



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

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**Committee against Torture**

**Eighth periodic report submitted by Greece under  
article 19 of the Convention pursuant to the  
simplified reporting procedure, due in 2024<sup>\*</sup> <sup>\*\*</sup>**

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\* The present document is being issued without formal editing.  
\*\* The annexes to the present report may be accessed from the web page of the Committee.



## **Introduction**

1. The drafting of the replies to the List of Issues was coordinated by the Ministry of Foreign Affairs, in close cooperation with all Ministries involved. The draft report was submitted to the Greek National Commission for Human Rights (GNCHR), Greece's A' status national human rights institution, operating under a strengthened legislative framework (Law 4780/2021), in which twenty institutions (independent Authorities, third-level trade unions, NGOs, universities and research institutions) participate; GNCHR's observations contained in its relevant report, have been taken into consideration in view of the finalization of this report.

### **Reply to paragraph 2 of the list of issues prior to reporting (CRC/C/GRC/QPR/8)**

2. Paragraph 1 of Article 137A of the Greek Penal Code stipulates that "An employee or a military personnel whose duties involve the prosecution, interrogation, or examination of criminal acts, or disciplinary offences, or the execution of penalties, or the custody or care of prisoners, shall be punished with imprisonment of up to ten years if they subject a person under their authority to torture for the purpose of: (a) extracting a confession, testimony, information, or statement, particularly renouncing or accepting a political or other ideology; (b) punishing them; (c) intimidating them or third parties. The same punishment applies to an employee or military personnel who, either under orders from their superiors or voluntarily, usurps such duties and commits acts as described in the preceding subparagraph."

3. Article 137A was amended in 2019, taking into consideration the Committee's Concluding Observations dated 3.9.2019, to the effect that torture is punished even in the absence of the specific purposes set out in the abovementioned definition of that crime, where the victim was targeted on account of their race, color, national or ethnic origin, descent, religion, disability, sexual orientation, identity or gender characteristics.

### **Reply to paragraph 3 of the list of issues prior to reporting**

4. Any person(s) arrested or detained for criminal offences is, in practice, provided with all fundamental legal guarantees that prevent torture. In this respect, particularly detailed instructions have been issued to all police services in Greece. Recently, the Prosecutor and Deputy Prosecutor of the Supreme Court have issued Circulars to all public prosecutors in Greece, specifically ordering immediate intervention(s) to be held for the rapid, thorough, actual and effective research of any complaint for torture or inhuman or degrading treatment and abuse in general. A 2022 Circular of the Deputy Prosecutor of the Supreme Court to all public prosecutors in Greece, ordered immediate intervention with a view to investigating any case of abuse or ill-treatment of third country nationals committed by state officers and non-state actors.

5. Moreover, in accordance with Articles 2 and 3 of Presidential Decree 254/2004 on the "Code of Conduct of the Police", acts of torture or inhuman or degrading treatment committed by police officers are clearly prohibited, while the latter's obligation to prevent and report them directly to the competent Authority is clearly established.

6. Regarding accountability of law enforcement personnel, Article 56 of Law 4443/2016 designated the Greek Ombudsman as the National Investigation Mechanism of incidents of arbitrariness by law enforcement personnel and prison officers. Its main responsibility is collecting, recording, evaluating, investigating and forwarding to the competent disciplinary Authorities a) complaints about alleged incidents of torture or other violations of human dignity as provided for in Article 137A of the Penal Code, b) incidents relating to unlawful and intentional violations of the right to life or of the physical integrity or health or personal or sexual freedom, and c) incidents relating to the unlawful use of firearms, unlawful behavior for which there is evidence of racist motivation or other discriminatory treatment.

7. The Greek Ombudsman may investigate a case (a) following the submission of a complaint, (b) ex officio, (c) following the referral of a case from the competent Minister or Secretary General, (d) following a judgment by the European Court of Human Rights. Once the Ombudsman has begun conducting an investigation, the competent disciplinary bodies suspend their final decision until the Ombudsman has issued its report.

#### **Reply to paragraph 4 of the list of issues prior to reporting**

8. The operational autonomy of the National Preventive Mechanism (NPM), which is the Greek Ombudsman, is ensured in practice by the additional budget provided for its activities in the annual state budget. In the last years, the additional funds initially provided for OPCAT are included, as an increase, in the total budget allocated to the Ombudsman by the state budget. The NPM team increased its monitoring activities in 2021–2022 (after lockdown restrictions due to COVID-19 were lifted). At present, what is pending is the negotiation with the Ministry of Finance on the basis of a concrete operational plan with a view to ensuring that the funds allocated in the state budget are adequate for OPCAT activities as foreseen in the NPM's operational plan.

9. Given the operational autonomy of the NPM, within the Ombudsman's various mandates, what is needed is the legislative amendment of recruitment procedures in order to facilitate recruitment (hiring) by the Ombudsman of expert personnel in line with the Council of Europe Venice Commission's Principles for Ombudsman Institutions. The current, quite lengthy, procedures of hiring in the public sector have been recently amended to facilitate recruitment of expert personnel by Administrative Independent Authorities only (Article 56 of Law 5043/2023), thus excluding the expert personnel for the five (5) Independent Authorities enshrined in the Constitution, including the Ombudsman. The extension of this favorable provision to include the five Independent Authorities would be crucial for the effective fulfillment of their respective mandates.

#### **Reply to paragraph 5 of the list of issues prior to reporting**

10. Since 2010, the National Program on Preventing and Combating Violence against Women, the first comprehensive national action plan against gender-based violence (henceforth: GBV), has been implemented. It refers to all forms of GBV (e.g. domestic violence, rape, sexual harassment, trafficking) and is embedded in the Priority Axis 1: Prevention and combat of GBV and domestic violence of the National Action Plan on Gender Equality 2021-2025 (henceforth: NAPGE). Within this program, a network of structures/facilities has been established and is operating nationwide for the protection of women, victims of GBV. Since the previous programmatic period 2016-2020, responding to the challenges of the migrant/refugee crisis, the then General Secretariat for Demography, Family Planning and Gender Equality of the Ministry of Labour and Social Affairs adopted an intersectional approach and broadened the focus group of women victims to GBV to also include women victims of multiple discrimination.

11. The General Secretariat supervises and coordinates the abovementioned network of structures/facilities, which, inter alia, includes:

- The bilingual SOS telephone helpline 15900 and the e-mail address [sos15900@isotita.gr](mailto:sos15900@isotita.gr) (in Greek and English) which operates 24/7 and 365 days/year. It is a free of charge nationwide helpline, confidential and staffed by gender-trained counselors. It has been operational since March 2011. The helpline also employs two interpreters to support the needs of Farsi and Arab speaking women;
- 44 Counseling Centers and 20 Shelters all over Greece. The services provided by these facilities are free of charge and include social and psychosocial support, legal counseling, as well as vocational counseling, emergency shelter and, when necessary, legal aid in cooperation with local Bar Associations. In designing and delivering these services due consideration is given to the need to respond to different social, ethnic, and cultural backgrounds, religions, states of health, etc.

Interpretation in various languages is provided, when necessary, to refugee and migrant women in collaboration with NGOs (see also Annex 1).

12. In 2022, a study entitled “Programmatic Review of Services available and accessible to Children in the shelters of the Network of the General Secretariat for Demography and Family Policy and Gender Equality” was completed. The research and analysis of its findings was conducted by the “Institute of the Child” in collaboration with UNICEF. The implementation of the study is included in the Action of the NAPGE 2021–2025 entitled “Introduction of additional measures to comply with the Istanbul Convention Obligations”. The objective of the study was to map the current situation in the Shelters, regarding children who have witnessed incidents of domestic violence and are accommodated therein with their mothers, as well as services provided to them.

13. Within the framework of the above-mentioned National Action Plan (NAPGE), two tools have been developed for the protection of disabled women from GBV:

(a) Under Action 1.3.4 “Preventing and combating violence against women and girls with disabilities” of the NAPGE 2021-2025, the General Secretariat with the support of the National Confederation of Persons with Disabilities (“ESAmEA”) created, in 2022, a “Guide on Ethical and Professional Behavior for Employees in social-care structures for women and girls with disabilities who are victims of GBV”, providing guidance on how to address incidents of GBV in that particular setting;

(b) The second tool, the “Handbook on GBV practitioners working with disabled women and girls at refugee camps and asylum services” has been developed with the contribution of UNHCR, based on a toolkit of IRC-Women’s Refugee Committee. The Handbook aims to serve as a tool for professionals working at Reception and Identification Centres, in Closed Controlled Structures or Accommodation/Temporary Reception Facilities, or for those who assist persons with disabilities.

14. Furthermore, the General Secretariat participated in the elaboration of the first National Action Plan on Women, Peace and Security, coordinated by the Greek Ministry of Foreign Affairs, which is currently under review. The Plan includes four pillars of action: 1) prevention of armed conflict and any form of GBV, 2) gender-equal representation, participation and leadership in decision-making, 3) protection from any form of GBV, 4) relief and recovery of GBV survivors. It also envisages the promotion of the Women, Peace and Security Agenda of the UN at bilateral, regional, and multilateral levels.

15. In order to inform the general public on the necessity to combat violence against women, nationwide campaigns are designed and implemented, including seminars, development of informational material in several languages, TV and radio spots, cultural events, publicity activities on public transport, entries in the press, on the webpage “www.womensos.gr”, in the General Secretariat’s Facebook page, as well as banners on several media websites. The General Secretariat also cooperates with relevant stakeholders in organizing awareness-raising campaigns to combat gender stereotypes and to change the manner in which gender social roles are perceived.

16. Regarding training, the General Secretariat, in coordination with the National Centre for Public Administration and Local Government implements tailor-made training programmes for counselors at its structures/facilities. A manual and several tools for social networking have been produced for use there. The development of a “Risk Assessment Tool for domestic violence victims” constitutes a step forward (available since April 2023). The next step is the Circular which will provide details on the implementation of this tool by relevant public administration stakeholders, namely at Counseling Centers, the Police, health-care structures, Municipalities’ social services Units, forensic services etc.

17. Another initiative of the General Secretariat is the “Panic Button” application, launched in March 2023, which allows a woman in danger to call for help by pressing a button on her mobile phone so that the Police can locate and help her. It was the result of collaboration between the General Secretariat, the Ministry of Citizen Protection, the Ministry of Digital Governance and Vodafone Greece. The application is already operational, at pilot phase, in Athens and Thessaloniki.

18. Moreover, under the cooperation of the General Secretariat and UNICEF Greece, the digital application “GBV Pocket Guide” has been adapted and translated into Greek, aiming at providing support and information to all professionals or people that might come across a GBV incident.

19. On specific measures to assist refugee, asylum-seeking and migrant women and girls, the General Secretariat signed, together with UNHCR and relevant civil society organizations, a Protocol of Cooperation in order to follow a common framework for the identification, referral and shelter provision to refugee women victims of GBV and their children. It has been disseminated to all professionals working with refugees and its guidelines are being updated regularly. The General Secretariat has also conducted a study on exchange sex at refugee camps. Its findings are under analysis by UNHCR. Additionally, this particular collaboration includes the implementation of training seminars for front-line professionals working with refugee, migrant and asylum-seeking women victims of GBV.

20. The General Secretariat also provides, when needed, assistance to women and girls fleeing Ukraine who arrive in Greece. The General Secretariat designed, produced and published an informational leaflet entitled “We are here for you” in collaboration with UNHCR. Interpretation in Russian and Ukrainian is provided, since September 2022, by a cultural mediator to all structures.

21. Asylum-seeking women are hosted in suitable accommodation facilities and have access to specialized medical and psychosocial support. The respective Regulations of the European Union on the operation of reception facilities, both in the mainland and on the islands, provide that all facilities have separate and secure accommodation capacity for single women, access to special medical care for women in labour or post-childbirth, and enhanced security. Moreover, all accommodation facilities provide safe space for women (whether single or with a family), minors and adolescents, in order to improve access to education and recreational activities, as well as those seeking legal and/or psychosocial support. In addition, relevant legislation foresees dedicated provisions for specific cases, such as victims of trafficking whereas “the reception Authorities shall ensure that victims of trafficking have access to legal support and are referred to relevant services”. Moreover, the Authorities are obliged to immediately inform the “National System for Identification and Referral of victims of human trafficking” in case they identify trafficking victims. Article 67 of Law 4939/2022 provides that victims of rape, torture or any other type of violence be provided with a relevant medical report issued by a Public Hospital, a Military Hospital or adequately trained doctors working in public healthcare facilities. Any victim of torture is offered appropriate medical and psychological treatment.

22. The asylum case-handlers interviewing women asylum seekers who are victims of GBV receive additional training regarding the specific needs of such vulnerable persons. Moreover, preference for the gender of the case handler, as well as that of the interpreter, is recorded during the lodging of an application for International Protection. In addition, special procedural safeguards are in place for the protection of GBV victims, such as segregation of cases, possibility of additional breaks and movement during the interview, and leniency towards minor inaccuracies and contradictions.

23. Regarding unaccompanied minor girls, the then Special Secretariat for the Protection of Unaccompanied Minors (now: General Secretariat for Vulnerable Persons and Institutional Protection) of the Ministry of Migration and Asylum, which was established in 2020 as the competent national Authority for the protection of unaccompanied minors (UAMs) and minors separated from their families living in Greece, has adopted a National Strategy for their protection. The Strategy prioritizes the provision of support to child survivors of sexual exploitation and abuse.

