Tirynta were converted, in part, to Closed Detention Facilities. In this context and in conditions of scarcity of detainees for agricultural work, the operation of the closed sections is intended both to alleviate the problem of overcrowding in the detention facilities and to prepare the detainees held in them to serve their sentences in the open part of the Rural Detention Facilities, when they will meet the legal requirements for transfer to them, to work there. The closed part of the Special Juvenile Detention Centre of Kassaveteia is already operating, with approximately 70 detainees having been transferred there. Additionally, all necessary and other technical works are scheduled to complete the project for creating the closed sections at the other Rural Detention Facilities.

Moreover, at the Central Macedonia Detention Centre III (Nigrita, Serres) three wings are operating, out of a total of five, while at the Crete I Detention Centre (Chania) operate two of the five, in total, wings. The full operation of the above Detention Centres is expected shortly, after the completion of the mobility procedure for Municipal Police Officers, when Custody Facilities will be adequately staffed. Finally, upon the delivery and operation of the Drama Detention Centre (600 places), which has already been completed and only the construction of the biological purification facilities remains, the problem of overcrowding will be further reduced. Additionally, for the decongestion of Detention Centres, the validity of the favourable provisions for release, subject to revocation, stipulated by law 4043/2012 for all convicted persons, including minors, if their sentence was for up to three years and they had served one tenth of it and if their sentence was for three to five years and had served one fifth of it, was extended until 30.6.2014, by Act 4198/2013. By enacting this provision a sufficient number of detainees has so far been released.

Please be advised that all early release programs introduced in the recent years concerned all detainees, regardless of their nationality.



Also, the Ministry of Justice, Transparency and Human Rights takes measures for the wider and more effective implementation of the institution of community service, as an alternative of serving a sentence. To this end, it draws up a list of bodies participating in the institution of community service, upon request of the bodies accepting it.

By Act 3904/10, the institution was modernized and the legal framework for community service was further enhanced. The above table was by Joint Ministerial Decision under no. 40830/12.11.2012 (Government Gazette issue no. B' 3009/2012) and, already, many bodies have the ability to offer community services, particularly local authorities, legal entities of public law, charitable non-profit legal entities of private law, etc. A new Joint Ministerial Decision was signed on 31.12.2013 by the Minister of Justice, Transparency and Human Rights involving more bodies-providers of community services, which was sent for signature to the competent Ministries. Furthermore, Act 4139/2013 (Government Gazette issue no. A' 74/2013) extends the useful institution of community service to detainees convicted before the entry into force of the above corresponding law (Act 3904/2010).

The Ministry of Justice, Transparency and Human Rights, in the context of activating the application of the correctional measure of community service to delinquent minors, as provided in article 122, paragraph 1, case g of the Criminal Code, issued a Joint Ministerial Decision on the «Organization of community service offered by minors using a table of bodies involved in the implementation of the institution», which is currently being jointly signed.

Also, by enacting Act 4205/2013, the institution of house arrest was introduced into the Greek law, using electronic monitoring of detainees and sentenced persons as a reliable intermediate option in the existing institutions of detention and restrictive terms, conditional release and leave for detainees. It is estimated that this institution will lead to a reduction in the percentage of persons under custody, will reduce the actual time spent by sentenced persons in detention facilities and, perhaps, even will increase the number of detainees on leave and those on conditional release and eventually, in any case, relieve Detention Centres. For the application of the measure, the issuance of implementing regulatory acts is being considered by the Ministry and a Presidential Decree for pilot application has already been drawn, for an initial period of 12 months.

Finally, the main body for post-correctional care is the legal entity of private law known as «Epanodos», a rehabilitation centre for released detainees. Epanodos, during 2013, apart from the advisory services it provided to detainees and ex-detainees, developed the following interventions and programs:

- It implements, from May 2012 until today, the «Network for social and occupational reintegration», which includes comprehensive training, counselling and job placement interventions for 60 ex-detainees, residents of the municipalities of Athens and Korydallos.
- It implemented and still implements, with the support of the Institute for Youth and Lifelong Learning, the educational and social program «I ALSO CAN (BORO KAI EGO)» concerning young offenders and involving their training and support.
- It launched, in October 2013, the first theatrical workshop for ex-detainees, under the artistic direction and supervision of director Mr. S. Grapsas and actor Mr. G. Dampasis.
- It participated and still participates in the pan-European project «Active Inclusion Network», aiming at the transnational cooperation between the European countries and the exchange of knowledge on issues related to the active inclusion of socially marginalized groups.

