



## **Response**

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

**from 13 to 18 April and 19 to 25 July 2016**

The Greek Government has requested the publication of this response. The CPT's report on the April and July 2016 visits to Greece is set out in document CPT/Inf (2017) 25.

Strasbourg, 26 September 2017

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**Response of the Ministry of Interior  
25 January 2017**

HELLENIC REPUBLIC

TOP URGENT -  
DEADLINE

MINISTRY OF INTERIOR  
HELLENIC POLICE HEADQUARTERS  
ALIENS AND BORDER PROTECTION BRANCH  
DIRECTORATE FOR THE PROSECUTION OF ILLEGAL IMMIGRATION  
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Athens December 28<sup>th</sup>, 2016

To the Ministry of Foreign  
Affairs  
D3 Directorate for Security  
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Ref.No. : 6634/1-147963

**SUBJECT : “Response to a text with the preliminary observations of the European Commission regarding prevention of tortures and any other inhuman or humiliating behavior or punishment (C.P.T.) of the Council of Europe, after the completion of the delegation’s visit in our country, on 19-25 July 2016”.**

Re : a) No. 6691/AS1260 dated 24.11.2016 document of the Permanent Representation of Greece with attached the text of the Report of the above mentioned Commission,  
b) No. 6634/1-147896 dated 02.11.2016 document of ours.

A. In reply to the above captioned under (a) document and in continuance of our similar document under (b) hereinabove, with regard to the paragraphs 47, 55 and 57 (*reply within one month*), please be advised as follows :

1. Reply to the Commission’s direct observations-recommendations / requests for provision of information :

**a. Request for the provision of information regarding the detention conditions at the Special Premises for the Accommodation of Unescorted Alien Minors in Amygdaleza” (paragraph 47).**

The Services of the Aliens Directorate of Attica transfer the unescorted alien minors to the Special Premises for the Accommodation of Unescorted Alien Minors (subjected to the competence of the Hellenic Police) as a last resort, were they are hosted until the proceedings be completed and they be transferred to a special accommodation area for alien minors.

In specific, with regard to the accommodation of the unescorted alien minors at the Special Premises for the Accommodation of Unescorted Alien Minors in Amygdaleza, the following are reported :

- The existing facilities serve their basic needs (*effort for their improvement is constantly made*),
- Air-conditioning radiators have been installed and placed into function,
- There is an especially formulated dining room and creative activities and entertainment hall (*where tables and chairs have been placed for the inmates' nutrition as well as a TV set with USB portal for projection of movies*),
- There are also a library and board games for the minor aliens to be creatively occupied,
- During the daily Operation Schedule of the Center, the minors deal with Activities Programmes, meetings with agencies and NGOs, psychosocial support, hygiene and health programmes, further education,
- For their sport training, there is a fenced area for yarding and sport games.
- There are three (3) especially formed visitation areas where they can receive visits from relatives, lawyers and representatives of Diplomatic or Consular Authorities,
- Their phone communication is made via five (5) communal payphones. The minors have round-the-clock access to communication via their mobiles or payphone cards given to them by the Red Cross.
- There is a private cleaning crew which daily cleans all areas. The decontamination-disinfestation is also made by a private crew every Saturday and a relevant certificate is issued.
- Their nutrition is made by expenses of the State. The inmates are given breakfast (coffee or juice or milk and a croissant), lunch and dinner.
- On daily basis, NGO visits are made during which constructive meetings take place with the minors, aiming to their physical and mental amelioration and updating is given regarding their legal status.
- In cooperation with the other competent agencies (NGOs and rest organizations) support of the unescorted minors hosted at the said facilities is provided via special psychologists and pedagogues and opportunities are given for creations and enhancement of their culture,
- Incessant effort is made in order for the minors to be immediately subjected to the necessary medical examinations required as prerequisite for their advancement to open accommodation structures which are not sufficient for the coverage of the increasing needs as well as the direct advancement of the minors to the mentioned facilities.
- Shoes and socks have been given to the minors, however, they do not use them.

Finally, is it notified that the reported deteriorations in the plumbing installations have been fully repaired.

It is noted that efforts are made for further improvement of the material-technical infrastructures of the facilities and the constructive activities of the hosted unescorted minor aliens, but also the employment of psychologists and social workers for the psychosocial support as well as interpreters-translators for facilitating their communication with the Hellenic Authorities.

**b. Request for the provision of information regarding “the detention premises at the police cells of Drapetsona” (paragraph 55)**

The Police Directorate of Piraeus / Headquarters (Department of Material Management) has already placed in route the due actions for the solution of the problems regarding the building’s maintenance as well as the improvement of the detainees’ living conditions.