24. In addition, the National Integration Strategy, adopted by the Ministry of Migration and Asylum, places emphasis on gender equality and includes actions to prevent and combat domestic and other forms of violence affecting asylum seekers and beneficiaries of International Protection. Moreover, the National Emergency Response Mechanism (NERM), established by Law 4960/2022, is as an efficient preventive measure against human and labour trafficking, exploitation, abuse and any kind of violence, including GBV, by offering protection to unaccompanied minors who live in precarious conditions or are

homeless. More specifically, NERM includes a 24/7 telephone line, support teams, two child protection mobile units, tele-interpretation, medical services and emergency accommodation.

25. Law 4478/2017 (transposition of Directive 2012/29/EU on the establishment of minimum standards relating to rights, support and protection of victims of crime) guarantees that victims of crime are properly informed, supported and protected in order to participate in criminal proceedings. The legislative framework concerning support to victims was further strengthened by Law 4855/2021 towards, inter alia, the protection of witnesses.

26. Victims are treated with respect, sensitivity, individuality, professionalism, without discrimination, also at the stage of being in contact with the competent victim-support or restorative justice services. They are provided (under conditions) with: information on the type of support they can obtain and the competent Authorities therefore; access to legal advice as well as to the procedures and conditions for accessing legal aid; interpretation services and compensation as well as reimbursement of any expenses incurred as a result of their participation in criminal proceedings; individual assessment of the situation, so that any specific protection needs are identified; special protection measures; protection against secondary and repeated victimization, protection against intimidation and reprisals during the investigation, as well as during the conduct of criminal proceedings, including the hearing of the case.

27. The individual assessment includes particular attention towards the personal characteristics of the victim, the severity of the harm suffered, the type, seriousness and nature of the crime, in particular trafficking in human beings, GBV, racist violence, domestic violence, sexual violence or exploitation, and the particular circumstances under which the crime was committed.

28. Under Law 4800/2021, family law was revised to provide further protection within the family environment. Articles 1532 and 1533 of the Civil Code provide for the removal of parental responsibility in cases of improper exercise of such responsibility, e.g. incidents of domestic violence. In addition, the protective legislative framework was further strengthened by Law 4855/2021, which amended the Penal Code and the Code of Criminal Procedure (CCP) and enhanced protection of minors who are victims of crimes, as well as of victims who belong to vulnerable social groups and need special treatment both on a substantive and procedural level. In particular, the recent changes provide, inter alia, for the commencement of the statute of limitation for crimes against minors from their adulthood and for one or three additional years, depending on the characterization of the offense as a misdemeanor or a felony; change in the manner of examination of juvenile and adult victims of sexual abuse; the possibility of giving absolute priority to cases relating to crimes against sexual freedom and economic exploitation of sexual life; life imprisonment as the only sentence imposed for serious crimes such as rape of a minor and gang rape, in combination with the amendment of the provisions for the conditional release of those convicted of crimes of such gravity so that the greater part of the sentence imposed is served but also in order to exclude the possibility of serving a sentence by electronic - remote supervision in the above offenses.

29. Law 4995/2022 amended Article 569 CCP so that it provides that, for the crimes included therein (e.g., domestic violence), every criminal prosecution that is carried out, as well as its procedural stage, when the crime is committed against a minor, is recorded to the Criminal Record until the case is irrevocably adjudicated.

30. The prosecutor of the Supreme Court issued, in 2021, a Circular with special instructions to public prosecutors of first instance for the prevention and combating of gender-based, and especially, domestic violence against women, extending the period that violence could be manifested until the trial of each relevant case. In addition, prosecutors participated in a webinar organized by the Hellenic Red Cross on 2 March 2022 entitled “the “pandemic” of Gender - Based Violence against Women in the midst of Covid-19”.

31. The General Secretariat for Religious Affairs of the Ministry of Education and Religious Affairs, together with the Greek chapter of the Ecumenical Forum of European Christian Women “Damaris the Athenian”, the Municipality of Athens, the Church of

Greece, the Catholic Archbishopric of Athens and the Evangelical Church of Athens, co-organized an international conference, on 19-20 March 2023, entitled: “Women speak out, react against violence, and hope – Reality and Perspectives”, addressed to upper secondary education (lyceum) students and teachers, to raise awareness on domestic violence issues against women with the perspective of changing attitudes.

32. In November 2019, 73 Special Police Offices for Combating Domestic Violence began their operation throughout the country. These Offices were assigned with executive responsibilities concerning, in particular, the monitoring of domestic violence cases, the supervision of the competent Authorities that handle the cases at a pre-investigative – operational level, the implementation of training programs based on established service needs, the development of cooperation with other competent Agencies, the undertaking and implementation of actions to inform and raise public awareness, as well as the collection and analysis of statistical data (see Annex 1).

33. In addition, 18 Offices for Combating Domestic Violence are functioning, with the exclusive responsibility to handle domestic violence cases and to inform citizens on how to react and protect themselves from such crimes, how to assert their rights in case of victimization, and how to prevent secondary or repeated victimization, intimidation and retaliation.

34. Victims of domestic violence, who do not have documents of legal residence in the country, are protected from deportation and have the right to apply for a residence permit for humanitarian reasons. A relevant Order has been issued by the Hellenic Police Headquarters, forwarded to all the Regional Services of the Hellenic Police, providing guidelines on the handling of related cases.

35. Moreover, competent police personnel participate in actions and initiatives aimed at informing and raising awareness of the public on issues of domestic violence, as well as encouraging citizens to file a complaint if needed.

36. It should be noted that the GNCHR identified in its Report access to justice and access to shelters for victims as critical sectors requiring further action by the State. The GNCHR also noted the low percentage of imprisonment of perpetrators.

### **Reply to paragraph 6 of the list of issues prior to reporting**

37. Regarding the right of the victim to state compensation, according to Article 3 of Law 3811/2009, as amended by Law 4689/2020, victims of trafficking (Article 323A of the Penal Code), victims who have their domicile or habitual residence in Greece or in the territory of another Member State of the European Union, as well as victims who have their domicile or habitual residence in a third country, are entitled, upon their request, to reasonable and appropriate compensation by the Greek State (Hellenic Compensation Authority). Some statistical information can be found at Annex 1.

38. Also in Annex 1 are statistical information regarding human trafficking for recent years (2022 and the first three months of 2023), as recorded by cases that have been investigated by the relevant Greek Police Services. In addition, relevant information from the National Reporting Mechanism for the Identification and Referral of Victims of Trafficking in Human Beings, which is the official national Entity for the collection and referral of requests for the protection of victims identified by the competent public Authorities or cooperating Bodies can also be found at Annex 1.

39. The use of the internet, including during the pandemic, has played a key role particularly in cases of sexual exploitation. Perpetrators use the internet and social media to recruit victims, on the one hand, and, on the other hand, to attract customers by showing – advertising the victims’ “erotic services”. With the goal of completing investigations of such crimes (including trafficking in human beings) committed over the Internet or by using the Internet, the Hellenic Police is operating a special Unit, the Cyber Crime Division. This Unit can, upon request, provide assistance to other competent services for the investigation of cases of trafficking by carrying out specialized digital investigations. In addition, for the cases of trafficking or sexual exploitation of minors, when committed via

cyber means, a Special Operations Center is running in the Cyber Crime Division, on a 24-hour basis, where citizens can submit a complaint, via the telephone number 11188, free of charge.

40. The amendments to the Greek Penal Code of July 2019 and November 2021 significantly improved the legal framework against trafficking in human beings by punishing new forms of exploitation, thus covering more than the minimum forms in the existing international, regional, and European instruments. The National Referral Mechanism (NRM) for the identification and referral of such victims was officially launched and is fully operational.

41. In cooperation with the Office of the National Rapporteur, a special Working Group at the Ministry of Justice has been set up for the protection of victims of human trafficking, striving for a comprehensive evaluation of the situation in Greece, the formulation of guidelines and the consolidation of good practices. The Working Group meets regularly since July 2021 (once every two months) and has already held consultations with lawyers and other stakeholders.

42. On the initiative of the Working Group and in cooperation with the Deputy Prosecutor of the Supreme Court, who is responsible for human trafficking issues, the Prosecutor's Office of the Supreme Court issued a landmark Circular Note in May 2022 regarding the identification of a person as "victim of human trafficking", which further strengthens the rights of victims.

43. Another positive development is the adoption of Article 2 of Law 5028/2023, which establishes the appointment of Special Investigators for cases of human trafficking and is expected to strengthen the protection of victims' rights and achieve a faster and more efficient investigation of such cases.

44. In addition, a concise Guide on the rights of trafficked victims as well as the implementation of joint actions (such as trainings) have been initiated in collaboration with the Greek Police.

45. Article 569 of the Code of Criminal Procedure (CCP), as amended by Law 4995/2022, provides that when a crime is committed against a minor (crimes included, *inter alia*, in Article 323A of the Penal Code), every criminal prosecution carried out, as well as during the procedural stage is entered in the criminal record sheets until the case is irrevocably adjudicated.

46. In order to effectively investigate cases of human trafficking, the Hellenic Police has established Anti-Trafficking Departments and Anti-Trafficking Teams.

47. Other capacity building activities addressed to public servants, provided by the National Centre for Public Administration and Local Government in collaboration with the NRM team of experts, were also developed. These activities included both cross-sectoral trainings, addressed to prefectural and municipal Authorities, and public health facilities personnel, as well as vertical trainings tailored to the needs of any specific Authority, e.g., the Labour Inspectorate.

### **Reply to paragraph 7 of the list of issues prior to reporting**

48. Law 4939/2022 codified legislation on reception, International Protection of third country nationals and stateless persons and on Temporary Protection in the event of a mass influx of displaced third country nationals. The Code achieved: a) the consolidation and systematization of relevant legislative provisions, thus contributing to easier understanding of the respective legislative framework, as well as to safeguarding and strengthening relevant rights and b) the introduction of specific interventions updating the existing institutional framework on critical issues, such as the pooling of responsibilities for the protection and representation of unaccompanied minors within the Ministry of Migration and Asylum and the consolidation of a directory of definitions in order to facilitate the user. The adoption of the Code was deemed necessary as the existing legal framework, although



complete and meeting the needs of third country nationals applying for International or Temporary Protection, comprised of a number of different legislative acts.

49. The Hellenic Police strictly adheres to the principle of non-refoulement. To this end, clear orders and instructions have been issued by Police Headquarters to all competent services, paying particular attention to the right to apply for International Protection and the legal remedies provided for it. It is clarified therein that, pending examination of their asylum application, no third country national who applies for International Protection shall be returned, in full compliance with domestic and international law, and especially in accordance with the 1951 Refugee Convention and the procedures foreseen in EU Regulations and Directives (codified in Law 4939/2022), as well as the relevant case-law of the Council of State (the supreme Administrative Court), the Court of Justice of the EU and the European Court of Human Rights.

50. Any reports alleging “ill-treatment and torture of asylum-seekers and migrants in the context of violent pushbacks” do not correspond to the situation on the ground, given that such conduct has never been part of the operational practices of the Hellenic Police and the Hellenic Coast Guard; nor do they reflect the procedures applied which consist in the referral of asylum seekers to the competent national Authorities and processes.

51. Border surveillance activities are aiming at early detection of any attempt of illegal crossing and the application of prevention and deterrence measures, according to the Schengen Borders Code. The competent border surveillance teams implementing patrolling activities inside the Hellenic territory conduct national and EU Joint Border Operations, in cooperation with the EU Border and Coast Guard Agency (Frontex). Both the national Authorities and Frontex follow a strict Code of Conduct and any allegation of ill-treatment, including alleged pushbacks, is investigated at national and/or EU level. In this regard, alleged acts of violence committed against third country nationals during or after alleged pushbacks are outside the operational practice of both the Hellenic Police and the Hellenic Coast Guard.

52. Hellenic Police personnel is dressed in uniform, the type of which is foreseen and clearly described by Police Regulations, which defines the type of uniform depending on the Service. Another Regulation foresees the tasks and responsibilities of each Police Service. Additionally, the staff of the Hellenic Armed Forces, which assists Police Authorities at border control activities, wear the ordinary camouflage uniforms, while the staff of Frontex, which participates in Joint Operations at the borders, wears either the Agency’s uniform (Cat 1) or the uniforms that are foreseen by the seconding/sending EU Member State(s). Only authorized staff is allowed to operate at border areas, part of which are considered military and thus restricted areas.

53. Police officers adhere to a strict disciplinary legal framework in their work. In this regard, every piece of information concerning alleged incidents of ill-treatment at the borders, which is communicated to the Hellenic Police, is thoroughly investigated. If sufficient proof exists, the foreseen, by law, penalties are imposed.

54. The Hellenic Coast Guard (henceforth: HCG) is prioritizing the protection of human life and the fundamental rights of refugees and migrants. For this reason, it has increased its efforts to effectively address the augmented migratory pressures at national and EU external borders by strengthening its Search and Rescue capacities, intensifying its maritime surveillance activities and reallocating a large number of human and operational resources towards the Eastern Aegean islands. The coordinated actions undertaken by the HCG and its national and EU partners have significantly prevented illegal border crossings and, above all, have saved thousands of lives at sea over the past years (2015–to date).

