
Committee against Torture

Concluding observations on the seventh periodic report of Greece*

1. The Committee against Torture considered the seventh periodic report of Greece (CAT/C/GRC/7) at its 1761st and 1764th meetings, held on 24 and 25 July 2019 (CAT/C/SR.1761 and 1764), and adopted the following concluding observations at its 1779th meeting, held on 7 August 2019 (CAT/C/SR.1779).

A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure, as this allows for a more focused dialogue between the State party and the Committee. It regrets, however, that the report was submitted more than a year late.

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the State party's delegation, and the responses provided to the questions and concerns raised during the consideration of the report.

B. Positive aspects

4. The Committee welcomes the ratification of or accession to the following international instruments by the State party:

- (a) The Convention on the Rights of Persons with Disabilities, on 31 May 2012;
- (b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 11 February 2014;
- (c) The International Convention for the Protection of All Persons from Enforced Disappearance, on 9 July 2015;
- (d) The Council of Europe Convention on preventing and combating violence against women and domestic violence, on 18 June 2018;
- (e) The Council of Europe Convention on Action against Trafficking in Human Beings, on 11 April 2014.

5. The Committee welcomes the State party's initiatives to revise its legislation in areas of relevance to the Convention, including:

- (a) The enactment of Law 3907/2011, providing for the establishment of the Greek Asylum Service, which became fully operational on 7 June 2013;

* Adopted by the Committee at its sixty-seventh session (22 July-9 August 2019).

(b) The enactment of Law 4228/2014, which provides for the designation of the Ombudsman as the National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) The enactment of Law 4322/2015, which includes provisions aimed at reducing prison population;

(d) The enactment of Law 4554/2018 regulating the institution of guardianship of unaccompanied and separated minors.

6. The Committee commends the State party's initiatives to amend its policies and procedures in order to afford greater protection of human rights and to apply the Convention, in particular:

(a) The adoption of the Strategic Plan for the Prison System 2018-2020;

(b) The creation in 2016 of a National Mechanism for the Investigations of Arbitrary Incidents (EMIDIPA), within the Ombudsman institution;

(c) The establishment in 2015 of the National Council against Racism and Intolerance, an inter-ministerial multi-stakeholder body, which counts with the participation of civil society organizations;

(d) The establishment in 2013 of the Office of the National Rapporteur on Combating Trafficking in Human Beings;

(e) The implementation, since 2010, of the National Programme for the Prevention and Combating of Violence against Women.

7. The Committee values the significant efforts made by the State party to respond to the exceptionally large influx of asylum seekers, persons in need of international protection and migrants arriving in its territory.

8. The Committee appreciates that the State party maintains a standing invitation to the special procedure mechanisms of the Human Rights Council, which has allowed independent experts to carry out visits to the country during the reporting period.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

9. In its previous concluding observations (CAT/C/GRC/CO/5-6, para. 32), the Committee requested the State party to provide follow-up information on the steps it had taken to implement the Committee's recommendations relating to allegations of torture and ill-treatment (para. 10); prompt, impartial and effective investigations (para. 13); conditions of detention (para. 14); and, administrative detention of asylum seekers and migrants (para. 20). The Committee appreciates the State party's replies in this regard, received on 5 June 2013 under the follow-up procedure (CAT/C/GRC/CO/5-6/Add.1). In the light of the information provided, the Committee finds that the recommendations in paragraphs 13 and 20 have not been implemented (see paras. 28-29, and 20-21, respectively, of the present document) and that the recommendations contained in paragraphs 10 and 14 have been partially implemented (see paras. 26-27 and 36-37 of the present document).

Definition and criminalization of torture

10. While noting the entry into force of a new Penal Code on 1 July 2019, the Committee considers that the definition of the crime of torture set forth in article 137A remains incomplete to the extent that it fails to mention acts based on discrimination of any kind, as outlined in article 1 of the Convention. In addition, there is no specific mention of acts of torture committed by a third person at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. Despite the explanations provided by the delegation regarding the requirement that the infliction of severe pain would have to be "planned" (*μεθοδευμένη*) mentioned in article 137A§5, the Committee considers

that this definition is significantly narrower than the one contained in the Convention, and establishes a higher threshold for the crime of torture by adding elements beyond those mentioned in article 1 of the Convention. Lastly, the Committee observes with concern that the maximum penalty for the basic offence of torture –without aggravating circumstances– has been reduced from 20 to 10 years of imprisonment (arts. 1 and 4).