Particularly, it is indicatively mentioned that, in the month November 2016, the electrical and plumbing problems that had risen, were repaired and paints were supplied for the detention areas to be painted.

The Police Station of Drapetsona is everyday activated in order for the number of the detainees held at its detention areas not to exceed the prescribed one.

Beyond the above, it is noticed that, due to the age of the existing building and given that it no longer covers the functional needs of the Police Station of Drapetsona, the Police Directorate of Piraeus / Headquarters (Department of Material Management) makes actions for finding a new building to relocate the Police Station.

**c. Request for the provision of information regarding “the detention conditions at the Aliens Directorate of Thessaloniki” (paragraph 57)**

Regarding the detention conditions at the areas of the Aliens Directorate of Thessaloniki, it is noted that there is sufficient artificial and natural lighting. Every separate cell has its own WC and shower. The lamps used in the detention areas are of low voltage (42V) in order to avoid the risk of the detainees’ self-injuring, while warm water is round-the-clock available to the detainees as well as clean bedsheets and bed linens which are regularly cleaned.

In the detention areas there is air conditioning and central heating systems which are activated depending on the climate conditions.

The cells are cleaned by private cleaning crews while a decontamination-disinfestation is regularly carried by private crews (*the most recent ones being on 14.11.2016 and 20.12.2016*) and the cells are periodically painted.

Due to the building’s formulation, there is no area for the detainees’ yarding. In order to overcome such issue, the Aliens Directorate of Thessaloniki has acted as necessary towards the Technical Support Directorate of the Hellenic Police Headquarters for the construction of an area that would serve the detainees’ needs.

The provision of medical-pharmaceutical treatment is made by transfer of the detainees to be examined at public hospitals upon their oral request. The supply of medicines is made upon approval of the pharmaceutical treatment prescribed. Also, various non-prescribed medicines are given (mainly pain-killers) if the detainees requires so. Also, any medicines held by the detainees at their entry to the detention facilities that do not require particular prescription (*e.g. pain-killers, antipyretics, anti-inflammatory, antacids, antitussives*) are not seized but they remain among their personal belongings from where are given to the holders by the police staff when required.

Additionally, there are monthly visits made in the detention cells, in cooperation with the Ministry of Health by competent groups which make preventive medical examinations for transmittable diseases (*AIDS, Hepatitis B and C, skin diseases and tuberculosis check via Mantoux vaccination*).

Visits are extraordinarily made by NGO groups which make medical examinations to the detainees who want so.

With regard to what is reported for the transfer of three (3) detainees on 22.07.2016, upon recommendation by the Commission, to the on-call University General Hospital AHEPA, it is hereby noted that two (2) Pakistani citizens were at first subjected to clinical examination and laboratory check without becoming possible to verify any infectious or transmittable disease. Aiming to the further investigation of the mentioned symptoms, the above aliens were admitted to the A' Clinic of Pathology, however, in the next hours they stated they did not want to continue their in-hospital treatment or any further medical check-up and they voluntarily signed for their dismissal. From the check-up held until that moment, it was not possible to verify any infectious or transmittable disease. An Iranian citizen who was also transferred on the same day after foot examination, was found with damage at the soft tissues of the 3<sup>rd</sup> finger of lower extremity and pharmaceutical treatment was administered.

With regard to the policemen's lack of training in first aid and especially in CPR noticed by the Commission, on the occasion of a detainee's suicide, the Aliens Directorate of Thessaloniki considers the implementation of targeted training of the police staff that executes permanent service at the detention areas, but also gradual training of all policemen executing rotating duty, by agencies competent to this effect which will also proceed to appropriate notice to the staff that will implement the same.

The detainees' nutrition is made by their collecting the prescribed amount (5,87€) per day. The Cash Management Office conducted a contest for the detainees of the Detention Premises Guard Office based on which the detainees can optionally get a meal for three euro (€3,00) per day and per person, selecting it out of a menu list, plus salad, from a Catering Company appropriately accredited with ISO, while the canteen of the co-located Sub-Directorate of Court Transfers in Thessaloniki twice a day (*morning-afternoon*) provides basic health items (*shampoos, bath-foams, washing powders, dentifrices*) as well as other items (*cigarettes, payphone cards, bottles of water, juices, croissants etc.*) at cost prices. These two actions aim to increase the purchasing power of the detainees so as the mentioned amount to cover their basic needs. Also, by care of the police staff and exterior agencies (local church parishes, NGOs), there are voluntarily collected and distributed to the detainees, essential items (*shampoos, foam baths, towels, clothes etc.*)

It is also reported that most of the detainees, at their entry to the detention facilities, possess a respectable amount of money that is delivered to the Service according to the prescribed regulation regarding money and valuables and is returned to them at their departure, but even during detention, partially for the coverage of their personal needs, always securing the proper operation of the Service and the avoidance of theft incidents among them.