- It started implementing the project “Prison Education & Basic Skills Blended Learning (PEBBLE) GRUNDTVIG”, involving actions to improve the education provided in correctional facilities throughout Europe, using distance education.

- It held a Training Workshop for a Team of Volunteers on the subject «Social co-operation, solidarity and shared responsibility», by which 20 social scientists were trained in penology and correctional topics.

3. On paragraph 96: Referring to the cases of physical abuse of detainees by correctional officers, please be advised that no corresponding complaint has been filed by a detainee of the Larissa Detention Centre. It has to be noted that the Office of the Secretary General for Counter-Criminal Policy operates a hotline for complaints by detainees, regarding their detention conditions. In cases of complaints relating to ill-treatment of detainees by correctional officers, the competent Inspectorate and Audit Body for Detention Centres is ordered to conduct a routine inspection, in order to verify the validity of the allegations. Moreover, in cases where injuries have been verified on detainees, the competent judicial officer conducts, by order of the Minister of Justice, Transparency and Human Rights, a disciplinary preliminary inquiry. By the Circular of the Secretary General for Counter-Criminal Policy of the Ministry under no. 34/20.1.2014, clear instructions were given to all Directors of Detention Centres and their Supervisors - Public Prosecutors, while the entire correctional staff was informed, by signing, of the immediate launch of the disciplinary and criminal proceedings provided, for any violation of correctional rules, including ill-treatment of detainees.

4. On paragraph 97: We are not aware of any complaints on the part of detainees, for using disproportionate force against them, during investigations made with the assistance of police forces, at the Detention Centres of Trikala and Korydallos, in March and April 2013 respectively.

With respect to the findings from these investigations, the Minister of Justice, Transparency and Human Rights ordered the competent judiciary to carry out disciplinary preliminary examinations, for possible disciplinary responsibilities of the correctional staff because of poor supervision.

In any case, provisions of article 65 of the Penitentiary Code apply, relating to the order and security measures taken for the proper operation of the Detention Centres. Moreover, our Ministry is in constant collaboration with the Ministry of Public Order and Citizen Protection, to assist in security issues at the detention facilities, to prevent unlawful actions, when necessary, and any assistance is given upon authorization and in the physical presence of a Public Prosecutor, in accordance with the above article.

5. On paragraph 98: We are obliged to reject, again, your accusations on the lack of correctional staff at the detention facilities and the inability to control them, together with a simultaneous assignment of these functions to powerful groups of detainees, leading to violence and bullying phenomena among detainees. Any violence phenomena of detainees, against the staff or other detainees, are addressed both disciplinarily and penally. The vast majority of the staff of Detention Centres is characterized by professionalism exhibited in the performance of their duties, a fact which, in combination with their experience, consists a solid guarantee for the safe operation of the Detention Centres. Moreover, the professionalism of the correctional staff has been recognized in reports drawn by the Special Rapporteur of the United Nations. Finally, as it concerns the reinforcement and increase of the staff serving at the country's Detention Centres, we refer to our comments below, on paragraphs 116-123 and 130-135.

6. On paragraph 99: By decision under no. 90467/22.10.2013 (Government Gazette 2767 issue B'/2013) of the Minister of Justice, Transparency and Human Rights a partial conversion of the Corinth Detention Centre to a Special Juvenile Detention Centre was implemented, hosting minors aged 15 to 18 years. However, as a prerequisite to operate the new Juvenile Detention Centre was to start the elementary, lower high school and senior high-school classes, our Service has requested from the Ministry of Education and Lifelong Learning to create corresponding educational units (Primary, Lower Secondary, Higher Secondary Schools) in Corinth. The response is positive. The operation of subject schools is under way.

7. On paragraph 108: Our Ministry is continuously taking care, through its technical services and in cooperation with the competent local technical services of the State, for the immediate resolution of any building problems and the development of new facilities that will meet the needs of the ever growing population of detainees and will ensure their decent living conditions.

The wing at the Women's Section of the Koridallos Detention Centre, which is under construction, is expected to be completed and delivered shortly, to accommodate detainees.

8. On paragraph 109: According to article 26 of the Penitentiary Code, regular health checks are performed at the Detention Centres, during the first ten days of each quarter, by the competent Health Inspectorate of the Region where the Detention Centre is based, care of the competent judicial officer, who may order an extraordinary health inspection.