11. The State party should bring the contents of article 137A of the Criminal Code into line with article 1 of the Convention by: identifying discrimination of any kind among the purposes for inflicting torture; ensuring that the infliction of torture by or at the instigation of or with the consent or acquiescence of a public official or any other person acting in an official capacity is included in the definition; and, eliminating all superfluous elements, such as the requirement that the infliction of severe pain has to be “planned” in advance. In this regard, the Committee draws the State party’s attention to its general comment No. 2 (2007) on the implementation of article 2, in which it states that serious discrepancies between the Convention’s definition and that incorporated into domestic law create actual or potential loopholes for impunity (para. 9).

Statute of limitations

12. The Committee regrets that the State party’s criminal legislation still includes a statute of limitations for the offence of torture.

13. The State party should ensure that the offence of torture is not subject to any statute of limitations, in order to preclude any risk of impunity in relation to the investigation of acts of torture and the prosecution and punishment of perpetrators.

Fundamental legal safeguards

14. While taking note of the procedural safeguards to prevent torture and ill-treatment enshrined in Greek law, the Committee regrets the scant information provided by the State party on the measures and procedures in place to ensure their practical application. In this respect, it has been reported that detainees have often had difficulty gaining access to counsel, a doctor, an interpreter or family members, and that police detention registers are not properly maintained. It is also concerned by reports that police officers continue to be present during medical examinations and have access to detainees’ medical records (art. 2).

15. The State party should ensure that all persons who are arrested or detained are afforded in practice all fundamental legal safeguards against torture from the very outset of their deprivation of liberty, including: the right to be assisted by a lawyer without delay, particularly during the investigation and interrogation stages; to be informed of their rights, the reason of their arrest and the charges against them in a language that they understand; to be registered at the place of detention; to have the assistance of an interpreter, if necessary; to inform promptly a close relative or a third party concerning their arrest; to be brought before a judge without delay; and, to request and receive an independent medical examination. Police officers should not be present during medical examinations of detained persons, save at the request of the medical doctor.

Non-refoulement

16. The Committee is seriously concerned at consistent reports that the State party may have acted in breach of the principle of non-refoulement during the period under review. In particular, the reports refer to repeated allegations of summary forced returns of asylum seekers and migrants –including Turkish nationals– intercepted at the sea and at the land border with Turkey in the northeastern Evros region, with no prior risk assessment of their personal circumstances. According to the information before the Committee, Greek law enforcement officers and other unidentified forces involved in push-back operations often use violence and confiscate and destroy the migrants’ belongings. While noting that the Internal Affairs Division of the Hellenic Police and the Greek Ombudsman’s Office initiated investigations into these allegations in 2017, the Committee is concerned that these

administrative investigations have not included the hearing of live evidence from alleged victims, witnesses and/or complainants (art. 2, 3, 11, 12, 13 and 16).

17. The State party should:

(a) Ensure that in practice no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would run a personal and foreseeable risk of being subjected to torture and ill-treatment;

(b) Enhance efforts to ensure the criminal accountability for perpetrators of acts that put the lives and safety of migrants and asylum seekers at risk, and ensure that victims, witnesses and claimants are protected against ill-treatment or intimidation that may arise as a consequence of their complaints;

(c) Guarantee that all asylum seekers have the opportunity for an individual review, with automatic suspensive effect against expulsion decisions, and are protected from refoulement and collective return.

Asylum system

18. The Committee takes note of the explanations offered by the State party's delegation regarding the legal and policy reforms undertaken during the period under review, during which a new asylum system was set up in line with European and international standards. According to these explanations, the Asylum Service had registered 234,536 applications for international protection as of 30 June 2019, and the average recognition rate for refugee status and subsidiary status stood at almost 44 per cent. However, the Committee notes with concern that meanwhile the implementation of the EU-Turkey Statement of March 2016 instituted an accelerated border procedure on the Greek islands on the presumption that Turkey qualifies as a safe third country. Furthermore, asylum seekers hosted in Reception and Identification Centres (RICs) – 'hotspots' are obliged to remain on the islands, unless their cases are deemed eligible to be further examined under the 'regular procedure' in the mainland because of their vulnerability or for family reunification under the Dublin III Regulation. Other information before the Committee indicates that access to asylum on the mainland remains problematic largely due to difficulties in accessing the 'Skype appointment system' in place for registration, which has limited capacity and availability of interpretation. Lastly, the Committee regrets that the State party has not provided complete information on the procedures in place for the timely identification of victims of torture among asylum seekers (art. 3, 11 and 16).