In the context of improvement of the facilities' security at the Aliens Directorate of Thessaloniki and the detainees' living, a series of expenses has been implemented and found at the stage of approval procedure, for the amelioration of the facilities.

At the same time, there is maintenance and repairs made for the restitution of any damages to the electrical and plumbing network of the building, by care of the Police Directorate / Sub-Directorate of Transfers of Thessaloniki and the competent Technical Department of the Sub-Directorate of Technical Applications of Northern Greece.

Additionally, it is notified that on the date of the Commission's visit, the Manager of the Department of Internal Operations was absent due to 3-month transfer at the Police Directorate of Lesbos while the Manager of the Office was found at scheduled summer leave, with the result that they be substituted by another Officer of the Department of Internal Operations.

Finally, regarding the issue of the police officers' behavior, it must be stressed that our Ministry and the Hellenic Police Headquarters are highly sensitive in the matter of the policemen's impeccable behavior to the citizens, natives and aliens and the faithful execution of their duties, mainly to what concerns the absolute respect of the individual rights, the diversity and the dignity of the citizens as this is prescribed by the applicable legislation as well. For this reason, specific orders and instructions have been given to the staff while, simultaneously, we maintain strictness on those becoming oblivious of such obligations of theirs.

B. Apart the above, we would like to inform you that there are expected in the forthcoming period, the procedures for the implementation of a series of actions to begin, such as medical-pharmaceutical and psychosocial support, provision of interpretation and legal support services, for detained aliens at the Pre-Departure Detention Centers, Center's functional costs etc., the implementation of which will contribute, by priority, to ensuring living conditions in a decent living environment and, to this effect, significant efforts are made in order for the long-standing tendering proceedings of the State to start the soonest possible and the needs to be covered with funds from European resources and also to have full absorbability.

Common goal of all competent Services of our Ministry is the great significance attributed to the absorption of the funds granted by the European Commission, but also the funds scheduled to be spent for the reinforcement of the efforts paid by our country for the confrontation of the phenomenon of illegal immigration, cooperating to this effect, with the rest competent Ministries and other competent agencies.

C. Please act further.

D. This is submitted to the Offices of Physical and Political Leadership for information.

THE MANAGER OF THE ALIENS AND BORDER PROTECTION BRANCH  
EMMANOUIL GRIGORAKIS  
MAJOR GENERAL

Copied on the same day in Athens.  
(sgd-sld)  
ANGELOPOULOS F. Alexandros  
Police-Sub-Director

Exact translation of the Greek attached document.  
Athens 18.01.2017 The translator THEODOSSIA KAPELONI

**Response of the Ministry of Migration Policy  
17 March 2017**

**HELLENIC REPUBLIC**



Ministry of Migration Policy

Reception and Identification Service

The main purpose of the Reception and Identification Service (RIS) is the successful management of mixed migration flows, who enter the territory irregularly in a context of respect of human dignity and in compliance with the European and international legislation.

The reception procedures are followed in a context of respect of human dignity and in compliance with the European and international commitments of the country.

- Upon arrival TCNs (third country nationals) receive appropriate and sufficient information about the place they are, the reason they are there, the procedures due to take place in the following days, the facilities and services provided and most importantly their rights regarding international protection. There is also a representative of IOM, who provides information regarding Assisted Voluntary Returns program.
- They go through a first medical examination and they are provided with psycho-social screening and support in order to identify vulnerable persons and to address any needs they might have. This procedure takes place with the support of interpreters.
- They receive non-food items (NFIs), clothes and shoes, if needed, clean linen and afterwards they are assigned to dormitories.
- The Reception Centers are divided into sectors that include dormitories for the accommodation of TCNs, dining rooms, entertainment – recreation rooms, a prayer room (where feasible) and laundry facilities. Sleeping bungalows (equipped with air-conditioners and heaters) are spacious and have 24h/day access to toilets/showers and warm water.
- Men, women, families, unaccompanied minors and vulnerable persons stay in separate sleeping rooms and wings and they are all provided with food, medical care and clothes, if necessary. Legal advice and interpretation services are offered throughout their stay and video conference equipment is also available, in case of lack or absence of on-the-spot presence of interpreters.
- After the completion of the reception procedures, they are referred to a competent authority at the end of the process according to the case: asylum seekers are referred to the regional office of the Asylum Service operating. UAMs and other vulnerable groups are referred to open Accommodation facilities and all the rest cases to the Hellenic Police for further administrative procedures.
- In order to maintain a high level operation of the Reception and Identification Service, a cooperation is established not only with international and European organizations such as the UN High Commissioner for Refugees (UNHCR), the European Asylum Support Office (EASO) and International Organization for Migration (IOM), but also with civil society organizations (NGOs), which have valuable experience working with TCNs.