55. The legal basis of these activities is stemming from the Schengen Border Code, in conformity with fundamental rights framework, and in particular, the provisions for preventing unauthorized crossings while, at the same time, fully respecting the rights of persons concerned, including those who may be entitled to International Protection. Border surveillance activities, conducted at sea borders with Türkiye, have as an objective the early detection of illegal border crossings, in line with EU legislation and the Schengen Borders Code. Such activities are carried out by the competent Greek Authorities in full compliance with international obligations under the UN Convention on the Law of the Sea, the

International Convention for the Safety of Life at Sea and the International Convention on Maritime Search and Rescue.

56. The personnel of the HCG demonstrates a high level of responsibility and professionalism. It is trained to respect the fundamental rights of any person crossing the borders. Great emphasis is placed, *inter alia*, on the prohibition of inhuman and degrading treatment, the prohibition of discrimination, the protection of human dignity, the respect of the principle of non-refoulement and the right to information. In addition, the HCG follows a strict disciplinary legal framework investigating alleged incidents of ill-treatment, including alleged unwarranted returns, and applies the foreseen penalties to culprits.

57. Regarding the implementation of national measures for monitoring compliance by law enforcement officials with fundamental rights safeguards, Greece has put in place a three-tiered system to address complaints about alleged “pushbacks”. More specifically, at the administrative level, as soon as any information regarding such allegations or complaints reaches the competent Authorities, an affidavit administrative examination is ordered to be conducted without delay. At the level of independent authorities, the National Transparency Authority is competent to investigate allegations of incidents involving alleged human rights violations at the borders. Its investigations so far have not resulted in the substantiation of any such case. In parallel, the Greek Ombudsman has also reviewed cases related to border protection and fundamental rights. Finally, such claims may be submitted to the competent judicial (prosecutorial) Authorities.

58. The Hellenic Police and the HCG, in the framework of Frontex Operations, implement two important follow-up mechanisms regarding potential violations of fundamental rights at the borders. The first mechanism is called “Serious Incident Reporting” and concerns the opportunity provided to any participant in the Agency’s operational activities, who has reason to believe that a violation of fundamental rights has occurred, to report it to Frontex via the established reporting channels. The second one is called “Complaints Mechanism” and provides the possibility to any person, regardless of age, who is directly affected by the actions or a failure to act on the part of staff involved in a Frontex activity and consider themselves to have been the subject of a breach of their fundamental rights, to submit a complaint free of charge to the Agency. Upon receiving such reports or complaints, the Frontex Fundamental Rights Office informs the Greek Authorities, which provide feedback and follow-up regarding the subsequent investigations at national level. In order to better support the implementation of the Frontex Complaint Mechanism by national Authorities, the Hellenic Police and the HCG have appointed Liaison Officers to the Frontex Fundamental Rights Office to facilitate communication and follow-up with regard to compliance. For more details, see *infra*, replies to Paragraph 21.

59. Recently, monitoring of compliance has been further strengthened. Articles 49 and 50 of Law 4960/2022 provide for the establishment within the Ministry of Migration and Asylum of a) the post of Fundamental Rights Officer (FRO), responsible for the collection and preliminary evaluation of complaints regarding alleged fundamental rights violations during reception or asylum procedures and b) a Special Fundamental Rights Compliance Committee, tasked with monitoring the relevant procedures and the implementation of national, EU and international legislation in the fields of border protection and granting of International Protection.

60. In addition, in order to fully ensure the implementation of the principle of non-refoulement, specialized experts of the Greek Ombudsman carry out monitoring of planned readmission operations under the EU-Türkiye Statement of March 2016. More specifically, they visit pre-removal detention areas, inspect the relevant case files, communicate with third country nationals who are to be returned and supervise the whole process. The Hellenic Police provides all necessary data and information in order to facilitate the Ombudsman in their individual assessment of each case, in accordance with Article 4 paragraph 5 of Law 3094/2003.

61. In accordance with the legislative act (“Act of legislative content”) of 2 March 2020, the Greek Asylum Service announced the suspension of its operational activities for the submission of first instance asylum claims, for a period of one month, starting from 1 March 2020. The adoption of such an exceptional legal act is foreseen in the Greek

Constitution under extraordinary circumstances. The abovementioned Act referred to a threat to national security due to the instrumentalization of migration by a neighboring country. This lawful suspension took place when large numbers of migrants coming from Türkiye were moving en masse towards the Greek east land borders in order to enter illegally Greek national territory, following the official announcement by that neighboring country that it would no longer prevent refugees and migrants from crossing its borders with Greece. A series of incidents took place from 28 February 2020 until 26 March 2020 at the Greek-Turkish land border area. As a result, during this time, Greece was faced with the orchestrated and coordinated mass movements of thousands of third country nationals trying to violently enter its territory. The suspension of the submission of asylum applications remained in force for one month, as provided for in the abovementioned Act of legislative content, ratified by Parliament by virtue of Law 4681/2020; it was not extended further. This exceptional measure was lifted on April 1st, 2020. From that date onwards, the Greek Asylum Service resumed fully its activities, receiving asylum applications and proceeding to the individual assessment of first instance claims for International Protection.

62. The Greek Asylum Authorities ensure access to asylum procedures on the basis of an individual, objective and impartial examination according to specific criteria and the special circumstances of the applicant for International Protection (Article 74 of Law 4939/2022). With this aim in mind, the Asylum Service receives additional specific and accurate information from various sources, such as the European Union Agency for Asylum (EUAA), the UNHCR, other relevant national Authorities or Authorities of EU Member States or other international human rights organizations. This information is then disseminated to all relevant deciding Authorities (Article 39 of Law 4939/2022).

63. In case an application is rejected or in case the decision grants subsidiary protection status, the applicant has the right to appeal before the Appeals Authority (2nd instance). The competent administrative Authorities provide free legal aid to asylum seekers before the Appeals Authority. The Asylum Service has a registry of lawyers who support the applicants upon their request, free of charge, during the time their appeal is submitted and examined at second instance. In case the appeal is again rejected, an applicant may submit an application of revocation (cancellation) to the competent local administrative first instance court within thirty (30) days starting on the next day after the decision was served. In case a final decision of rejection is issued, the information forms served to rejected applicants have been amended to include information, in a language that they understand, on their right to an effective remedy, the relevant deadlines, as well as programmes available for voluntary and assisted return operations.

64. Since mid-2022, it is possible to submit a request for an appointment in order to lodge initial and subsequent applications for International Protection through an electronic service on the website of the Ministry of Migration and Asylum, available in 12 languages. The use of the electronic platform is a means of ensuring equitable, continuous, seamless and efficient access to the asylum process. Indicatively, in 2022, the total number of lodged applications for asylum was 37,342 while within the first 3 months of 2023 there were 10,111 applications lodged.

65. Procedures regarding reception and identification (Article 38 of Law 4939/2022) are followed during the initial requests for International Protection submitted in the Reception and Identification Centers, with the exception of unaccompanied or separated minors, persons detained in pre-removal detention centers, prisoners, or persons who have entered Greece with legal formalities (in a regular manner), whose requests continue to be submitted at the competent Regional Asylum Offices and Asylum Units. Subsequent requests for International Protection are submitted exclusively at the Regional Offices of the Asylum Service.

## **Reply to paragraph 8 of the list of issues prior to reporting**

66. Elaborating on Replies submitted under Paragraph 7, during return procedures, the individuals concerned must be registered by the competent Authorities and a written administrative decision concerning their deportation, return or readmission must be issued.

In particular, given that a decision rejecting an application for International Protection also includes the return decision (Article 87 paragraph 8 of Law 4939/2022), until the appeal time-limit is exhausted and until a decision regarding the appeal itself is issued, the applicant shall remain in Greece, while any measure of deportation, readmission or return is suspended (Article 110 paragraph 1 of Law 4939/2022).

67. All applicants of International Protection who lack official documents are undergoing reception and identification procedures (Articles 39-43 of Law 4939/2022). These procedures entail: i) the provision of information; ii) the submission to reception and identification procedures; iii) the official registration and medical evaluation; iv) the referral to the procedure for International Protection; v) referral to further services.

68. The registration and medical evaluation are currently regulated under Article 41 of Law 4939/2022. Applications for International Protection are registered by the Reception and Identification Service. All applicants are referred to the Medical Screening and Psychosocial Support Unit of the Centre. Throughout their stay at the accommodation facilities, they can be referred, or be self-referred, for psychosocial support. The Competent Unit consists of specialized personnel who are conducting a vulnerability assessment to identify vulnerable applicants and assess their level of vulnerability and need for further follow-up.

69. According to Article 1 (c) of Law 4939/2022, single parents, pregnant women, victims of trafficking, victims of torture, rape or other forms of mental or sexual violence, including women who have undergone female genital mutilation, belong, among others, to vulnerable groups. The Law provides that, when applying the provisions on reception conditions, competent Authorities take into account the specific situation of vulnerable persons. Furthermore, when referring to suitable accommodation facilities, gender, age and vulnerability are taken into account. For this reason, the Reception Authorities identify early in the process – but also throughout their stay-, vulnerable individuals that have special reception needs. Such cases are transferred to suitable accommodation and may be further referred to specialized medical and psychosocial services.

70. In particular, the Greek Asylum Service has delivered to asylum officers, in cooperation with the European Union Agency for Asylum, specialized training sessions (through in-person and online modules) on vulnerable asylum seekers, focusing on identification and referral, preparation and conduct of the asylum interview, applying best practices, decision drafting and application of procedural guarantees. Moreover, the Asylum Service is linked to the National Referral Mechanism for potential victims of trafficking in human beings (an “umbrella” institution for actors supporting victims of Trafficking in Human Beings). As a result, a total number of 131 presumed victims of human trafficking (99 females and 32 males) were identified by the Asylum Service during 2022 and were referred to the NMR.

71. Regarding possible victims of torture, ill-treatment or trauma, in case they have not been identified as such at an early stage, the relevant process can be initiated during the examination of the asylum application and most often during the personal interview. A referral is then issued for medical examination and/or psychosocial diagnosis, with emphasis on applicants who reside within a Reception and Identification Center or a Closed Controlled Access Center, in accordance with Article 77 of Law 4939/2022. With regard to the protection of minors (considered by the Law as a vulnerable group whether unaccompanied or accompanied), it is one of the primary concerns of the Greek State that all persons in its territory who are identified by the Authorities as unaccompanied minors, enjoy adequate and sufficient protection and treatment, appropriate to their age, needs and best interest.

72. An assessment procedure may reveal whether a child is particularly vulnerable, while their views are always taken into account. Special reception conditions are guaranteed for minors as soon as they are identified as such. The best interest of the child is a primary consideration in all procedures and decisions affecting them, whereas the views of the child are also taken into consideration according to the level of their maturity and age.

73. With regard to separated children, during reception procedures specially trained personnel conduct interviews to assess the suitability of the alleged relative/guardian and

draft reports assessing the best interest of the child, which are, then, submitted to the Public Prosecutor for Minors to decide on actions of guardianship and care. The best interest of the child is always a priority also during asylum procedures; it is being assessed along with the principle of protecting family unity. Special procedural guarantees are envisaged for unaccompanied minors that include appointment of a temporary guardian as well as of qualified case managers, who ensure referral to legal counselling etc. According to Article 80 paragraph 3 of Law 4939/2022, the competent Authorities can, in case of doubt, refer unaccompanied minors to procedures for establishing their age. Additionally, in application of the provisions of Joint Ministerial Decision 9889/04.08.2020, if an employee of the Asylum Service has well-founded doubts about the age of an applicant for the first time during the personal interview, and until a final decision is issued, they must inform the Governor of the Asylum Service, who then issues a decision to refer this person to an age determination procedure. Unaccompanied minors under the age of 15, or who are victims of human trafficking, torture, rape or other serious forms of psychological, physical or sexual violence, are referred to the regular procedure of case examination. Minors, whose asylum application has been rejected at first degree of examination, have the right to appeal before an independent authority, with free legal assistance and representation ensured. If the asylum application is rejected at second instance procedure, then there are other legal provisions that allow the granting of a residence permit for humanitarian reasons.

74. Information is provided to minors regarding the procedures to be applied, their rights and obligations, in a child friendly manner, orally and in writing. Additionally, free interpretation services are always ensured at all stages and in a language that the child understands.

75. According to the Law, all third country nationals in reception procedures are informed in a language they understand about their rights and the right to apply for asylum. Following the registration of their asylum application, they are also informed in a language they understand about their rights and obligations as asylum seekers. The same applies to the medical evaluation or treatment that the applicants need. In the EU Regulations on the operation of reception facilities, it is confirmed that all residents have access to linguistic assistance and cultural mediators to ensure that communication is taking place in a language they understand.

76. In addition, applicants for International Protection enjoy a set of guarantees, such as the right to be informed in a language they understand, or are reasonably supposed to understand, of their rights and obligations during the reception and asylum procedure and the possible consequences of not complying with their obligations or of not cooperating with the Authorities, as well as of the consequences of an explicit or implicit withdrawal of their application.

77. On the basis of Article 74 paragraph 3 of Law 4939/2022, applicants for International Protection enjoy the services of an interpreter, free of charge, in person or remotely, using appropriate technical means, at all stages of the asylum procedure and for all interactions during first and second instance examination of their application. Interpreters cosign administrative documents; they are also evaluated on their performance and behavior. If an interpreter in the preferred interview language is not available, the interview is conducted in the official language of the country of origin or via an intermediate interpreter. The Ministry of Migration and Asylum is providing interpretation services through its implementing partner, the NGO “METAdrasi”.