19. The State party should:

(a) Reinforce the capacity of the Asylum Service to substantively assess all individual applications for asylum or international protection;

(b) Guarantee that the accelerated border procedures under the EU-Turkey Statement of March 2016 and other readmission agreements are subject to a thorough assessment on a case-by-case basis of the risks of violations of the principle of non-refoulement, ensuring respect for all safeguards with regard to asylum and deportation procedures;

(c) Ensure that any measures restricting the freedom of movement of asylum seekers are consistent with its obligations under the Convention and other international human rights treaties;

(d) Formulate clear guidelines and related training on the identification of torture victims and others in need of international protection among asylum seekers and migrants.

Immigration detention

20. Notwithstanding the explanations offered by the delegation regarding the procedural guarantees established in domestic legislation applicable to administrative detention, the Committee remains concerned at reports that, in practice, detained migrants and asylum seekers are often denied fundamental legal safeguards, such as access to a lawyer and the right to challenge the lawfulness of their detention, and other related issues. The Committee

also observes with concern that the containment policies applied as part of the implementation of the agreement of 18 March 2016 between the European Union and Turkey have resulted in migrants and asylum seekers being exposed to appalling and unsanitary living conditions, especially in the case of those held in overcrowded RICs - ‘hotspots’, such as the ones in Samos and Moria (Lesbos). In that regard, the Committee draws the attention of the State party to reports that there is a systematic failure to provide and ensure access to medical care as well as safe shelter, and that those living in the camps are inadequately protected and, therefore, exposed to violence, including gender-based violence, on a daily basis. The Committee is also concerned at reports of ill-treatment, including beatings, of detained asylum seekers and migrants by police officers (arts. 2, 11, 12, 13 and 16).

21. The State party should:

(a) Refrain from detaining asylum seekers and irregular or undocumented migrants for prolonged periods, use detention as a measure of last resort and for the shortest period possible and continue the application of non-custodial measures, in conformity with international standards;

(b) Guarantee that detained asylum seekers and migrants have access to counsel, including legal aid services;

(c) Guarantee judicial review or other meaningful and effective avenues to challenge the legality of administrative immigration detention;

(d) Take the necessary measures to ensure appropriate reception conditions for asylum seekers and migrants;

(e) Strengthen its efforts to ensure adequate living conditions in all immigration centres;

(f) Ensure that asylum seekers and migrants held in detention are provided with adequate medical and mental health care, including a medical examination upon admission and routine assessments;

(g) Establish an effective and independent oversight mechanism of the Reception and Identification Service to which individuals held in immigration detention can bring complains;

(h) Ensure that all allegations of torture and ill-treatment by law-enforcement officials are promptly, thoroughly and impartially investigated by the authorities, that the perpetrators are prosecuted, and if found guilty, punished and that victims are provided with redress.

Unaccompanied migrant and asylum-seeking children

22. The Committee notes with concern that, while the existing directives provide that minors are not to be detained except in exceptional circumstances, unaccompanied migrant and asylum-seeking children continue to be placed in immigration detention (“protective custody”) until a shelter placement becomes available. This lack of shelter space leads, in many cases, to the prolonged detention of unaccompanied children in police holding cells, pre-removal centres and RICs on the ‘hotspots’, where living conditions are substandard and basic services are often not available (arts. 11 and 16).

23. The State party should:

(a) Ensure that children are not detained solely because of their immigration status. Detention should be used only as a measure of last resort and for the shortest period possible;

(b) End the practice of detaining migrants and asylum seekers, especially unaccompanied children, in police holding cells and other detention facilities that are not suitable for long stays.