The RIS staff is called upon, in the frame of absolute confidentiality, to handle difficult and sensitive cases of smuggling, human trafficking, torturing and any kind of human exploitation and provide with comfort and full respect of human rights these people, who have suffered a lot and hope for a better future in their life.

One of the vital responsibilities of RIS is the identification of people belonging to vulnerable groups (unaccompanied minors, pregnant women, elderly people, torture and/or human trafficking victims etc.) in order to ensure that the right procedure is followed. It is important that an identified vulnerable person receives the appropriate treatment during the stay in the RIC and that he/she will be referred to the relevant social support or protection body. All of the above mentioned persons are provided with appropriate accommodation (some designed for people with special needs), health care, psychological support and contact with personnel specially trained to treat such cases, like psychologists, social workers etc.

As far as unaccompanied minors, all actions relating to their care and protection are based on the main principle that everything must be done in a way that ensures the **best interest of the child**. They are provided with separate accommodation within the RIC and are represented by a legal guardian. For them who are victims of violence, medical assistance is provided as well as psychological support and referral to social reintegration services.

Persons with disabilities receive, apart from the medical care, access to rehabilitation centres and the personnel always aim to prevent the occurrence of all forms of discrimination against them.

Among tens who arrive at the RIC's, some of them are victims of torture, rape, genocide or other inhuman treatment or people who have fallen victims of human trafficking, any kind of exploitation and/or forced labour. The procedures followed provide the necessary medical care, support and protection to help their physical, psychological and social recovery. Access to legal assistance and interpretation services is provided for as long as necessary.

All the reception and identification procedures are conducted in a secure environment, respecting the sensitivities and diversities due to cultural differences, religious beliefs, origin, race, sexual orientation. Awareness is given of the migrants' habits regarding worship and different cultural values, fact that helps avoid misunderstandings, misconceptions and even serious tensions.

As far as the conditions at the Hotspots, the situation is described as below :

There is an info-point operation in Lesvos and Chios Reception and Identification Centres (RICs).

Lesvos info point started its operation on 19.12.2016. Its main participants are RIS, Asylum Service, IOM, UNHCR, EASO, MdM and a group of legal advisers. Information is provided daily from 09:00-17:00.

Chios info point has been functioning since 2015. Its main participants are RIS (1 person), Asylum Service, IOM, UNHCR (1 person), EASO (2 persons) and a group of legal advisers.

Concerted efforts of all stakeholders took place during the last three months of 2016 as well as January 2017, in order to alleviate overcrowding in RICs. Overcrowding relief includes transportation of vulnerable cases, (such as unaccompanied minors, pregnant women, single parents, victims of human trafficking etc.).

In December 2016 a mapping operation began regarding unaccompanied minors.

In Samos RIC, unaccompanied minors are transferred to special accommodation facilities in mainland or specialised shelters in Samos.

In Lesvos RIC, continuous efforts are made to decongest the Hotspot and relocate some third country nationals to hotels in the islands as well as some persons who reside in tents to the Family Compounds inside the Centre.

**Response by the Ministry of Migration Policy  
2 March 2017**

Φ09222/1561

**HELLENIC REPUBLIC**  
Ministry of Migration Policy

Asylum Service

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**Department of International and European Cooperation.** Enquiries: L.Lamprianidou, tel. 210 6988525/e-mail: [a.lamprianidou@asylo.gov.gr](mailto:a.lamprianidou@asylo.gov.gr)

Athens, 2/3/2017  
Ref.No.: 3471

TO: Ministry of Foreign Affairs  
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Cc: -Ministry of Migration Policy  
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**SUBJECT: Report on Greece of the European Committee for the prevention of torture and other inhuman or degrading treatment or punishment (CPT) of the Council of Europe**

**Re:** your document under ref.no. 6602.3/AS7748/17-2-2017

In reply to the foregoing document, we bring to your notice the following and you are kindly requested to consider including them in the comments that will be submitted on behalf of Greece to the recent Reports of CPT on the country (period of consideration: April-July 2016).