78. Applicants of International Protection are provided with free of charge legal assistance during the process of filing an appeal against a negative (rejection) first instance decision and during the appeal’s examination at second instance. Free of charge legal assistance is provided by lawyers included in the Register of Lawyers of the Asylum Service and only if the applicants are not already represented by a lawyer of their choice and at their own expense. Applicants of International Protection may submit a legal assistance request form in person or through an electronic platform, before filing an appeal. A special lawyer-applicant meeting place is provided to ensure effective communication, while, alternatively, a video conference system is available.

79. National legislation is fully in line with the requirements of EU law in terms of guiding those entitled to International Protection. Under no circumstances are third country nationals detained arbitrarily. However, according to existing legislation, after an individual examination of a case, when International Protection does not apply, third country nationals are to be detained for the necessary period of time until the return procedures have been completed.

80. The competent Authorities facilitate communication with close relatives, in compliance with the provisions of the Code of Criminal Procedure, the Penitentiary Code and the confidentiality of communications. In particular, administratively detained third country nationals are entitled to be visited by second-degree blood or marriage relatives. In the absence of such persons, they are allowed to be visited by another relative or friend, after informing in advance the detention guard. Such visitation rights take place in specially arranged areas (visiting rooms) designed to meet the prescribed terms and conditions of security, while at the same time allowing the prisoner to communicate comfortably with the visitor. The days and hours of visits are determined by order of the administrators of the detention facilities.

81. The right to legal aid has been established at every stage of the criminal and administrative process. Every detained third country national is entitled to meeting with their lawyer. The duration of the lawyer's communication with the detainee is not subject to time constraints other than those implemented to comply with security measures and rules for the proper functioning of the detention facilities.

82. Specifically for third country nationals, the Authorities responsible for issuing return decisions are obliged to provide relevant information and any plausible assistance to them when seeking legal advice, representation by a lawyer and linguistic/interpretation assistance in order to exercise their rights. To this end, an "Information Bulletin" is available in languages used and understood by third country nationals. In all detention facilities, relevant documents have been posted in prominent places and "Information Bulletins" are provided to detainees, through which they are informed, in a language they understand, for their rights in relation to detention and asylum procedures.

83. In this context, the following have been translated, standardised and codified:

(a) The "Information Bulletin on the rights of foreign prisoners under deportation", available in nineteen languages;

(b) The "Information Bulletin on the rights of prisoners under return procedure", available in eight languages.

These Information Bulletins were forwarded officially by the respective Division of the Hellenic Police Headquarters in August 2021 to the competent Directorates of Greece, accompanied by relevant instructions/orders, with the aim of fully safeguarding the relevant rights of deportees/returnees.

84. In addition to the above, representatives of the NGO "Greek Council for Refugees" have daily access to detention facilities and communicate with those interested, in order to provide legal assistance and representation during asylum procedures. The same applies to the representatives of UNHCR, ICRC, as well as other NGOs.

85. As regards the medical care of detainees held in pre-removal detention centres, under the "National Program of Home Affairs 2014-2020" (funded by the Multiannual AMIF Fund), the Ministry of Health has been entrusted with the implementation of projects for the provision of healthcare services, psychological and social support services, as well as interpretation services. This Program was launched in mid-January 2018 in two pre-removal centres. Any third country national whose medical condition cannot be treated by the doctors at the pre-removal centres are referred for examination, or hospitalization, to an appropriate Hospital, accompanied by police officers.

86. Personnel in reception and accommodation facilities participated in a seminar on "E-trafficking as an emerging phenomenon: Advocating for a framework to protect and support potential victims of human trafficking" facilitated by the Danish Refugee Council under the scope of the "Free2link" project, co-financed by the European Union's Rights,

Equality and Citizenship Program (2014–2020) in order to tackle e-trafficking in women and girls.

### **Reply to paragraph 9 of the list of issues prior to reporting**

87. The statistical data presented in this section refer to the period 2019–2022. The asylum applications that resulted in recognition of refugee status or granting of subsidiary protection are considered “successful applications”.

88. In 2019, the total number of asylum applications submitted reached 77,238. The total number of successful applications (some of which may have been already submitted) was 17,990 of which 13,833 were granted refugee status and 4,157 were granted subsidiary protection.

89. In 2020, the total number of asylum applications submitted was 40,485. The total number of successful applications (some of which may have been already submitted) was 35,322 of which 26,813 were granted refugee status and 8,509 were granted subsidiary protection.

90. In 2021, the total number of asylum applications submitted was 28,283. The total number of successful applications (some of which may have been already submitted) was 18,432 of which 13,771 were granted refugee status and 4,661 were granted subsidiary protection.

91. In 2022, the total number of asylum applications submitted was on the rise again at 37,362. The total number of successful applications (some of which may have already been submitted) was 20,293 of which 19,386 were granted refugee status and 907 were granted subsidiary protection.

92. Although it is not possible to extract specific data regarding applications accepted on the basis of torture, according to Asylum Service records, from 2013 until 30 November 2022, a total of 1,807 applicants were identified as possible victims of torture, rape, or other serious forms of psychological, physical, or sexual violence or exploitation.

93. According to Article 27 of the recast Asylum Procedures Directive (APD) of the European Union, EU Member States have the possibility to apply the safe third country concept. According to that concept, EU Member States may return asylum applicants to third countries with which the applicant has a connection, such that it would be reasonable for them to go there and in which the possibility exists to apply for asylum and, if they are found to be a refugee, to receive protection in accordance with the 1951 Refugee Convention. In that third country, the applicant must not be at risk of persecution, refoulement or treatment in violation of Article 3 of the European Convention of Human Rights.

94. Law 4939/2022 transposed the APD into Greek legislation. Article 91 provides for the designation of safe third countries through a Joint Ministerial Decision based on the referral of the Asylum Service Director. Within that legal framework, on 28 November 2022, the Director of the Greek Asylum Service submitted a special report about the latest developments on asylum policy in countries designated in the relevant national list as “safe third countries”. Based on this assessment, Joint Ministerial Decision 734214/2022 was issued and is still in force. Türkiye remains a designated safe third country for asylum seekers from Syria, Afghanistan, Pakistan, Bangladesh and Somalia. Its designation as a safe third country has been an important step in tackling the criminal activity of smuggling networks and, along with other tools, such as the EU-Türkiye Readmission Agreement and the EU-Türkiye Statement of March 2016, it is an important aspect of the European Union’s migration and asylum policy. According to the relevant European Commission Report<sup>1</sup> published on 12 October 2022: “Türkiye remains a key partner for the European Union and a candidate country. .... The EU and Türkiye continue high-level engagement in areas of common interest such as climate, health or migration and security”. In this regard, it should be noted that Türkiye also ratified the Convention against Torture in 1988.

<sup>1</sup> Türkiye 2022, Report [SWD (2022) 333 final, page 3.

95. Asylum seekers can challenge, within the asylum procedure, the application of the safe third country concept, at first and second instances, by invoking the fact that the third country involved is not safe under the specific conditions in which they find themselves. Additionally, asylum seekers whose applications were rejected as inadmissible on the basis of the safe third country concept can lodge a subsequent asylum application if conditions regarding the safe third country context have changed.

96. Statistical data on migration flows for 2019 (123,710 arrested third country nationals), for 2020 (47,293 arrested third country nationals), for 2021 (38,013 arrested third country nationals) and for 2022 (49,061 arrested third country nationals) show that additional actions must be taken in order to return irregular migrants to their countries of origin. In 2020, due to the restrictive measures adopted for curtailing the spread of COVID-19, a total of 7,151 third country nationals were returned, either through forced returns (4,586) or through voluntary return programs of the IOM (2,565). In 2021, similarly due to the restrictive measures on the spread of COVID-19, a total of 7,013 third country nationals were returned (4,276 through forced returns and 2,737 through voluntary returns by IOM). In 2022, a total of 7,225 third country nationals (4,160 through forced returns and 3,065 through voluntary returns by IOM) were returned.

97. Migration and asylum are priority issues for the GNCHR which has adopted a number of expert reports and recommendations. In particular, the GNCHR monitors, inter alia, whether the guarantees in law effectively address in practice the specific needs of vulnerable asylum seekers, especially as far as identification of vulnerabilities, interpretation, legal aid, medical care, are concerned. Protection from non-refoulement and collective return is a priority issue for the Commission. The authorities concerned take note of the Commission's findings and suggestions and remain open to constructive engagement and exchange of views during their efforts to respond to the multiple challenges posed by migration and asylum on a frontline State, such as Greece, in a manner fully compatible with the country's human rights international obligations.

98. The GNCHR noted that some gaps still exist regarding interpretation, legal aid and medical assistance.

### **Reply to paragraph 10 of the list of issues prior to reporting**

99. Referring to extradition requests, the Ministry of Justice had only one case where diplomatic assurances were sought, and thus provided for. In particular, the wanted person (of Australian citizenship) challenged his extradition to the United States of America before the European Court of Human Rights, which in turn requested Greece to seek assurances from the requesting country. However, while the assurances were provided and the European Court of Human Rights decided that they met the set requirements, the wanted person has not yet been extradited (for reasons irrelevant to human rights and the abovementioned assurances).

### **Reply to paragraph 11 of the list of issues prior to reporting**

100. Extradition and mutual legal assistance in Greece are based on three types of instruments:

(a) **Multilateral Treaties**

In this context, Greece applies the:

- Rome Statute of the International Criminal Court (ratified by Law 3003/2002 and Law 3648/2011);
- European Convention on Extradition (ratified by Law 4265/1961);
- European Convention on Mutual Assistance in Criminal Matters (ratified by Law 4218/1961);



- 1990 Convention applying the Schengen Agreement (ratified by Law 2514/1997).

(b) Bilateral Treaties

In this context, Greece applies the:

- Bilateral extradition and Mutual Legal Assistance treaties in use with 14 countries (Albania, Armenia, Australia, Canada, China, Egypt, Georgia, Lebanon, Mexico, Russia, Serbia, Syria, Tunisia, USA).

101. Other Bilateral Mutual Legal Assistance treaties between Greece and a number of states are no longer in use, due to the fact that the international cooperation with such countries is based on other legal instruments such as: the 1959 European Convention on Mutual Assistance in Criminal Matters, Directive 2014/41/EU regarding the European Investigation Order in criminal matters (transposed by Law 4489/2017), Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States (transposed by Law 3251/2004) etc.

102. Bilateral Treaties concluded by the European Union include relevant Agreements with Iceland and Norway (in force since 1 November 2019), the United Kingdom of Great Britain and North Ireland (in force since 1 January 2021), Japan (in force since 2 January 2011), the United States of America (on mutual legal assistance, ratified by Law 3771/2009 and on extradition ratified by Law 3770/2009).

### **Code of Criminal Procedure (CCP)**

103. In the absence of an applicable treaty, national law is applied on the condition of reciprocity. In such cases, Greece can provide or grant extradition under Articles 436-457 CCP and Mutual Legal Assistance under Articles 458-461 CCP. Pursuant to Article 437 CCP, extradition shall be granted in respect with offences punishable under the laws of both the requesting and the requested party. On the contrary, dual criminality is not explicitly required, when Greece forwards or receives Mutual Legal Assistance requests under Articles 457-461 CCP. All domestic law provisions, especially Article 458 (3) CCP, are interpreted in combination with the ratified treaties on extradition and Mutual Legal Assistance such as the UN Convention against Transnational Organized Crime (Article 18/9), the UN Convention against Corruption (Article 46/9b) and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (Article 18/1f), meaning that the dual criminality principle can always be applied.

### **Administrative and legislative measures**

104. Greece has taken administrative and legislative measures to ensure that the UNCAT can be invoked as a legal basis for extradition in respect of the offenses referred to in Article 4 of the Convention, even when it receives an extradition request from a state with which it has no extradition agreement or treaty.

### **Legislative Measures**

105. Law 1782/1988, which ratified the UNCAT provides a foundation for extradition in cases involving offenses covered by Article 4 of the Convention.

### **Principle of Non-Refoulement**

106. Greece, like other states party to the UNCAT, adheres to the principle of non-refoulement, which is typically taken into consideration when evaluating extradition requests involving allegations of torture or ill-treatment (Article 438 CCP).

### **Administrative Measures**

107. The Minister of Justice is responsible for assessing and deciding on extradition requests upon the positive opinion of the competent Judicial Council. When Greece receives an extradition request from a foreign state, whether it has a bilateral extradition treaty or not, firstly the competent Judicial Council and ultimately the Minister of Justice

evaluate the request based on applicable domestic laws, including Articles 436-457 CCP and the UNCAT. They consider whether the offenses alleged therein fall within the scope of Article 4 of the Convention. In such cases, the Greek Authorities would evaluate the evidence and information provided by the requesting state to determine if there are sufficient grounds to warrant extradition. The decision-making process also takes into account the principles of legality, proportionality and respect for human rights.

#### **Aut dedere aut judicare/Transfer of evidence**

108. The principle of “aut dedere aut judicare” is a fundamental principle of international law. To comply with their obligations under this principle States, including Greece, typically undertake several measures:

1. Legislative Framework: the primary legislation governing extradition is the Greek Code of Criminal Procedure (CCP);
2. Extradition Treaties: as already mentioned, Greece has signed numerous such bilateral and multilateral treaties;
3. Extradition Requests: Greece evaluates the request and decides whether to grant or refuse extradition based on the provided evidence and legal criteria;
4. Non-Extradition Barriers: Greece, as other States, may refuse extradition in certain situations, such as when there are concerns about human rights violations, the possibility of political persecution, or if the requested offense is of a political nature. Additionally, States can refuse extradition if they intend to prosecute the individual domestically;
5. Domestic Prosecution: If a State refuses to extradite an individual, it assumes the responsibility to prosecute the accused domestically. The State’s Authorities conduct investigations, gather evidence and bring the accused to trial. This ensures that individuals cannot escape justice solely due to the failure of extradition.