Sexual and gender-based violence against refugee and asylum-seeking women

24. While taking note of the information provided by the State party during the dialogue on the measures taken to address gender-based violence in the context of migration, the Committee remains concerned at the reported high incidence of violence, including sexual violence, against refugee, asylum-seeking and migrant women and girls occurring in Greece. The Committee is concerned, in particular, at reports indicating increasing numbers of sexual harassment and assaults at some refugee reception centres, mainly due to lack of adequate and secure accommodation and facilities. According to the information received, the areas around latrines and showers are usually not well lit and therefore women and girls do not feel safe to use them at night. The Committee draws the attention of the State party to reports indicating the difficulties victims of rape face when seeking care, including limited or lack of access to emergency contraception and post-exposure prophylaxis. It is further concerned at reports that police officers and prosecutors often do not take adequate steps to protect victims of gender-based violence (arts. 2, 11 and 16).

25. **The State party should:**

(a) **Take effective measures to ensure that all cases of gender-based violence – in particular against refugee, asylum-seeking and migrant women and girls, and especially those involving actions or omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention– are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished appropriately, and that the victims or their families receive redress, including adequate compensation;**

(b) **Ensure that police officers and prosecutors refrain from turning away alleged victims of gender-based violence. The State party should also consider revising police practices that may deter women from seeking protection from the authorities in cases where they have been subjected to or are at risk of gender-based violence;**

(c) **Provide mandatory training on prosecution of gender-based violence to all justice officials and law enforcement personnel and continue awareness-raising campaigns on all forms of violence against women;**

(d) **Adopt specific protective measures, including the establishment of a mechanism to prevent and respond to sexual and gender-based violence against refugee, asylum-seeking and migrant women and girls, especially those held in RICs- ‘hotspots’, reception centres and other immigration detention facilities;**

(e) **Ensure that survivors of gender based-violence are able to access shelters and receive the necessary medical care, psychological support and legal assistance they require;**

(f) **Compile and provide to the Committee statistical data, disaggregated by the age and the ethnicity or nationality of the victim, on the number of complaints, investigations, prosecutions, convictions and sentences recorded in cases of gender-based violence, as well as on the measures adopted to ensure that victims have access to effective remedies and reparation.**

Excessive use of force

26. The Committee is concerned at reports of excessive use of force by law enforcement officers acting to disperse demonstrators during the period under review. These include beatings and shooting of tear-gas canisters directly at people during an anti-fascist protest in Keratsini, in 2013, as well as police violence and extensive use of tear gas against migrants and asylum seekers protesting about living conditions in the RICs – ‘hotspots’ of Moria (Lesbos) and Samos, in 2017 and 2018, respectively. Regarding the fatal shooting of 15-year-old Alexandros Grigoropoulos by the police in 2008, the Committee takes note of the information provided that the delegation that, while the criminal proceedings are still pending following an appeal, a settlement was reached on the compensation and effectively paid in 2017. It notes, however, that no specific information was provided by the State party regarding the execution of the judgement in *Makaratzis v. Greece* and other cases of torture or ill-treatment examined by the European Court of Human Rights. The Committee is also

concerned at reports about the ill-treatment of persons in police custody, including for the purpose of obtaining confessions, at the Agios Panteleimonas Police Station in Athens and at Demokratias Police Station in Thessaloniki (arts. 11 and 16).

27. The State party should:

(a) Review the crowd control procedures applied by the Hellenic Police in the context of demonstrations, including the use of tear gas, hand-held batons and shields, to ensure that they are not used indiscriminately and excessively or against peaceful protestors and that they do not result in an escalation of tension;

(b) Ensure that prompt, impartial and effective investigations are undertaken into all allegations relating to ill-treatment and the excessive use of force by law enforcement officers, in particular members of the Hellenic Police, and ensure that the perpetrators are prosecuted and the victims are adequately compensated;

(c) Increase the efforts to systematically provide training to all law enforcement officers on the use of force, especially in the context of demonstrations, taking into account the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Prompt, thorough and impartial investigations

28. The Committee is concerned at the fact that the State party has not furnished complete information on the number of complaints of torture or ill-treatment, including excessive use of force, or on the corresponding investigations and prosecutions during the reporting period. According to the information provided by the delegation, between 2012 and 2018, six court cases were brought for acts of torture, which resulted in five convictions, with prison sentences ranging between one and seven years. However, the Committee has not received comprehensive information about the disciplinary sanctions imposed on offenders, or an indication whether the alleged perpetrators of those acts have been removed from public service pending the outcome of the investigation of the complaint (arts. 12 and 13).