The Wardens of the Detention Centres take care for the strict compliance with the hygiene rules and the maintenance of the facilities, in accordance with the rules of personal hygiene and cleanliness governing the operation of the Detention Centres, as well as the instructions of our Ministry, while immediately complying with any comments resulting from these health inspections. To the extent allowed by the existing budgetary constraints, allocations are made available for the provision of personal hygiene items and their distribution to detainees.

9. On paragraph 110: We would like to assure you that, despite financial constraints, access to hot water and provision of heating and cooling has been ensured for all Detention Centres of the country. Please be advised that individual incidents where water supply was interrupted have to do with wider problems, faced by the water supply network, which concern the general population and not just the population of the Detention Centre.

Immediate and continuous efforts are paid by the competent local authorities to solve these problems, whenever they arise.

10. On paragraph 111: During 2013, educational, artistic and cultural activities (crafting workshops, cooking workshop, alternative gymnastics, football events, movie shows, musical events - concerts, workshops on rights, education and vocational guidance topics, etc.) were carried out, in cooperation with various bodies, in 9 Detention Centres.

11. On paragraphs 112 and 137 to 143: Please be advised that detainees in guard houses and special detention facilities have prison yard access, as provided in the timetable of each centre. In no Detention Centre we have observed incidents of no prison yard access for a detainee held in a guard house or a special detention facility. In the above detention facilities we ensure adequate lighting and ventilation to safeguard the living conditions of detainees. Our Ministry is making efforts to improve the detention conditions in these facilities by technical interventions, where possible and permitted by the existing infrastructure.

12. On paragraph 113: As part of the strategic planning of our Ministry, we completed, in 2013, an action for the redefinition of jobs of detainees in Detention Centres, by creating new jobs and increasing the existing ones. Please be advised that every effort is made for the qualitative and quantitative improvement of the work of detainees, so that a larger number of detainees benefits, in accordance with the proposals submitted by the competent Labour Councils for detainees, in each facility.

13. On paragraph 114: In the context of promoting and improving access of detainees to education and training in general, a joint working group was set up at the Ministry of Justice, Transparency and Human Rights and the Ministry of Education and Religious Affairs, which examines the functional aspects of the Second Chance Schools (SCS) at the detention facilities, as well as the implementation and evaluation of vocational training and education programs in these (Joint Ministerial Decision no. 9371 oik/21.03.2013, ADA: VEDZO - PSTO).

14. On paragraph 115: By Act 3772/2009, the Psychiatric Hospital of Korydallos and the Special Therapeutic Facilities for Addicts have been included in the National Health System (N.H.S.), falling under the Ministry of Health, to ensure that all positions required are covered. For this reason, a Joint Committee from both Ministries was established to elaborate their terms of operation, in order to issue the respective Presidential Decree. However, the operation of this Committee was suspended, as the Ministry of Health, in its capacity as diligent Ministry, refrained from drafting a Presidential Decree.

In addition, the Ministry, recognizing the acute problem of providing health care services to detainees of the country's Detention Centres and in order to meet, as far as possible, the requirements of the Correctional Code on the provision of health services to detainees, similar to those provided to the general population, proceeded - in cooperation with the Ministry of Health - to amending article 13 of Act 3772/2009 (Government Gazette issue no. A', 2009), by passing Acts 4111/2013 and 4168/2013, through which paragraph «4» was added in the article, according to which «Until the completion of the procedures to integrate the above therapeutic facilities in the National Health System, their urgent needs to cover their medical services, as well as those of all detention facilities of the country, may be served by physicians of the hospitals of the National Health System and the National Health Service Provider (E.O.P.Y.Y.). Hospitals of the National Health System, on the responsibility of the competent Directors of Health Regions (Y.PE.) and E.O.P.Y.Y., by decision of its Board of Directors may, depending on their service capabilities, offer the above medical staff. By joint decision of the Ministers of Health and Justice, Transparency and Human Rights the specific terms of provision of such services are set out, as well as any other relevant matter». The implementation of these provisions requires a Joint Ministerial Decision of the Ministers of Health and Justice, Transparency and Human Rights, in order to determine the specific terms for providing these services.

Our Ministry has repeatedly requested, in writing, from the Ministry of Health to arrange, as diligent Ministry, for the enactment of the above legislation.