In particular, in the text of the Report there is reference to:

-**«the lengthy asylum procedures and long waiting times»:** it is noted here that for the period between 20-3-2016 and 31-1-2017, the cases reviewed according to the procedure in the borders on the islands operating as «hotspots», the average time for the delivery of first instance judgements (judgments on the admissibility-judgments on the merits-judgments on the reference to the regular proceedings) is 42 calendar days (related data attached).

-**«insufficient provision of information and legal aid as well as difficulties in accessing a lawyer»:** The service distributes to the applicants a brochure in 19 languages that contains all the main information in relation to the procedure followed. That information is posted on the webpage of the Asylum Service ([www.asylo.gov.gr](http://www.asylo.gov.gr)). Aliens or stateless persons that are in detention facilities or border crossing points are provided with information on the possibility of submitting an application for international protection by both the Asylum Service and the European Asylum Support Office (EASO) that assist it in cooperation with the other authorities engaged in those

points. Information to the persons concerned is also provided within the procedure of relocation but also to those who have been pre-recorded and are in the procedure of concluding the submission of their application. Furthermore, the persons concerned are informed over the internet in relation to the issue of the Uniform Format for Residence Permit but also of the titre de voyage (TDV).

It is also noted that as from 15-7-2016, legal aid is granted for free to applicants that appeal against the first instance judgment. It is a programme of the Office of the United Nations High Commissioner for Refugees within the support provided to the national asylum system. Within the above programme and in accordance with the recent available data (10/2016), 1,506 applicants for international protection were granted legal aid for free throughout the country. The programme will be in operation until the completion of the lawyers' register through which a service of gratis legal aid will be provided at the stage of the appeal. The procedure is expected to conclude within the following months.

**-«lack of interpretation services»:** with regard to this, we would like to point out that the Asylum Service cares for the interpretation during the procedure (full recording of application-submission of application-review of application-delivery of a judgment). In addition, interpretation services are also rendered by the European Asylum Support Office (EASO).

We are at your disposal for any information in relation to the above.

Attachment: 1 sheet of paper

Sevasti Tropa  
Ass. Head of Department

REVIEW OF APPLICATIONS FOR ASYLUM AT FIRST INSTANCE WITH THE PROCEDURE IN THE BORDERS (ARTICLE 60 PAR.4 LAW 4375/2016) ISLANDS WITH HOTSPOTS-20/3/2016 TO 26/02/2017

APPLICATIONS FOR ASYLUM(FULL RECORDING)	6010	3876	2310	906	865	13967
JUDGMENTS ON THE INADMISSIBILITY	542	569	230	54	49	1444
JUDGMENTS ON THE ADMISSIBILITY	371	111	157	3	34	676
FAMILY REUNION	732	641	303	64	80	1820
REFERENCE DEEDS IN THE MAINLAND DUE TO VULNERABILITY	1771	1548	941	245	320	4826
REJECTING JUDGMENTS	643	399	252	428	90	1812
POSITIVE JUDGMENTS (NON-SYRIANS)	41	41	25	6	2	115
WAIVER AND DISCONTINUATION OF REVIEW, WITH NO REVOCATION	349	348	177	32	65	971
TOTAL APPLICATIONS CONCLUDED	449	3657	2085	833	640	11064
REFUGEES	1028	579	436	388	109	2540

It is noted that due to unlawful conduct, a great number of applicants was transferred from the islands to the mainland. The procedure of review remained as prescribed in article 60 par.4 law 4375/2016.

JUDGMENTS AT SECOND INSTANCE ON REFUGEES AS PER ARTICLE 60 PAR.4 LAW 4375/2016 ISLANDS WITH HOTSPOTS 20/3/2016 TO 26/2/2017

ADMISSIBILITY	265	4	24	0	0	293
INADMISSIBILITY	9	7	5	2	1	24
REJECTING	301	49	107	185	46	688
POSITIVE	260	23	38	0	0	321

TIME OF DELIVERY OF JUDGMENTS AT FIRST INSTANCE ISLANDS WITH HOTSPOTS 20/3/2016 TO 26/2/2017

0-7	2597	24.3%
8-15	1740	16.3%
16-30	2199	20.6%
>30	4157	38.9%

Average of days: 33

Number of days from the full recording to the delivery of the judgment at first instance (chart with the above rates)