29. The Committee urges the State party to:

(a) Ensure that all complaints of torture and ill-treatment are promptly investigated in an impartial manner by an independent body, that there is no institutional or hierarchical relationship between that body's investigators and the suspected perpetrators of such acts, and that the suspected perpetrators are duly tried and, if found guilty, punished in a manner that is commensurate with the gravity of their acts;

(b) Ensure that the authorities launch investigations whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed;

(c) Ensure that, in cases of alleged torture and/or ill-treatment, suspected perpetrators are suspended from duty immediately for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim or obstruct the investigation;

(d) Compile and publish comprehensive disaggregated statistical information relevant to all complaints and reports received of torture or ill-treatment –including information on whether such complaints led to investigations and, if so, by which authority, whether the investigations resulted in the imposition of disciplinary measures and/or prosecutions and whether the victims obtained redress – in a manner that will enable the State party to provide such information to the Committee and other relevant monitors in the future.

Redress

30. While noting the State party's assertion that its legislation provides for redress for victims of torture and ill-treatment, the Committee regrets that the delegation did not provide specific information on redress, including compensation measures ordered by the national courts and other State bodies or the European Court of Human Rights, and actually provided

to the victims of torture and ill-treatment, including excessive use of force, or their families since the consideration of the previous periodic report. It also regrets that the State party has not presented information on reparation programmes or on measures taken to support and facilitate the work of non-governmental organizations that seek to provide rehabilitation to victims of torture and ill-treatment (art. 14).

31. The State party should ensure that all victims of torture and ill-treatment obtain redress, including an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible. The Committee draws the State party's attention to its general comment No. 3 (2012) on the implementation of article 3 by State parties, in which it elaborates on the nature and scope of the obligations of States parties under article 14 of the Convention to provide full redress to victims of torture. The State party should compile and provide to the Committee information on redress and on compensation measures, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or ill-treatment.

Coerced confessions

32. While taking note of the guarantees set forth in article 177(2) of the Code of Criminal Procedure regarding the inadmissibility of evidence obtained by or through criminal acts, the Committee regrets that the State party has not provided it with examples of cases dismissed by the courts because of the submission of evidence or testimony obtained by means of torture or ill-treatment (art. 15).

33. The State party should:

(a) Take effective steps to ensure in practice that confessions obtained under torture or ill-treatment are ruled inadmissible and investigated;

(b) Expand specialized training programmes for both judges and prosecutors so as to ensure their ability to effectively identify torture and ill-treatment and investigate all allegations of such acts;

(c) Provide the Committee with information on any cases in which confessions were deemed inadmissible on the grounds that they were obtained through torture or ill-treatment and indicate whether any officials have been prosecuted and punished for extracting such confessions.

Extraditions and diplomatic assurances

34. While taking note of the information provided by the delegation on the principles governing extraditions, the Committee regrets the lack of information available on the number of extraditions carried out during the reporting period, the number of instances and type of cases in which it has offered and/or accepted diplomatic assurances or guarantees, including the measures taken in such cases with regard to subsequent monitoring (art. 3).

35. Under no circumstances should the State party expel, return or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. Moreover, as indicated in paragraph 20 of the Committee's general comment No. 4 (2017) on the implementation of article 3 in the context of article 22, diplomatic assurances should not be used as a loophole to undermine the principle of non-refoulement as set out in article 3 of the Convention. The State party should thoroughly consider the merits of each individual case, including the overall situation with regard to torture and ill-treatment in the country of return, provide for independent post-return monitoring and compile disaggregated data on extraditions.