15. On paragraphs 116 to 123 and 130 to 135: The Ministry of Justice, Transparency and Human Rights, appreciating the fact that by ensuring the safe, smooth and orderly operation of the country's Detention Centres, the good of public safety of citizens is guaranteed, pays sustained efforts to staff them with the necessary and skilled personnel, in the context of the severe financial difficulties faced by the country.

According to article 10 of Act 3833/2010, recruitments for the year 2010 were suspended and, in accordance with article 11 of the above Act, recruitments for the years 2011 to 2013 were limited. Any recruitments are approved, on a per case basis, by a Special Committee (Four-Member Committee of paragraph 1, article 2 of the Cabinet Decision no. 33/2006, as amended), based on the priorities and needs, as resulting from the annual recruitment planning, for all bodies. These priorities and the criteria for allocating the staff are determined by joint decision of the Minister of Administrative Reform and e-Governance and Finance and, by decision of the Minister for Administrative Reform and e-Government, the positions approved are allocated by service and operator.

Under these narrow margins, the Ministry of Justice, Transparency and Human Rights always ensures the best possible operation of the country's Detention Centres and, for this purpose, interferes, in a rationalizing way, by taking the necessary administrative measures (secondments - transfers) to reinforce the Detention Centres exhibiting serious operational problems due to staff shortages.

More specifically, regarding the recruitment of 500 correctional officers referred to in the report of the C.P.T., the process has been suspended because, in the context of mobility of civil servants, 753 suspended Municipal Police employees are joining the Secondary Education Custody and External Guards sectors of all Detention Centres of the country (see article 81 of Act 4172/2013). The breakdown of these, per Detention Centre, was set out by Decision no. 32450/29-11-2013 of the Minister of Administrative Reform and e-Government and was promulgated in the Government Gazette, in issue 3036/B' / 29-11-2013.

We expect the completion of the procedure laid down in article 91 of Act 4172/2013. Please be advised that there is no quota or restrictions of equality between the sexes for those employees who will join the correctional sectors.

In addition, please be advised that the Ministry of Administrative Reform and e-Government informed us that, within 2014, 131 recruitments may be made for Detentions Centres, for the following classes, sectors and disciplines:

|                      |                         |                        |    |
|----------------------|-------------------------|------------------------|----|
| UNIVERSITY EDUCATION | PHYSICIANS              | PATHOLOGY              | 27 |
| UNIVERSITY EDUCATION | PHYSICIANS              | PSYCHIATRY             | 13 |
| UNIVERSITY EDUCATION | PHYSICIANS              | ORTHOPAEDI<br>CS       | 1  |
| UNIVERSITY EDUCATION | PHYSICIANS              | CARDIOLOGY             | 1  |
| UNIVERSITY EDUCATION | PHYSICIANS              | RADIOLOGY              | 1  |
| UNIVERSITY EDUCATION | PHYSICIANS              | GYNAECOLO<br>GY        | 1  |
| UNIVERSITY EDUCATION | DENTISTS                |                        | 3  |
| UNIVERSITY EDUCATION | AGRONOMIC<br>AL SCIENCE |                        | 1  |
| UNIVERSITY EDUCATION | ADULT<br>CORRECTION     |                        | 1  |
| TECHNICAL EDUCATION  | ELECTRONIC<br>S         |                        | 1  |
| TECHNICAL EDUCATION  | HEALTH<br>WELFARE       | - COMMUNITY<br>SERVICE | 12 |

|                     |                          |     |
|---------------------|--------------------------|-----|
| TECHNICAL EDUCATION | HEALTH WELFARE - NURSING | 7   |
| TECHNICAL EDUCATION | VEGETABLE PRODUCTION     | 1   |
| SECONDARY EDUCATION | EXTERNAL GUARDS          | 24  |
| SECONDARY EDUCATION | CUSTODY                  | 37  |
| TOTAL               |                          | 131 |

Regarding the training of the staff serving at the Detention Centres, please be advised that all staff, with the exception of the Secondary Education Custody and External Guards sectors, during the first two years of their appointment, attend compulsory induction training programs, which are organized and run by the Training Institute of the National Centre for Public Administration.

For employees of the Secondary Education Custody and External Guards sectors, please be advised that their training is organized and run by our Ministry. Especially for the employees of the Secondary Education External Guards sector, these are posted after successfully completing a basic training program at schools of our Ministry or the Hellenic Police, for two months. The staff posted completes their basic training with a three-month compulsory traineeship at the External Guards Services of the Detention Centres. Their performance during the above stage is assessed compulsorily, in order for them to become permanent staff.