**Response of the Ministry of Interior  
6 April 2017**

No.F.092.22/3040  
HELLENIC REPUBLIC  
MINISTRY OF INTERIOR  
HELLENIC POLICE HEADQUARTERS  
SECTOR OF ALIENS AND BORDER  
PROTECTION  
DIRECTORATE OF MIGRATION  
MANAGEMENT  
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FACILITIES AND RETURNS  
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Ref.No: 6634/1-281142

**URGENT**

Athens, 6 April 2016  
**TO:** Ministry of Foreign Affairs  
**D3** Directorate of OSCE-  
COE  
3 Akadimias Street  
10671 Athens  
**CC:** See list of recipients

**SUBJECT: Report to the Greek Government on the Visits to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of the Council of Europe (13-18 April and 19-25 July 2016)**

**REF:** a. Your document No.6602.3/AS 7748/17.02.2017  
b. Document No.6691/AS 1260/24.11.2016 of the Permanent Greek Delegation to the Council of Europe  
c. Our document No.1604/17/438124/02.03.2017 (*not to you*)  
d. Our document No.6634/1-147686/17.05.2016 (*cover sheet POL 1604/16/1043600/30.05.2016*)  
e. Our document No.6634/1-147896/02.11.2016 (*cover sheet POL 1604/16/2199626/05.11.2016*)  
f. Our document No.6634/1-147963/28.12.2016 (*cover sheet POL 1604/16/2568748/29.12.2016*)

**A.** Further to our above-referenced documents (d), (e) and (f) and in response to the above-referenced documents (a) and (b) in relation to the part of the text of the observations in the said Committee's Report that concerns the Ministry of Interior/Sector of Citizen Protection, we would like to report the following per paragraph (*recommendations/ provision of information*):

## **II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED:**

**Ill-treatment** (sections A, C and D)

**Requests for information/investigations into reproachable behaviour-actions of police officers against irregular migrants, detainees and suspects of criminal offences**

**Paragraphs 14, 39, 53, 64 and 65, 64-65 and 70, 66, 67, 71 and 74** about complaints of ill-treatment of detainees received by the Committee:

### **(i) Paragraph 14: Request for information:**

Complaints received by a delegation of the Committee about physical abuse/ill-treatment of foreign nationals deprived of their freedom by police officers at the Reception and Identification Centres (also called hotspots) at Moria of Lesbos and Chalkeia-VIAL of Chios.

The General Regional Police Directorate of Northern Aegean ordered administrative investigations by means of Preliminary Administrative Inquiry (PDE) so that, if it is proved that disciplinary offences have been committed, relevant disciplinary liability can be imputed against any police officer involved therein.

It is noted that the PDE was completed and its hearing by the General Regional Police Director of Northern Aegean is pending. **After the hearing, we will notify you of its findings.**

### **(ii) Paragraph 39: Request for information:**

Complaints by the Greek delegation of the "Medicins du Monde" about the use of police force against foreign unaccompanied minors detained at the Reception and Identification Centre (hotspot) at Moria of Lesbos during incidents that took place therein on 24.06.2016.

The General Regional Police Directorate of Northern Aegean ordered a PDE which is pending. **On completion and hearing of the PDE by the competent decision-making body (General Regional Police Director of Northern Aegean), we will notify you of its findings.**

### **(iii) Paragraph 53: Request for information:**

Complaints received by a delegation of the Committee about physical abuse/ill-treatment of irregular migrants detained at special premises in Thessaloniki and at Petrou Ralli Street (Directorate of Foreign Nationals of Attica)

Independent PDEs were ordered to investigate their administrative aspects. They were assigned to officers without any administrative dependence on the police officers involved.

It is noted that, for the incident at Thessaloniki, the PDE was completed and heard by the General Police Director of Thessaloniki, **who closed the case as regards the administrative aspect**, since no facts were established to prove the commission of any administrative offence.

For the incident at Petrou Ralli Street, the PDE is pending. **On completion and hearing of the PDE by the competent decision-making body (General Police Director of Attica), we will notify you of its findings.**

**(iv) Paragraphs 64 and 65: Requests for information:**

Complaints received by a delegation of the Committee about physical abuse/ill-treatment of suspects by police officers of the Security Department during preliminary questioning at the General Police Directorate of Attica for the purpose of obtaining their confessions

Administrative investigations into the case by means of a PDE have been ordered. **On completion and hearing of the PDE by the competent decision-making body (General Police Director of Attica), we will notify you of its findings.**

We would also like to point out that the Committee's observations do not identify the alleged victims; only the police agency where the incidents have allegedly taken place is identified. Moreover, no specific information is given, such as identity particulars of witnesses, nationality and identity particulars of the alleged victims, exact date of the incident or arrest of the victim, the offence for which he was arrested or any other information that can be cross-checked, without any room for doubt, with the investigated case.