109. So far, there has been only one request for judicial assistance relevant to human rights violations. The request was issued by the United States Department of Justice and involved providing evidence on a US citizen who was accused of torturing one or possibly more people during an operation that took place in a third country. The request was granted but the issuing Authority requested supplementary legal action to be taken. At the moment, the supplementary request is pending before the competent judicial authority. The legal basis for this request was the bilateral agreement on judicial cooperation between Greece and the USA, as supplemented by the additional protocol between the EU and the USA.

110. During the period in question, no ratifications of bilateral or multilateral treaties on extradition or mutual judicial assistance have been recorded.

#### **Reply to paragraph 12 of the list of issues prior to reporting**

111. In the National School of the Judiciary during the period 21 June 2016 to 31 May 2022, within the framework of the course “Special Criminal Law”, civil and criminal judges were taught emphatically the crime of torture as punished under the CCP. Moreover, in the summer of 2019, the Supreme Court’s Prosecutor Office communicated to all prosecutors in Greece the minutes as well as the most important reports of a two-day roundtable discussion co-organized with the Council of Europe on “policing – treatment of persons in detention and consequences”, which included issues relating to torture or cruel, inhuman or degrading treatment by law enforcement officers. Furthermore, on 15 October 2021, prosecutors participated in a webinar organized by the European Union Agency for Law Enforcement Training (CEPOL) on “prevention of torture in the criminal justice system”.

112. Moreover, the Prosecutor of the Supreme Court, by a 2019 Circular addressed to all public prosecutors, informed that Greece was found in violation of Article 3 of the European Convention on Human Rights (judgment of the European Court of Human Rights

in the case *Sarwari v. Greece*) and stressed the need of preparing forensic reports in accordance with the standards of the Council of Europe's Committee on the prevention of torture and inhuman and degrading treatment (CPT) and the guidelines of the Handbook of the United Nations on the effective investigation and documentation of torture (Istanbul Protocol).

113. As regards the education of students and the training of active judicial officers, a course on "Protection of Fundamental Rights (Constitution – ECHR – Charter of Fundamental Rights of the European Union)" has been included at the curriculum. In addition, civil and criminal judges attend courses, the educational material of which includes topics such as crimes against sexual freedom, crimes against personal freedom and economic exploitation of sexual life, with particular emphasis on issues relating to human trafficking and sexual exploitation of minors, including crimes of rape, abuse to lewdness, seduction of children, facilitation of debauchery, pimping etc... The course on International Criminal Law, which includes the crimes of genocide, crimes against humanity, war crimes, and aggression, has also been included for prosecutors.

114. Moreover, the School for the Judiciary, in cooperation with the UNHCR, decided to organize a workshop for the students of civil and criminal justice and prosecutors, with reference to the International, EU and national legal frameworks on International Protection.

115. The School for the Judiciary has also held training seminars for active judicial officers on topics such as domestic violence – civil and criminal dimension, and the rights of victims of crime (in particular crimes of trafficking and trafficking in human beings, domestic violence and crimes against sexual freedom).

116. Both the Hellenic Police and the Hellenic Coast Guard personnel are trained to respect the fundamental rights of any person crossing the borders, both during basic and more advanced training. One of these training activities is implemented in cooperation with UNHCR. It concerns a series of courses on fundamental rights protection addressed to personnel serving at the borders. Two such sessions were implemented in 2022.

117. Moreover, under the funding of the Internal Security Fund of the European Union, every year a number of Hellenic Police officers receive further training on border-related duties. This year, 70 officers from Border Control and Surveillance Authorities will receive further training on issues pertaining to the "protection of fundamental rights at the borders". The training was held in June via distance-learning methods.

118. Due to the ever-changing security environment in prisons, the General Secretariat for Anti-crime Policy has made training of staff a key priority. In this context, special educational actions and trainings are carried out with a view to improving the technical, social and professional skills and qualifications of prison staff, in cooperation with Greek and European Institutions. All prison staff are fully aware of the provisions of the Convention against Torture and the absolute prohibition of torture. They are also aware that any breach of the obligations arising from it is not tolerated. The introductory training programme of the School of Correctional Officers includes a distinct thematic module in which all the basic values and ethical rules provided for in European and international legal instruments such as the Recommendations of the Council of Europe, the European Prison Rules, the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), as well as the basic European and international legally binding texts, concerning the rights and treatment of persons deprived of their liberty, including the UNCAT, are taught.

119. The Hellenic Coast Guard (HCG), in 2019, disseminated to all Port Authorities an information brochure of the National Council against Racism and Intolerance on the subject of "Public Administration against Racist Crime". Moreover, besides the incorporation of the European Common Core Curriculum of Frontex in Educational Programs of HCG Academies, which includes a specific module on the protection of Fundamental Rights and a specific chapter about the prevention of torture and other cruel, inhuman or degrading treatment or punishment, the HCG prioritizes the training of its personnel deployed at the external sea borders in order to be able to identify persons who might be part of vulnerable groups or in need of International Protection and to refer them to the competent national Authorities. Hence, in the period 2019–2020, it completed a series of training activities

with the participation of 304 HCG officers, which consisted of 11 thematic modules; two of them were focused on “Fundamental Rights and Migration Flows”, while the remaining nine contained subsections on the human rights of migrants and refugees as well as first reception measures.

120. Due to the Covid-19 pandemic, in 2021, HCG carried out a distance-learning training program regarding “Human rights of migrants and refugees and treatment at the external borders”. In 2022, within the framework of the Memorandum of Cooperation with UNHCR, a number of HCG officers participated in tailored-made trainings dedicated on “Basic principles of International Protection and treatment of migrants and refugees at the external borders”.

121. The Hellenic Armed Forces and, in particular, military law enforcement personnel receive appropriate training in all aspects of International Law, both of that applicable in times of war as well as that applicable in peacetime. This training includes, inter alia, all relevant subject matters relating to the UNCAT.

### **Reply to paragraph 13 of the list of issues prior to reporting**

122. The implementation of Article 11 of the UNCAT is also relating to the establishment, organization and operation of the Internal Affairs Service of the security forces.

123. The Offices of Prosecutors located at the borders (in the Evros region) received several complaints during the period 1 January 2020 to 8 May 2023 and formed 62 criminal cases for the investigation of crimes of torture or inhuman or degrading treatment and generally of abuse or ill-treatment of third country nationals by law enforcement officers and border guards. Of these cases (i) 33 were closed by the competent prosecutor of first instance after conducting a preliminary examination in accordance with Article 43 CCP. More specifically, 32 decisions out of the 33 closed cases were approved by the prosecutor of Appeals of Thrace, while one is still pending. (ii) 2 cases were closed following a rejection of the complaint by the competent prosecutor of first instance pursuant to Article 51 CCP without being brought before the prosecutor of Appeals of Thrace. (iii) 1 case was closed after an order rejecting the complaint was issued by the competent prosecutor of first instance pursuant to Article 51 CCP while the appeal of the appellant was also rejected by the prosecutor of Appeals of Thrace. (iv) 18 cases are pending at the investigative stage of preliminary examination. (v) in 5 cases criminal charges were brought, but the perpetrators were not discovered and were thus placed in the file of unknown perpetrators. (vi) in 3 cases, criminal charges were brought and the perpetrators were referred to a hearing by the competent court. Of these, 2 are pending trial while for the third an acquittal decision was issued (4 October 2022) by the three-member Misdemeanor Court of Orestiada.

124. Taking into account the periodic observations of the Council of Europe’s Committee for the Prevention of Torture and Other Inhuman or Degrading Behaviour or Punishment (CPT) and other International and European Organisations on the situation in Greece, seven (7) pre-removal centres continued to operate in Amygdaleza, Tavros, Corinth, Drama (Paranesti), Xanthi, Orestiada (Fylakio) and Kos, giving priority on ensuring reception and decent accommodation conditions. The operation of the pre-removal centre in Lesvos was suspended on 20 September 2020.

125. The above-mentioned centres operate in full compliance with safety and hygiene rules. Clear instructions have been issued to ensure the correct implementation of Directive 2008/115/EC on “Returns”. Every effort is made not to detain third country nationals subject to return procedures in police stations, but to transfer the latter as soon as possible to pre-removal centres, following their identification and the issuance of the necessary decisions. These centres are closed-end structures. The Hellenic Police is responsible for their general operation that consists of accommodating, feeding, cleaning, providing clothing, conducting medical examinations and transporting third country nationals to hospitals or health centres, as well as for providing medical care, psychosocial care and counselling, as well as interpretation.

126. In the framework of the common training methodology of Frontex (Common Core Curriculum for Border and Coast-Guard Basic Training in the EU), there is a specific model for properly conducting interviews of intercepted third country nationals, with respect to their fundamental rights. These interviews focus either on establishing their nationality – in the absence of any identification documents – or to acquire important information about their journeys. The aforementioned interview model is part of the basic training of law enforcement officers.

127. Body search is a standard operational practice followed by law enforcement officers under the provisions of the law and relevant internal orders, focusing on the protection of fundamental rights. Body searches are performed in cases of serious and sound suspicion or imperative need. In the case of border controls, body search is conducted when special conditions apply. For example, (a) when third country nationals enter the accommodation facilities for the first time, in order to exclude the possibility that unlawful or hazardous items may be introduced in the facilities or (b) when there is ground to believe that such items (i.e. drugs or weapons) are carried by persons. In any case, the body search is performed in special facilities in a dignified manner. When carried out to a woman, the body search is performed by female officers. If border guards search for a specific object, then, before the beginning of the body search, the border guards ask the person to hand it over. If a person is deemed dangerous, then a temporary body confinement is not prohibited. During the body search procedure, border guards shall have their weapons secured and must take care not to offend the dignity or to unreasonably bother the individual under search. Upon arrest, the personal belongings (valuables, mobile phones, money) of each person are immediately recorded and then returned to them upon departure from the pre-removal centre.

128. The Hellenic Coast Guard has forwarded to the Port Authorities an internal order regarding the strict implementation of the Articles of the Criminal Procedure Code regarding the rights of prisoners, physical search, the behaviour and obligations of officials during the arrest, detention, custody etc.

### **Reply to paragraph 14 of the list of issues prior to reporting**

129. Measures to reduce overcrowding (see Annex 2) and improve material conditions in all detention facilities, including measures to increase the use of alternatives to detention, both before and after trial, have been recently taken. Law 4619/2019 introduced the revised Penal Code, which contains a number of provisions of critical importance for addressing the abovementioned issues. More specifically:

1. By virtue of a Joint Ministerial Decision issued in December 2022, which entered into force in March 2023, any outstanding issues on the practical application of community service were settled in detail. In the last Article, it was defined that the Joint Ministerial Decision applies three months after its publication (12 March 2023);
2. Article 99 of the new Penal Code foresees the stay of execution of prison sentences up to 3 years under the condition of revocation;
3. Article 100 of the new Penal Code allows the court which imposed a prison sentence of up to 3 years, to order a part of it to be served (from 10 days to 3 months) and a stay of execution of the remaining;
4. Article 104A of the new Penal Code envisages the conversion of a prison sentence of up to 3 years to community service;
5. Article 104B of the new Penal Code sets out the conditions for the judicial remission of the sentence imposed on a person found guilty for a misdemeanor (inter alia, minor gravity of the harm, sincere repentance of the person responsible, lapse of an unusually long time since the commission of the crime);

6. Article 105 of the new Penal Code provides for the possibility of serving a sentence at home (in particular for persons sentenced to a temporary prison sentence and having exceeded the seventieth year of age, mothers who have custody of minor children, until the eighth year of age, persons suffering from severe diseases);
  7. Article 105A of the new Penal Code foresees the possibility of converting a prison sentence not exceeding a total of five years into community service, provided that the convicted person has actually served one tenth (1/10) of it;
  8. Article 105B of the new Penal Code provides for the possibility of dismissal under the condition of recall, if the convicted person has served a certain portion of the sentence imposed; the sentence served is considered to be that which has been beneficially calculated, e.g. taking into account the days of work or the fact that the convicted person is a person with disability, severely ill, long-term hospitalized, or participates in a therapeutic program of mental rehabilitation from drugs or is held in a police detention center or is a mother with her minor child. It is obvious that a beneficial calculation of the time served leads to a drastic reduction of the actual duration of the sentence;
  9. Article 110A of the new Penal Code provides for the possibility of dismissal on the condition that the sentence is served at home with electronic surveillance for those sentenced to a prison sentence, if they have served a certain portion of the sentence;
  10. Article 60 of the Penal Code, as amended, provides, under certain circumstances, for the possibility of a semi-free living permit for convicts who wish to continue their previous professional activity or for whom work has been found outside the prison in a public, municipal or private institution or a position in an approved vocational training program;
  11. Article 63 of the Penal Code as amended, provides for the possibility of partially serving a sentence.
130. Moreover, pre-trial detention is regulated in a number of articles of the new Code of Criminal Procedure (CCP), in force since 1 July 2019. The most important arrangements are as follows:

1. Pre-trial detention is imposed or examined on a reasoned basis by independent judicial officers, only as a last resort if the imposition of restrictive conditions is not sufficient to address the case, nor house arrest under electronic surveillance and only if there are serious indications of the guilt of the accused, who according to Article 286 (1) CCP: "...is prosecuted for a felony and has no known residence in the country; or has taken preparatory actions to facilitate his/her escape; or has been a fugitive in the past; or has been found guilty of an escape of a prisoner or violation of residence restrictions, which indicate his/her purpose of flight; or if there are reasons to consider that if they are released they are very likely to commit other crimes following previous irrevocable convictions for similar crimes. Pre-trial detention may be imposed in case the act attributed to the accused is punishable by life imprisonment or temporary imprisonment with a maximum of fifteen years; or the crime was committed repeatedly or in the context of a criminal or terrorist organization; or there are a large number of victims, under the condition that, based on the specific characteristics of the act, there are reasons to consider that the accused, if released, is very likely to commit other crimes. The seriousness of the act by itself is not sufficient to impose temporary detention". According to paragraph 2 of this Article, in exceptional cases, temporary detention may also be imposed for the misdemeanor of serial homicide by negligence; in that case, the maximum period of pre-trial detention shall be up to six months". According to paragraph 3, the restrictive conditions imposed on the accused person for a felony or misdemeanor may be replaced by pre-trial detention in case of non-compliance;

2. Also, according to Article 287 paragraph 1 of the CCP, pre-trial detention may also be imposed on a accused juvenile who has reached fifteenth years of age, under the conditions of the previous Article and if they are accused of an act referred to in Article 127 of the Penal Code (i.e. if the same act performed by an adult would be a felony and contains elements of violence or is directed against life or physical integrity). In this case, pre-trial detention may in no case exceed six months. Violation of the restrictive conditions imposed on the minor may not by itself lead to pre-trial detention. The pre-trial detention order shall contain a specific and detailed statement of reasons as to why reformatory or therapeutic measures are not considered sufficient in the specific case, taking into account, where appropriate, the particular circumstances of the act and the personality of the minor". According to paragraph 2: "If the minor committed an act that for an adult is a felony, except in the cases of paragraph 1 (as above), the investigating judge may impose restrictive measures, including reformatory measures of Article 122 of the Penal Code";
3. Furthermore, pursuant to Article 290 CCP, pre-trial detainees are given the opportunity to appeal before the three-member Judicial Council of Misdemeanors, which decides irrevocably against the warrant of the investigating judge for temporary detention within ten (10) days from its issuance;
4. In addition, Article 291 of the CCP also allows the pre-trial detainee to submit an application for the lifting or replacement of pre-trial detention to the investigating judge. An appeal to the three-member Judicial Council of misdemeanors is allowed within ten (10) days from the notification of the investigative order to the applicant. In addition, if during the interrogation it appears that there is no longer a reason to maintain provisional detention, the investigating judge may lift the abovementioned measure ex officio or on the proposal of the prosecutor. The pre-trial detainee may appeal against the decision of the Council to the appellate three-member Judicial Council of Appeals;
5. Finally, Article 292 of CCP establishes procedures for the ordinary control of the limits of pre-trial detention, ex officio by the prosecutor or the investigating judge and the competent judicial council without request from the pre-trial detainee;
6. The prosecutor of the Supreme Court issued a Circular in February 2022 addressed to all public prosecutors in the country, according to which absolute priority must be given to the drafting of the public prosecutor's proposal whenever any issue related to pre-trial detention is considered either ex officio or upon the initiative of the pre-trial detainee (submission of an application, appeal, or objections).

131. As far as return procedures are concerned, in accordance with Article 30 of Law 3907/2011, as amended, third country nationals are detained for the preparation of return and the completion of the removal procedure. In case the competent police body finds that (a) there is no risk of absconding or (b) the third country national is cooperative and does not impede the preparation of the return or removal process or (c) there are no grounds of national security concerns, then other, less onerous, measures are granted if they are deemed to be effective, such as those provided for in Article 22(3). The following alternative measures are foreseen in the legislation in force: regular appearance before the Authorities, the lodging of an appropriate financial guarantee, the deposit of documents or the obligation to stay in a certain place. In practice, at this stage, the alternative measures of regular appearance before the Authorities and/or the obligation to stay in a certain place are mainly being imposed.

132. In addition to the above, a number of criteria or preconditions are taken into account, such as (a) the impracticability of return/deportation of third country nationals, who are then given a 6-month postponement of removal with possibility of renewal; (b) the need for

appropriate treatment of vulnerable groups and especially minors; (c) the availability of appropriate detention facilities and the possibility of ensuring decent living conditions for detainees; or (d) any previous arrests.

133. Regarding the need to address the chronic problem of prison overcrowding, actions have been taken for the construction of new Correctional Facilities, in accordance with the standards set by national and international law both for the general prison population and for the population of prisoners with disabilities. More specifically:

- The project of relocation of the Korydallos Correctional Facility complex has been approved. In August 2022, a contract was signed between the Ministry of Citizen Protection and the Public Private Property Development Fund S.A. for the implementation of the project;
- For the operation of the Prison of Drama, the General Secretariat for Anti-crime Policy has already subsidised the Prison with the amount of 250,000 euros and has additionally approved a total amount of over 300,000 euros to cover other costs;
- The construction of the new Crete II Prison is underway. Similarly, the construction of new Penitentiaries in three other cities is progressing.

134. Of particular note is the adoption of Law 4937/2022 regarding the conditions for the transfer of convicted prisoners to Rural Prisons, in order to facilitate those serving mild sentences. Since 2 June 2022, more than 1,000 prisoners have been transferred from closed prisons. Thus, decongestion of the closed prisons has been achieved, while, at the same time, rural productive activity has been enhanced.

135. The GNCHR points out in its Report that the overpopulation problem remains a concern, and sees further room for improvement in the capacity and inmate population ratio.

136. One of the most prominent improvements of the new Penitentiary Code, welcomed by the GNCHR, is the introduction of an effective remedy allowing persons in both pre-trial detention and those serving sentence to complain about their conditions of detention and provision of medical care. According to Article 8 of Law 4985/2022, if the violation of the rules establishing the living conditions of detainees, as stipulated in the Penitentiary Code, in article 3 of the ECHR and in other International Law instruments pertaining to the treatment of detainees, offends human dignity, the detainee is entitled to apply to the Sentence Enforcement Court. If that Court considers the application well founded, it orders all appropriate measures to ensure compliance with the regulations regarding the detainees' living conditions. Pecuniary damage may also be awarded. Furthermore, the scope of the remedy has been extended to cases of non-compliance with the living standards in police detention facilities. If the competent court finds a violation of the applicable standards, it may order the change of the complainant's place of detention or, if this is not feasible, their transfer to the prison hospital or another public hospital or their priority transfer to another detention facility. The court may also award a beneficial calculation of 3 days for every 30 days of detention in adverse conditions, as well as financial compensation, at the applicant's request, ranging from 5 to 30 euros per day of violation. The right to exercise the remedy shall be extended to former prisoners within an exclusive period of 4 months from their release. The Authorities concerned shall execute immediately the operative part of the relevant judgment, which must be issued by the court within an exclusive period of 30 days from the lodging of the complaint.

137. With the introduction of such remedy, an important gap in domestic legislation has been closed, constituting a substantial reform in the direction of protecting the rights of prisoners, by adapting it to the case law of the European Court of Human Rights and the recommendations of the Council of Europe.

138. With regard to logistical support provided, the social services of each prison ensure the supply of the necessary personal items. In addition, complementary partnerships have been developed with various charitable organisations to that end. Regarding the maintenance of buildings and the supply of equipment for the prisons, cooperation has been developed with competent local Authorities so that small-scale projects can be carried out with the assistance of the technical services by the administrative regional institutions of the



country. In addition, maintenance, repair and renovation of prison facilities are continuously carried out to the degree possible.

139. With regard to the separation of prisoners, pursuant to Article 11 of the Penitentiary Code, pre-trial detainees are housed in prisons for pre-trial detainees (Type A prisons) or in separate sections of prisons, without communication with prisoners of other categories.

### **Reply to paragraph 15 of the list of issues prior to reporting**

140. One of the main priorities of the General Secretariat for Anti-crime Policy of the Ministry of Citizen Protection is to ensure the right to education to all detainees without discrimination and their access to upgraded educational services, in order to facilitate their social reintegration after release. This relates to both the operation of educational units and the development of educational, recreational, vocational, cultural and other programmes.

141. Units: in cooperation with the Ministry of Education and Religious Affairs, educational units of primary and secondary education, second opportunity schools as well as vocational training institutes operate in the Minor Males' Treatment Institute in Volos and in 20 out of 34 detention facilities (reference academic year 2022-2023). In addition, there is a significant number of "individually taught" detainees where secondary education structures are not available, as well as a number of detainees granted full access to tertiary education and university institutions, in accordance with the relevant legal framework. Further expansion of educational units is considered a strategic goal of paramount importance. In this context, the Ministry of Citizen Protection, in cooperation with the Ministry of Education and Religious Affairs, has undertaken actions for the establishment of educational units in detention facilities pursuant to the relevant provisions of Law 4763/2020. Under this framework, two primary schools have already been established.

142. Educational units of primary and secondary education are available for juvenile male offenders (up to 18 years old). In addition, in the case of lyceum-level (upper high school) students, the "individually taught" system applies.

143. Regarding women detainees, including juvenile, two educational units (elementary school and second opportunity school) operate in the Women's detention facility of Eleona (Thebes). In addition, women detainees in the above detention facility as well as those in the detention facility of Korydallos II (including transgender women) have the opportunity to follow the "individually taught" program, as well as to have access in tertiary education (university institutions).

144. Detainees may also participate in various educational, recreational, sports, cultural, vocational training and other programmes organised in cooperation with relevant Ministries, other public or private bodies or volunteers. In a number of detention facilities and in the Volos Educational Facility for Male Minors, cultural programmes/activities (such as music, theatre, dance etc.); recreational (artistic expression/handicraft, painting etc.); sports; educational (Greek language courses, skills development, photography etc.); vocational training (cooking and pastry etc.) and in general counselling and healthcare programmes have taken place.

145. Furthermore, this year (2023), the Ministry of Citizen Protection is undertaking the project "Training and Certification of detainees" in all detention facilities, in order to implement an integrated plan for detainees (adults and minors) upon their release, with the aim of strengthening their future reintegration into society and the labor market through the provision of a mixture of psycho-social and vocational counselling, vocational training programmes, certification of knowledge and skills. These activities are addressed to all prisoners without discrimination. Other tailored programmes, i.e., to meet the socio-economic needs of the LGBTI+ community in the detention facility of Korydallos II, have also been conducted, such as the "Positive Voice" activity, with the aim of protecting the rights of HIV-positive persons and combating the spread of HIV/AIDS. Relevant activities have also been conducted in the Special Health Center for the Detainees of Korydallos since 2013 in order to meet the needs of detainees living with HIV. In the Drug Rehabilitation Center for the Detainees of Eleonas prison relevant interventions has taken

place in the context of group or individual therapy, given the therapeutic nature of the above facility. Furthermore, all programmes/activities conducted in the Korydallos Psychiatric Hospital for Detainees concern persons with disabilities, specifically the mentally ill.

146. In the context of the participation of the General Secretariat for Anti-crime Policy in the implementation of the “National Action Plan for the rights of persons with disabilities”, the preparation of technical interventions in prisons has been carried out with a view to improving accessibility and detention conditions for persons with disabilities. In addition, the General Secretariat for Anti-crime Policy participates in the implementation of the “National Strategy for LGBTQ+ Equality” and has promoted the necessary legislative provisions to ensure equality in the treatment of prisoners. The new Penitentiary Code (Law 4985/2022) provides, in Article 11, that prisoners are divided into categories in order to specify their treatment according to the needs imposed by their actual or legal situation. In particular, in the Korydallos II Prison, in application of Article 14 of the above Law, a special detention area has been set up for intersex prisoners, suitably equipped to offer them appropriate conditions of detention.

### **Reply to paragraph 16 of the list of issues prior to reporting**

147. Regarding the situation of detained third country nationals at pre-removal centres, between 2019 and 2022, five (5) male foreign nationals have passed away, three of them due to pathological causes, one from hanging and one due to an already heavy medical history. In Annex 3, there is statistical data concerning the number of deceased prison detainees for the year 2022. In the same period, 28 cases of deaths of detainees within the premises of Police Services were registered.

148. In 2022, there were 181 incidents of exercise of violence or threat of violence against penitentiary personnel, 294 incidents of physical violence against a fellow prisoner and 17 incidents of altercations between prisoners. In this respect, the following measures have been taken: prisoner transfers, the establishment, within the General Secretariat for Anticrime Policy, of a Directorate dedicated to crisis management, the organization of training and educational programs addressed to penitentiary personnel, the assistance of specially trained external guards. Following an incidence of violence or the death or injury of a prisoner, disciplinary procedures are immediately activated. In this regard, Law 4443/2016 has strengthened the role of the Ombudsman as the National Preventive Mechanism.

### **Reply to paragraph 17 of the list of issues prior to reporting**

149. The Hellenic Police Headquarters, as well as the relevant Police Directorates, are in constant cooperation with the Ministry of Migration and Asylum and the then Special Secretariat for the Protection of Unaccompanied Minors – SSPUAM (now: General Secretariat for Vulnerable Persons and Institutional Protection), as well as with other Ministries and Entities, carefully monitoring the serious issue of the treatment of minors.