On the observation of the correctional staff with regard to the number of leaves that are due to them, the overtime and the extra shifts that have not been paid, please be advised that our Service takes care that, where leaves are due, these are granted taking into account the expected reinforcement of the Detention Centres, as mentioned above, while, where overtime and unpaid shifts are due, these are compensated, even retroactively.

16. On paragraphs 124 and 130: Regarding the employment of detainees as nurses, please be advised that assistant nurse positions are provided under the occupational framework for detainees, who are used in purely subordinate work, deprived of any access to the medical history of their fellow detainees and under the constant control and supervision of the medical and correctional staff. The Wardens of the country's Detention Centres, following a series of circulars by which corresponding instructions have been given, ensure that detainees providing subordinate work as nurses have no access to the medical records of their fellow detainees, in order to ensure confidentiality. Please be advised that no information concerning a violation of the medical privacy has come to the knowledge of our Service.

17. On paragraphs 125-127: The Wardens of the Detention Centres follow the procedures laid down in articles 23 and 24 of the Penitentiary Code, regarding the medical examination and interview of newcomer-detainees. Barring unforeseen, they are examined by a physician, at the latest, one day after their admission in the facility and the resulting data are kept in their personal record. Any outbreaks of contagions identified, are dealt by referring them for further examination and treatment at the Hospital for Detainees or in public hospitals while, by segregating detainees, treatment may continue within the facility they are held, if this is dictated by the corresponding medical opinion. Also, our Ministry, accepting your observations, prepares instructions for the proper recording of the history of newcomers-detainees.

18. On paragraph 128: We would like to assure you that there is no segregation of seropositive detainees, as a result of discrimination because of their illness. On the contrary, seropositive detainees are segregated from the other detainees solely in order to ensure better detention and hygiene conditions and to ensure their personal safety. For this purpose, it is planned that the renovated 3<sup>rd</sup> Wing of the Women's Sector at the Koridallos Detention Centre will be available for accommodating seropositive detainees.

19. On paragraph 129: Our Ministry is making continuous efforts to improve care for addicts detainees. Apart from the withdrawal counselling programs operating in a large number of Detention Centres, it is planned that the Agency against Drugs will establish and operate, at the Koridallos and Patras Detention Centres, therapeutic units to address addiction by administering substitutes. For this purpose, a draft Joint Ministerial Decision has been forwarded to the Ministry of Health for signature.

20. On paragraph 131: Taking into account that the percentage of detainees-foreign nationals at the Detention Centres approaches 65% of the total population of detainees, as well as the lack of resources to provide interpretation services by individuals, in purely exceptional cases detainees are used as interpreters and on the strict condition of the consent of the former. Please be advised that the basic correctional legislation has been translated into the official languages of the European Union, as well as into those of several third countries and is available in all Detention Centres.

21. On paragraph 136: Our Ministry is in the process of reassessing admission procedures for newcomers-detainees, so that they may adapt, in the best and safest way, to their new environment.

22. On paragraphs 144-145: We do not accept your comments on the practice of body searches at the Detention Centres and, particularly, at the Thessaloniki and Larissa Detention Centres. The Wardens of the Centres have been given clear instructions by the Ministry to conduct body searches in a way that guarantees the respect of the detainee's personality and ensures his/her health.

23. On paragraphs 146-149: Communication and visits of detainees are conducted under the corresponding provisions of the Correctional Legislation. In addition, the Directorates of the Centres pay every possible effort to facilitate the visits made to detainees, particularly those whose families live far away. Short visits, without the interference of natural barriers, are provided in the Correctional Legislation, however finding suitable areas to accomplish them in some facilities, including the Ioannina Detention Centre, is being considered by our Ministry, provided that, in any case, the safety of the Centre is ensured.

24. On paragraph 151: Our Ministry would like to assure you that no discrimination takes place among the population of detainees, based on their nationality and that all detainees enjoy the same rights and, also, have the same obligations.

Moreover, the Agia, Crete I, Nafplion and Chios Detention Centres, in collaboration with the Foundation for Youth and Lifelong Learning of the Ministry of Education, conduct training courses for immigrants (in the Greek language, Greek history and Greek culture).

The Secretary-General of Counter-Criminal Policy  
Mr. Marinos Skandamis