We would also like to inform you that, to date, the competent Directorate of Police Personnel of the Police Headquarters has not been notified of any relevant complaint submitted to any authority by the alleged victims or third parties, while a large number of persons of various nationalities has been detained in the premises of such agency, which makes the identification of the alleged victims very difficult.

Consequently, since these deficiencies make it very difficult to identify the persons involved in each case and investigate the complaints, if the Committee has more information relating to the complaints, we kindly ask you to transmit it immediately to the Police Headquarters in order to be cross-referenced with the administrative inquiry and impute disciplinary liability against any police officer involved therein.

**(v) Paragraphs 64, 65 and 70: Requests for information:**

Complaints received by a delegation of the Committee about ill-treatment of foreign nationals detained at the Police Station of Chios and denial of access of a minor detainee to a lawyer and third persons

During the Committee's visit to the detention facilities of the Police Station of Chios (22.07.2016), there were ten (10) detainees, of whom three (3) were penal detainees (*one for flagrant proceedings and two for referral to the Investigating Judge of Chios*), while the other seven (7) foreign nationals were administrative detainees, held in order to be taken to Pre-Departure Detention Centre for Foreign Nationals (PROKEKA) on the mainland, since they had committed criminal offences and were considered dangerous for public safety.

(a) The 15-year-old foreign national who was in the detention facilities of the Police Station of Chios was detained by document of the Investigating Judge of Chios because he and another adult had committed a felony (*violation of article 380 of the Penal Code on robbery and of article 45 of the Penal Code on complicity; they were arrested on 20.07.2016*). Both persons (*minor-adult*) were detained to be taken to the Investigating Judge of Chios on 25.07.2016, who released them under restrictions.



(b) As regards the provision of information to detainees about their signature when the cases files are established, it is noted that the applicable laws provide for the appointment of an interpreter when the detainees provide their defence and they both sign the relevant document (*report of defendant's examination by interpreter*). As regards other documents of the case file, e.g. arrest report, confiscation report, body search report, house search report etc., no signature of interpreter is provided for.

(c) When the case files are established by the police agencies, the presence of lawyer is not provided for, except when the defendant gives his defence; this is one of his rights, of which he is informed by an interpreter. However, the police authorities are not obliged to appoint such interpreter. When a defendant is accused of a flagrant felony and taken to the Investigating Judge, if he does not have or cannot afford a lawyer, the Investigating Judge is obliged to appoint a lawyer out of the list of lawyers of the relevant Bar Association.

(d) In addition to the foregoing, it is noted that neither the Security Sub-directorate of Chios nor any other agencies of the Security Directorate of Chios have any appointed interpreters. When a case file needs to be established, a private individual is called to provide his assistance free of charge. Relevant actions have been taken and documents have been sent about the need to have permanent interpreters but, due to long lasting administrative procedures, have not been successful to date.

We would also like to inform you that, to date, the competent Directorate of Police Personnel of the Police Headquarters has not been notified of any relevant complaint submitted to any authority by any foreign national or third parties.

On the basis of the foregoing, we believe that these complaints do not require any administrative investigation. If the Committee has more information relating thereto, we kindly ask you to transmit it immediately to the Police Headquarters in order to fully investigate the case.

**(vi) Paragraph 66: Request for information: Measures for the prevention of ill-treatment**

It is noted that the recent Law 4443/2016 amended the provisions of Law 3839/2011 and appointed the independent authority of Ombudsman as National Mechanism for Investigating Incidents of Arbitrariness in Security Forces and in Detention Facilities.

It is specifically noted that this Law appointed the Ombudsman as National Mechanism for Investigating Incidents of Arbitrariness, with powers to collect, record, evaluate, investigate or forward to competent agencies for disciplinary investigation complaints for acts, also by Hellenic Police uniformed personnel, committed in the discharge of their duties or in abuse of their capacity, concerning (a) torture and other affronts to human dignity within the meaning of article 137A of the Penal Code, (b) illegal intentional affronts to life or physical integrity or health or personal or sexual freedom, (c) illegal use of firing arms, and (d) illegal behaviour suspicious of racist motive or other type of discriminating treatment due to race, colour, national or ethnic origin, genealogical features, religion, disability, sexual orientation, identity or gender characteristic (*article 1 par.1 of Law 3938/2011, as amended by article 56 of Law 4443/2016*).