150. Until 2020, there were a few cases of unaccompanied minors residing in structures of the Hellenic Police as a measure of protective custody. This, however, was then abolished by Law 4760/2020 due to the actions of the SSPUAM, which created additional long-term accommodation structures. In fact, all unaccompanied minors who were in police departments were transferred to long-term accommodation facilities. Since December 2020, Greek Authorities have not implemented any form of detention for unaccompanied minors except, in rare cases, for their planned and imminent return.

151. Regarding the allegations of arbitrary detention in Samos, it should be noted that the Closed Controlled Access Centers and Reception and Identification Centers operating on a few islands, as well as the Reception Facilities operating in mainland Greece, where asylum seekers are hosted while their asylum applications are being processed, do not constitute detention centres. These facilities are reception and accommodation centres that operate under the competency of the Reception and Identification Service of the Ministry of

Migration and Asylum. Their operation is regulated by Law 4939/2022 and the subsequently issued General Regulations that are normative acts. Asylum seekers hosted in these facilities have the right to enter and exit the centres according to these General Regulations.

152. In general, asylum seekers whose asylum application is still being examined are not detained in principle and are accommodated in reception facilities, unless specific reasons apply, in line with Articles 50 and 51 of Law 4939/2022:

- (a) In order to determine their identity or nationality;
- (b) In order to determine those elements on which the application for International Protection is based which could not be obtained otherwise, in particular when there is a risk of absconding; or
- (c) When they constitute a danger for national security or public order, according to the substantiated judgment of the competent Authority; or
- (d) When there is a serious risk of absconding and in order to ensure the enforcement of a transfer decision according to the Dublin Regulation; or
- (e) To determine the applicant's right to enter the territory, in compliance with the EU Reception Conditions Directive which has been incorporated into Greek legislation.

153. When detention is imposed, it is just for the necessary amount of time, meaning that detention is only for a period of time in which the grounds for it are still applicable. Applicants of International Protection who are detained have the rights to appeal and raise objections as foreseen in paragraph 3 of Article 76 of Law 3386/2005 against the initial detention decision or the decision that prolongs it (Article 50 paragraph 6). Detention is imposed for an initial period of up to 50 days and it can be extended to 50 more days by virtue of a substantiated decision if the grounds upon which the detention decision is based are still applicable. The maximum detention period may be successively prolonged up to a maximum period of 18 months if need be.

154. Such detention takes place only in the pre-removal detention centres provided for in Article 31 of Law 3907/2011, which operate under the responsibility of the Hellenic Police and the Ministry of Citizen Protection. Asylum seekers are accommodated in special detention facilities, separately from ordinary prisoners and from third country nationals that have not lodged an application for International Protection (Article 51 paragraph 2) or those that had their asylum application rejected at second instance.

155. As already mentioned in the Replies to Paragraph 5, the General Secretariat for Vulnerable Persons and Institutional Protection worked with UNHCR on the establishment of a protective mechanism for tracing, registration and emergency accommodation as an alternative care model for homeless unaccompanied minors. As a result, the National Emergency Response Mechanism was established. The Mechanism was institutionalized by Law 4960/2022 and operates a telephone line supported by interpreters and qualified professionals who provide guidance to public Authorities and services, agencies or citizens, and coordinates the process of assisting minors who live in precarious conditions in finding emergency accommodation facilities.

156. One of the main priorities of the Greek migration and asylum policy has been to create safe and decent reception conditions for asylum seekers, including the provision of housing and food, while also caring for the needs of local communities, and aiming at the decongestion of Receptions and Identification Centres on the Greek islands. Currently, there are 33 accommodation facilities, including three Reception and Identifications Centres (RICs) located in the mainland and five Closed Controlled Access Centres (CCACs), located in the islands of Samos, Kos, Leros, Chios and Lesbos.

157. The RICs and CCACs have been established under the competence of the Reception and Identification Service of the Ministry of Migration and Asylum to swiftly identify, register and fingerprint incoming third country nationals, to channel asylum seekers into asylum procedures, to implement relocation schemes and to provide decent living conditions to asylum seekers in cooperation with relevant EU Agencies, International Organizations and NGOs.

158. The new CCACs, apart from providing higher accommodation capacity, include safe zones for minors, areas for leisure, social activities, medical care facilities and adapted spaces for the conduct of registration and asylum processes. Moreover, asylum seekers staying both in RICs and in CCACs receive adequate cash assistance, which continues after their transfer to accommodation facilities in the mainland.

### **Reply to paragraph 18 of the list of issues prior to reporting**

159. The existing protocol (doc. no. 43798/07-06-2018) regarding the framework for recording and reviewing the exceptional use of means of restraint, has integrated the revised CPT Standards concerning the means of restraint in psychiatric establishments. Existing monitoring bodies such as the Greek Ombudsman and the Special Committee for the protection of rights of People with Psychosocial Disability carry out regular visits to the psychiatric facilities in question. The number of involuntary commitments of people with psychosocial disability is 9,861 (according to 2019 data). During the period 2019–2022, the Greek Ombudsman made 3 visits to 3 psychiatric establishments where involuntary admissions take place. The GNCHR has expressed concerns about involuntary placement procedures and recalled that actions on the modification of the existing legal framework for the involuntary hospitalization for people with psychosocial disabilities have been included in the National Action Plan on the Rights of Persons with Disabilities.

### **Reply to paragraph 19 of the list of issues prior to reporting**

160. The implementation of the deinstitutionalization program is an obligation and commitment of the newly established Ministry of Social Cohesion and Family. The Ministry has issued a number of Joint Ministerial Decisions on the “Deinstitutionalization Program for persons with disabilities” according to which, persons with disabilities accommodated in the Lechaina Disabled Persons’ Branch of the Social Welfare Center of Western Greece and in PWD branches of the Attica Social Welfare Center, are to be relocated to a safe and supportive structure, or to a family-type structure, or to be returned to their families receiving support from the deinstitutionalization program. This is the beginning of a process that, in the long-term, will be extended to all Public Law Legal Entities and will serve as an example for the private sector. The Department of Health and Social Care of the relevant region is responsible for the licensing of structures for persons with disabilities, as well as for ensuring their smooth running. The Department also maintains the complete file of the structures and has the necessary control mechanism exercised by the institution of Social Counselor. The GNCHR has urged the Government to strengthen the implementation of the Deinstitutionalization Strategy through a human rights-based approach,

### **Reply to paragraph 20 of the list of issues prior to reporting**

161. The Greek Ombudsman, in its capacity as the National Preventive Mechanism against torture (NPM), conducted a number of visits and inspections from 2017–2022. More specifically, it has visited penitentiary institutions, prisons’ hospitals, police station detention facilities, Coast Guard detention facilities, pre-removal detention centers, psychiatric clinics, closed care institutions, Closed Controlled Access Centers. During the year 2020 and most of 2021, the inspections were suspended or limited due to the COVID-19 pandemic.

162. The Ombudsman’s delegations had free access to all the aforementioned locales. Constructive cooperation was offered by all respective personnel as well as unhindered communication with inmates. There has been one exception only: in March 2020, the visit to a Navy ship, anchored in Mytilene Port and holding third country nationals was not allowed due to the then existing circumstances. The Ombudsman summarized his findings and recommendations in the NPM’s Reports for the years 2017–2021 respectively (accessible at <https://old.synigoros.gr/resouces/opcat> and [www.synigoros.gr](http://www.synigoros.gr)). The Report

for 2022 is currently being edited. Responses to some of the Ombudsman's recommendations and legislative proposals remain pending.

163. Similarly, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) organizes visits to assess the treatment of persons deprived of their liberty. In addition, the Special Standing Committee on the Penitentiary System and other structures of the Greek Parliament study, monitor and evaluate the situation of the country's penitentiary system and submit proposals for improving the living conditions of prisoners. These bodies may visit prisons without prior notice, conduct interviews privately with prisoners and are facilitated in their work by having unrestricted access to all information in all detention facilities as well as by conducting investigations and research on the ground.

### **Reply to paragraph 21 of the list of issues prior to reporting**

164. In the framework of the "complaints mechanism" already mentioned in the Replies to Paragraph 7, the competent Authorities have handled one complaint in 2019, five complaints in 2020, two complaints in 2021, six complaints in 2022 and one complaint, so far, in 2023. Moreover, during the period 2019–2022, seventy-five (75) cases of allegations of police violence during demonstrations/gatherings/protests were recorded for which administrative investigation has been ordered. During the same period, twenty (20) cases of allegations of migrants against police officers have been recorded regarding ill-treatment/abuse in the framework of the alleged "push-backs" from Greece to Türkiye. Administrative investigations have been launched for all the aforementioned cases.

165. In order to ensure the exercise of the right to peaceful assembly in public spaces, in accordance with Article 11 of the Greek Constitution and Article 11 of the European Convention on Human Rights, in a way that public safety is not exposed to serious risks and that does not unduly disturb the socio-economic life of a certain area, Law 4703/2020 was enacted. Subsequently Presidential Decree 73/2020 was issued to regulate more specific issues, including the adoption of safety and traffic measures by the Hellenic Police and the further specialization of such rules and procedures. Police Authorities act under the above legislation during public gatherings.

### **Reply to paragraph 22 of the list of issues prior to reporting**

166. Article 3 of Law 3811/2009, as amended by Law 4689/2020, provides for the right to claim compensation for personal loss or expenses. Victims of crimes of violence with intent or victims of the following offences: trafficking in human beings, travel with the purpose of sexual abuse of minors, rape, seduction of children, indecent assault against children, child pornography, enticing minors for sexual purposes, pornographic performances of minors and sexual abuse of a minor in return for remuneration, may claim compensation by the Greek Compensation Authority.

167. In cases of Article 323A (trafficking in persons, victims who have their domicile or habitual residence in a third country are also entitled, upon their request, to reasonable and appropriate compensation by the state. Such compensation includes mental and psychological support to the victim when there is no corresponding public structure at the place of habitual residence, relocation (especially the costs of moving and purchasing essential consumer goods for relocation to a safe environment), and the loss of income, medical expenses and funeral expenses. So far, there has been no case of application for compensation to the Greek Compensation Authority.

168. Article 61 of Law 4478/2017 provides for the victims' access to support and care services. In addition, pursuant to Law 5038/2023 (Greek Immigration Code, Article 137), third country nationals who are victims of human trafficking have the right to medical care and access to psychological support services, even before the issuance of their residence permit, in accordance with the provisions of Article 7 of Directive 2004/81/EC. The competent prosecutorial, judicial and police Authorities shall give priority to the provision of translation and interpreting services. Furthermore, according to Article 228 CCP, the

individual assessment of victims to identify specific protection needs applies *mutatis mutandis* to adult victims of trafficking in human beings as well.

### **Reply to paragraph 23 of the list of issues prior to reporting**

169. According to Article 177 paragraph 2 of the CCP, evidence obtained by or through criminal acts is not taken into account in criminal proceedings. This applies to a confession or testimony taken during criminal proceedings (investigation, preliminary investigation) that was the result of torture or illegal physical or psychological violence, or physical injury or harm.

### **Reply to paragraph 24 of the list of issues prior to reporting**

170. Law 4356/2015 (Articles 15-19) established the National Council against Racism and Intolerance (NCRI), with the participation of representatives from the public sector, the Greek National Commission for Human Rights and civil society. The NCRI is a collective advisory body under the General Secretariat for Justice and Human Rights of the Ministry of Justice and is chaired by the General Secretary of Justice. By Law 4990/2022, the composition of the NCRI was further enhanced with representatives from the Ministry of Interior, the Ministry of Health and the Ministry of Culture. In December 2020, the NCRI adopted the first “National Action Plan against Racism and Intolerance” for the period 2020-2023. This Action Plan defines and covers forms of racism such as xenophobia, antisemitism, antigypsyism, islamophobia, afrophobia, homophobia, transphobia, ableism, and disablism.

171. According to Article 82A of the Penal Code, committing any offence on racist grounds (race, color, religion, and descent, national or ethnic origin, sexual orientation, disability, and gender identity and gender characteristics) constitutes an aggravating circumstance leading to increased penalties.

172. In the field of criminal justice, 24 special prosecutors have been appointed for the investigation of racist crimes. Additional actions in this particular field include the organization of training courses for prosecutors, as well as the dissemination of a guide for hate crime victims (2021-2022), issued by the Ministry of Justice and the NCRI.

173. One of the most important measures taken in the field of law enforcement in the fight against racism is the establishment of two specialized Departments in Attica and Thessaloniki and 68 Offices throughout the country. In order to encourage and facilitate reporting of racist acts, a special hotline is operating while a special complaints form is available on the Hellenic Police website. Special attention is attributed to the participation of Police officers in trainings and post-trainings on human rights and the fight against racism. Cooperation with Civil Society Organizations has been strengthened in the field of hate crime victims support, always guided by the need to prevent secondary victimization. The Hellenic Police has improved the electronic registration and identification of racist violence offences. Recently two special Guidelines regarding the protection of LGBTIQ+ persons and persons with disabilities were published, in addition to the existing training material on combating racism and hate speech.

### **Reply to paragraph 25 of the list of issues prior to reporting**

174. The Hellenic Police ensures the safety of NGOs personnel who are active in Reception and Identification Centres in Greece. Nevertheless, it is necessary that the aforementioned personnel act within the framework of legality, in the same manner as all persons living in Greece. Any evidence regarding alleged criminal activities by members of NGOs is examined on a case-by-case basis. Prosecution may be brought up based either on facts, or on substantiated complaints or deriving from operational information. There is no case of persecution for the sole basis of providing humanitarian aid and assistance, taking into account that the latter does not, of course, constitute a criminal offence *per se*. However, this does not preclude prosecution of any alleged perpetrator, including members

of NGOs, for offenses such as collaboration with cross-border criminal networks and participation in their respective illegal activities.