Conditions of detention

36. While welcoming the efforts made by the State party to reduce prison overcrowding and improve penitentiary health-care services, the Committee is concerned that high occupancy rates and poor living conditions remain serious problems in the prison system. It also observes with concern that no concrete measures have been taken to limit the use of remand in custody. Furthermore, as acknowledged by the delegation, rules on the separation

and categorization of prisoners according to their legal status are still not implemented due to insufficiency of the prison system structure. The Committee takes note of the statement made by the State party's delegation that prisoners serving life sentences enjoy the regular prison regime, however it was not provided with information on whether they can request the review of their sentences with a view to their reduction. With reference to its previous concluding observations (CAT/C/GRC/CO/5-6, para. 16), the Committee appreciates the information provided by the delegation on the use of electronic metal detectors and drug urine tests to search prisoners, staff and visitors, as alternatives to invasive body searches (arts. 11 and 16).

37. The State party should:

(a) Continue its efforts to improve conditions of detention and alleviate overcrowding of penitentiary institutions including through the application of non-custodial measures. In that connection, the Committee draws the State party's attention to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Offenders (the Bangkok Rules);

(b) Ensure, in law and practice, that pretrial detention is not excessively applied or prolonged;

(c) Ensure the strict separation of pretrial detainees from convicted detainees in all detention facilities;

(d) Guarantee the periodic review of life-sentences with a view to their commutation and provide concerned prisoners with rehabilitation programmes to prepare their social reintegration in case of parole;

(e) Ensure that strip searches are conducted only in exceptional cases, by the least intrusive means possible, by trained staff of the same sex, and with full respect for the dignity of the person.

Psychiatric institutions

38. The Committee regrets the lack of appropriate training on and strict criteria for the use of restraints in psychiatric establishments, as observed by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in 2019 (see CPT/Inf (2019) 4, paras. 35-41). While taking note of the information provided by the State party on the content of the draft law governing involuntary hospitalization, the Committee notes with concern that the current procedural safeguards regarding involuntary placement in psychiatric institutions are insufficient (see CPT/Inf (2019) 4, paras. 42-55). It also takes note of the information provided by the delegation on the deinstitutionalization policies recently adopted by the State party (arts. 11 and 16).

39. The State party should:

(a) Ensure that means of restraint are used only as a last resort to prevent the risk of harm to the individual or others and only when all other reasonable options would fail to satisfactorily contain the risk;

(b) Ensure that involuntary psychiatric hospitalization is strictly necessary, proportionate, applied as a measure of last resort and under the effective supervision and independent monitoring of judicial organs;

(c) Ensure legal safeguards for persons hospitalized involuntarily in psychiatric institutions, including the provision of legal representation, the right to be heard in person by the judge, the judicial tribunal or the board ordering the hospitalization. In addition, placement procedures should be supported by two separate and reasoned medical opinions;

(d) Ensure that there are sufficient funded mental health services in the community.

Social care settings for persons with disabilities

40. Concerning the treatment of persons in social care settings, including those with psychosocial disabilities, the Committee recalls the numerous deficiencies found by the National Preventive Mechanism during its monitoring activities in 2018. Problems included inadequate living conditions, lack of specialized personnel and non-compliance with therapeutic protocols (art. 11 and 16).

41. The State party should remedy the deficiencies in the treatment of persons in social care settings, including through the provision of adequate living conditions and the improvement of the quality of health care professionals.

National Preventive Mechanism

42. While welcoming the designation of the Ombudsperson Institution as the national preventive mechanism under the Optional Protocol to the Convention, the Committee is concerned about the lack of stable, regular and sufficient budgetary allocations and the absence of a full-time staff assigned to the Ombudsperson Institution so that it can carry out the NPM mandate effectively (art. 2).

43. The State party should ensure the operational autonomy of the national preventive mechanism and provide it with the necessary financial and personnel resources for the performance of its work, in accordance with article 18 (1) and (3) of the Optional Protocol (see also the guidelines on national preventive mechanisms, doc. CAT/OP/12/5, paras. 11 and 12).

Training

44. While appreciating the information provided by the State party about human rights training for members of the Hellenic Police and the Hellenic Coast Guard, prison staff, judges and prosecutors, the Committee is concerned at the lack of information on the evaluation of the impact of those programmes. It also regrets the scant information provided on training programmes for professionals directly involved in the investigation and documentation of torture, as well as medical and other personnel dealing with detainees, on how to detect and document physical and psychological sequelae of torture and ill-treatment (art. 10).