175. Article 40 of Law 4825/2021 provides for legislative, administrative and criminal sanctions for members of NGOs operating in the field of competence of the Hellenic Coast Guard (HCG), in order for them to comply with the instructions and orders of the Port Authorities, and thus not to hinder and disrupt the HCG's mission. The aforementioned Article aims to limit as much as possible the uncontrolled action of NGOs in the maritime and onshore field, which poses a risk to the positive outcome of operations affecting human lives, a responsibility which lies exclusively with the HCG. The provision of this law applies to all citizens without any exceptions as dictated by the Rule of Law. It should be noted that the HCG maintains good cooperation with the majority of NGOs active in rescue operations at sea.

176. Due to the unprecedented number of mixed arrivals reaching Greece especially after 2015, a number of NGOs took up activities with the aim to provide assistance to irregular migrants, to refugees and asylum seekers. The majority of NGOs active in Greece have the legal form of a legal entity governed by private law, of a non-profit character, whose operation is foreseen by the Civil Code. The Ministry of Migration and Asylum has established a special Register for the certification of Greek and Foreign Non-Governmental Organizations dealing with International Protection, migration and social integration. More specifically, the registration becomes necessary for the members of NGOs who, due to the nature of their work, are in direct contact with refugees and migrants, including women, children and unaccompanied minors. The purpose of this administrative initiative is to prevent any inappropriate or harmful behaviour towards persons in vulnerable situation. According to recent data (June 2023), 77 NGOs have successfully registered with the Register.

177. NGOs are valuable partners working together with the competent Authorities in carrying out a complex and demanding humanitarian duty. The role of NGOs in assisting the overall management of mass influx of migrants and asylum seekers throughout the years and in particular during the 2015 migration and refugee crisis was highlighted on a number of occasions. This longstanding, valuable and mutually beneficial cooperation with NGOs, on the basis of their expertise and added value, has been acknowledged by the Greek Authorities which cooperate with them in various areas such as provision of interpretation, protection of unaccompanied minors, housing of applicants and beneficiaries of International Protection, integration of migrants in collaboration with local communities and communities of migrants. As an example, cooperation between national Authorities responsible for integration and civil society organizations carrying out actions in the field of integration is provided for in Article 23 of Presidential Decree 106/2020. Furthermore, civil society organizations contribute significantly to the implementation of a number of actions within the framework of the flagship integration program "HELIOS" (Hellenic Integration Support for Beneficiaries of International Protection and Temporary Protection).

178. The GNCHR did note that although there is no specific legal framework for human rights defenders as such, however various legal protective frameworks exist for certain distinct categories of human rights defenders, i.e., for lawyers, for journalists, for associations, for representatives of trade unions etc.

### **Reply to paragraph 26 of the list of issues prior to reporting**

179. By adopting the new Penal Code (Law 4619/2019), as well as several other Laws, Greece amended its legislation on the prevention and fight against terrorism, in line with its international obligations, the legislation of the European Union (including Directive (EU) 2017/541 of the European Parliament and the Council on the fight against terrorism), and the Council of Europe's Convention on the Prevention of Terrorism (ratification pending) and its Additional Protocol (ratification pending).

180. More specifically, Article 187A of the Penal Code, as replaced by Article 3 (11) of Law 4637/2019 and amended by Article 36 of Law 4647/2022, foresees as terrorist crimes:

- Committing any felony or crime of general endangerment or crime against public order under circumstances or in such a way or to such an extent as to cause serious danger to the country or to an International Organization and with the intention of seriously intimidating a population or unlawfully forcing a public authority or International Organization to perform any act or to abstain from it or seriously damage or destroy the fundamental constitutional, political or economic structures of a country or International Organization;
- The establishment or membership of a terrorist organization;
- The coordination of a terrorist organization;
- Incitement to commit a terrorist crime or to join a specific terrorist organization, and recruitment;
- To provide and receive training in the manufacture or use of explosives, firearms or other weapons, harmful or dangerous substances or other specific methods or techniques, with a view to committing or contributing to the commission of a terrorist offence as defined above, being aware that the know-how provided is to be used for that purpose;
- The threat by any means or through the internet of committing a terrorist act as well as the provocation or stimulation to commit such an act;
- Travel for the purpose of committing or contributing to the commission of a terrorist act, participating in the activities of a terrorist group or offering or attending training for the commission of terrorist acts.

181. Moreover, under Article 187B of the Penal Code, as amended by Article 3 of Law 4637/2019 and Article 35 of Law 4855/2021, the following are identified as separate crimes:

- Financing terrorism in any way and the collection, gathering or management of assets or financial means for financing terrorism;
- The provision, with knowledge of their future use, of essential information to facilitate or assist the commission of any felony by a terrorist organization or an individual terrorist.

182. In addition, Articles 29 – 36A of Law 4689/2020 foresee the full transposition into the Greek legal order of the abovementioned Directive (EU) 2017/541 through:

- The adoption of the definitions of terrorist crime, structured group, terrorist group, victim of terrorism and (economic value) funds;
- The establishment as a separate crime of the organization or facilitation of travel for the purpose of committing a terrorist act;
- The provision of heavier penalties for the crimes of extortion, forgery of a public document and aggravated theft, when these are committed with the intention of committing a terrorist act;
- The establishment, for the first time, of a special mechanism for the immediate removal of online content that constitutes public incitement to commit a terrorist act.

183. All of the above terrorist offences are included in the basic offences, the commission of which constitutes a “criminal activity” within the meaning of the aforementioned Law 4557/2018 (on the prevention and suppression of money laundering), with the consequence that the assets acquired directly or indirectly from the above acts or the means used or intended to be used to commit such acts may be subject to freezing and confiscation in accordance with Law 4816/2021.

184. The above offences are punishable by detention sentences, the duration of which depends on the severity of the punishable act. Subsequent penalties of deprivation of job positions, prohibition of exercise of profession, withdrawal of driving license or operation of means of transport, publication of conviction and confiscation of proceeds of crime, are potentially imposed and in accordance with the generally applicable provisions.



185. The above legislative measures do not introduce any kind of discriminatory treatment of suspects or accused persons for terrorist crimes and do not in any way affect internationally protected human rights, given that for the investigation, prosecution, interrogation, adjudication of the above crimes, for the exercise of legal remedies, regular (appeal, cassation) or extraordinary (reopening of proceedings), as well as for the execution of any penalties that may be imposed, the same legal provisions and procedures apply as for any other criminal offense and guarantee the suspect's or accused person's rights.

186. Regarding the specific mechanism for the immediate removal of online content that constitutes public incitement to commit a terrorist crime, special attention has been given to protect the rights of individuals or legal persons who may be affected by the activation of the above mechanism (hosting service providers, owners or administrators of websites or domain names and content providers). In particular, the same Article includes the right to a judicial remedy against the imposed measure. This appeal is dealt with under a special short procedure and by a higher judicial body (Council of Appeals consisting of three appellate judges), which provides increased guarantees of independent, impartial and sound judgment, while at the same time has the authority and duty to examine both the legality and the necessity and proportionality of the imposed measure. The above specific mechanism has not yet been applied.

### **Reply to paragraph 27 of the list of issues prior to reporting**

187. During the Covid-19 pandemic, Greek Authorities resorted to restrictive measures, similar to those taken by other European and third countries, in particular on business activities and freedom of movement, to protect public health. Such measures were necessary, proportionate to the scientifically evaluated health risk, having a specific focus and limited duration, and were applied in a non-discriminatory manner. Hence, they were considered as permissible restrictions under the European Convention on Human Rights (ECHR) or other international human rights treaties, including the ICCPR. As a result, it was not deemed necessary to derogate from the State Party's obligations under any human rights treaty.

188. The Greek National Commission for Human Rights (GNCHR), in its comprehensive report on the impact of the pandemic and the measures taken to address it on human rights (published on 9 May 2021), welcomed the fact that the Greek Government had not resorted to the most drastic institutional measures in order to deal with the pandemic, activating, for example, Article 48 of the Constitution on the "state of siege" or the "derogation clause" of Article 4 ICCPR or Article 15 ECHR. It should be noted that the GNCHR was able to meet on a weekly basis via teleconference during the pandemic lockdown.

189. The restrictive measures imposed to contain the spread of the pandemic are subject to judicial scrutiny of their conformity with the Constitution and relevant international treaties. A number of the abovementioned measures were indeed brought before the competent domestic courts, and found, in most cases, in conformity with the Greek Constitution.

190. A decision by the Ministry of Health and the National Public Health Organization provided for vaccination against Covid-19 of the migrant / refugee population in Reception and Identification Centres as well as in accommodation facilities. The vaccinations were carried out by existing medical and nursing staff who already provided primary health-care services to these populations through the "Integrated and Emergency Health Intervention for the Refugee Crisis" (PHILOS) program. According to most recent data (15 June 2023), 11,594 refugees and migrants have been vaccinated within the context of this initiative.

191. During the outbreak of the Covid-19 pandemic, there has been communication and cooperation between the General Secretariat for Anti-crime Policy, the Ministry of Health and the National Public Health Organization. A series of circulars and instructions were issued and forwarded to the Penitentiary Institutions regarding information to the staff and the timely adoption of precautionary measures in line with the then on-going epidemiological data. In addition, appropriate Health Protocols were adopted, sanitary material was made available, diagnostic tests for the detection of coronavirus were carried

out for new and transferred detainees. Vaccination of detainees against COVID-19 was organised and implemented, with the prior issuance of a Temporary Social Security Number to uninsured detainees. Moreover, in the framework of “Actions to combat the pandemic Covid-19 of the General Secretariat for Anti-crime Policy”, the supply and installation of sterilization devices, which absorb, disinfect and deliver clean air, was completed in all prison facilities.

192. The suspension of the operation of educational units and programmes occurred at intervals during the years 2020–2021 due to Covid-19 measures. During this period, where possible, the conduct of distance-learning programmes took place, and the continuity of educational process in detention facilities was ensured to the furthest degree possible with alternative means (such as remote studying, completion of worksheets, educational television, distance-learning classes etc.). Within this context, both school/academic years 2019–2020 and 2020–2021 were concluded successfully as all eligible detainees-students participated in school and Pan-Hellenic exams as well as in distance-learning university courses.

193. The Covid-19 outbreak and the counter-pandemic measures created significant difficulties and challenges for the provision of support to gender-based violence victims. The then General Secretariat for Demography, Family Planning and Gender Equality responded immediately by sending instruction to all structures/facilities so that the health of both the employees and the women hosted there would be protected. All structures continued to offer their services implementing new procedures such as telephone or Skype support sessions, whereas the Helpline’s e-mail address was further used. An intensive TV and social media spot-campaign succeeded in raising awareness on the gender-based violence issue in relation to confinement at home, and provided information about the specialized response services available. In the meanwhile, the General Secretariat was in constant cooperation with the Hellenic Police, so that specific difficulties (e.g., travel ban due to quarantine restrictions) would be overcome, while Temporary Accommodation Facilities across the country were established, in cooperation with the Hellenic Chamber of Hotels, where women survivors and their children could stay until all the necessary medical exams were completed and women could be placed at safe shelters. The General Secretariat also cooperated with the Hellenic Society of Forensic Medicine and the NGO “The Smile of the Child” to speed up the necessary medical examinations for women and their children.

194. According to most recent data (as 15 June 2023), there have been 22,124,674 Covid-19 vaccinations in Greece. Of these, 7,935,616 are vaccinations with at least one dose; 7,645,825 are complete vaccinations; while 7,122,406 are booster doses.

195. It should be noted that a Greek initiative, the “digital green certificate”, proving that the holder has been vaccinated against Covid-19 or has tested negative for Covid-19 or has recovered from Covid-19, significantly facilitated safe and free movement within the EU during the pandemic. Besides this – mostly EU oriented initiative – Greece actively encourages the vaccination efforts in third countries by donating almost 1,500,000 doses to 13 countries around the world.

196. The Ministry of Migration and Asylum, following the outbreak of the pandemic, initiated the “Agnodiki” plan, which included testing against COVID upon arrival, creation of quarantine areas and implementation of quarantine period, provision of information on preventative measures and vaccination against COVID.

### **Reply to paragraph 28 of the list of issues prior to reporting**

197. See answers provided above in the Replies to Paragraph 3 of the List of Issues on the rights of arrested and detained persons.

### **Reply to paragraph 29 of the list of issues prior to reporting**

198. During the reporting period, one of the most important institutional developments was the adoption, implementation and monitoring of implementation of National Action

Plans (NAPs) and Strategies, such as NAPs for the Rights of Persons with Disabilities (2020), on combating Racism (2020), for the Rights of the Child (2021), on Child Protection against sexual abuse (2022), and for Gender Equality (2021), as well as the National Strategy and Action Plan for the Social Inclusion of Roma (2021) and the National Strategy for LGBTIQ+ Equality (2021). Furthermore, Law 4780/2021 proceeded to an important overhaul of the legislative framework governing the Greek National Commission for Human Rights, which has acquired legal personality and enjoys functional independence and administrative and financial autonomy. The composition of the Commission has been amended so as to become even more pluralistic and to encompass all human rights fields.

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