45. The State party should:

(a) Provide instruction and further develop mandatory in-service training programmes to ensure that all public officials, in particular law enforcement officials, prison staff and medical personnel employed in prisons and psychiatric institutions are well acquainted with the provisions of the Convention, especially the absolute prohibition of torture, and are fully aware that violations will not be tolerated and will be investigated, and that those responsible will be prosecuted and, on conviction, appropriately sanctioned;

(b) Develop training modules for the police and other law-enforcement officers on non-coercive interviewing and investigation techniques;

(c) Ensure that all relevant staff, including medical personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol);

(d) Develop and apply a methodology for evaluating the effectiveness of educational and training programmes relating to the Convention and the Istanbul Protocol.

Hate crimes

46. While acknowledging the legislative and other measures taken by the State party to tackle hate crime, the Committee is concerned by reports it has received reflecting an increase in incidents of racist and xenophobic violence, especially against refugees, migrants and members of the Roma community, as well as a significant rise in incidents where law

enforcement officials are either the perpetrators or just involved. It is also concerned at reports of widespread impunity for those crimes (art. 16).

47. **The State party should:**

(a) Systematically investigate all forms of hate crimes, including violent acts, prosecute perpetrators and, if found guilty, convict and punish them;

(b) Provide training on hate crimes to law enforcement officials and the judiciary in order to improve their initial handling of hate crimes reports and subsequent investigation and prosecution.

Human rights defenders and humanitarian workers and volunteers

48. The Committee is seriously concerned about consistent reports of intimidation and harassment of human rights defenders and humanitarian workers and volunteers. In that connection, it regrets the scant information provided by the State party regarding the cases raised by the Committee, such as: the prosecution and later acquittal of three Spanish firefighters – Manuel Blanco, José Enrique Rodríguez y Julio Latorre – and two Danish volunteers – Salam Aldin and Mohammed el-Abbassi – accused of trying to help migrants enter Greece via the island of Lesbos; and, the arrest and pending trial of foreign NGO volunteers Sarah Mardini and Sean Biner on people smuggling, espionage and money laundering charges (art. 16).

49. **The Committee urges the State party to:**

(a) Ensure that human rights defenders and humanitarian workers and volunteers are protected against threats and intimidation and to allow them the necessary latitude to carry out their activities;

(b) Ensure that human rights defenders and humanitarian workers and volunteers are not prosecuted for engaging in aid work, including the participation in maritime search and rescue activities. The State party should also refrain from detaining and persecuting humanitarian workers and volunteers as a means of intimidating them or discouraging them from delivering vital emergency assistance to refugees and migrants.

Human trafficking

50. While taking note of the information provided by the delegation on the State party's efforts to combat trafficking in persons, the Committee remains concerned at the slowness of the screening procedures to identify potential victims, especially among asylum seekers and migrants. It is further concerned about the lack of progress in the investigation into the whereabouts of over 500 children, mostly Albanian Roma street beggars, who had been rounded-up by the police in Athens prior to the 2004 Athens Olympics and disappeared from Agia Varvara, a state-run care home. The Committee regrets to learn that between 2005 and 2014 the case was reopened twice and both times closed due to lack of evidence (arts. 2 and 16).

51. **The State party should:**

(a) Intensify its efforts to prevent and combat trafficking in human beings, including by putting in place effective procedures for the identification and referral of victims among vulnerable groups, such as asylum seekers and migrants, including unaccompanied minors;

(b) Enhance the efforts to investigate claims of human trafficking, including past cases of trafficking for purposes of labour exploitation, and prosecute perpetrators and ensure that victims of trafficking obtain compensation;

(c) Ensure access to adequate protection and support for all victims of trafficking, especially secure shelters and counselling services.

Follow-up procedure

52. The Committee requests the State party to provide, by 9 August 2020 information on follow-up to the Committee's recommendations on: non-refoulement; detention of unaccompanied migrant and asylum-seeking children; sexual and gender-based violence against refugee and asylum-seeking women; and, human rights defenders and humanitarian workers and volunteers (see paragraphs 17 (c), 23 (b), 25 (d) and 49 (a) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

Other issues

53. The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations, and to inform the Committee about its disseminating activities.

54. The Committee requests the State party to submit its next periodic report, which will be its eighth, by 9 August 2023. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its eight periodic report under article 19 of the Convention.