Moreover, the complaints investigated by the Ombudsman as National Mechanism for Investigating Incidents of Arbitrariness must comprise the name of the complainant and be in writing and must be submitted in person or by proxy. The name and other identity information of the complainant may not be disclosed during the investigations, if so requested by the concerned person in writing. If the Ombudsman believes that the complaint cannot be investigated without disclosing the name, the

complainant is notified that the case will be closed unless he consents in writing to the disclosure of his name. If the complainant does not speak Greek, he may be assisted by an interpreter. If the complainant cannot write, the complaint is submitted orally, recorded by an officer of the Ombudsman and a report is prepared, with special reference of the complainant's inability to write. The report is signed by the complainant and the Ombudsman officer who prepared it. If the complaint is anonymous, the case is closed by deed of the Ombudsman; however, any information thereof providing a basis for investigation may be utilized in the context of ex officio intervention. The Ombudsman can also act ex officio, on the basis of specific information about incidents referred to in the preceding paragraph, especially originating from the press or media shows or when the case is referred by the competent Minister of General Secretary (*par.2 of Law 3938/2011, as amended by article 56 of Law 4443/2016*).

**(vii) Paragraph 67: Requests for information:**

**1. The incident referred to in par.16i of the report about the visit in April 2015, concerning complaints of ill-treatment of detainees by DELTA force police officers,** was investigated by means of a Sworn Administrative Inquiry (EDE), on completion of which it was heard by the General Police Director of Attica. The liable special guard received a minimum disciplinary sanction.

**2. The incident referred to in par.16ii of the report, concerning complaints of ill-treatment of a person at Thessaloniki by motorcycle police officers,** was investigated by means of an EDE, on completion of which it was heard by the General Police Director of Thessaloniki, who decided to close the case as regards its disciplinary aspect, since no facts were established to prove the commission of any administrative offence.

**3. The incident referred to in par.18 of the report, concerning methods used by the DELTA force when arresting people, for which investigations were requested,** was not investigated by independent administrative inquiry, since the complaints were nonspecific. However, given that DELTA police officers were allegedly involved in the incident, it was the subject of the said EDEs to investigate any reproachable actions of both DELTA and other motorcycle police officers of the General Police Directorates of Attica and Thessaloniki as regards the methods they use when arresting people.

**4.** We would also like to inform you that the thirty four (34) complaints mentioned in paragraph 67 against police officers for ill-treatment were investigated by the Directorate of Internal Affairs of the Police Headquarters and the case files were submitted to the competent prosecuting authorities, as detailed in the report submitted on 16.04.2014 to the Prosecution Service at the First Instance Court of Athens.

As regards the Committee's request for the re-examination of two (2) of the said thirty four (34) cases handled by the Directorate of Internal Affairs of the Police Headquarters and for provision of detailed information about the outcome of the investigations on the other thirty two (32) cases, we kindly ask you to contact the Ministry of Justice, Transparency and Human Rights for complete answers.

**(viii) Paragraph 71: Request for information:**

Verification of the circumstances of the death of a detainee in a cell of the detention facilities at the 7<sup>th</sup> floor of the General Police Directorate of Attica on 22.07.2016

The administrative investigation of the case was ordered by means of a Preliminary Administrative Inquiry (PDE), which is pending.

Verification of the circumstances under which a detainee committed suicide in a cell of the detention facilities of the Security Directorate of Thessaloniki on 20.07.2016

A PDE was ordered and completed and its hearing by the General Police Director of Thessaloniki is pending. **After the hearing, we will notify you of its findings.**

**(x) Paragraph 74: Recommendation:**

Detained foreign nationals who do not speak Greek should be promptly provided with the services of an interpreter and should not be requested to sign any statements or other documents without such assistance.

About the contents of this paragraph, it is noted that, to date, the competent Directorate of Police Personnel of the Police Headquarters has not been notified of any relevant complaint submitted to any authority by any foreign national victims or third parties.

On the basis of the foregoing, we believe that these complaints do not require any administrative investigation. If the Committee has more information relating thereto, we kindly ask you to transmit it immediately to the Police Headquarters in order to fully investigate the case.

**(xi)** In the context of the expressed will of the political and physical leadership for zero tolerance in matters of human rights violations, orders have been issued and transmitted to all involved agencies, which remind the Hellenic Police personnel of the main provisions relating to the obligation to protect life, respect human dignity, prohibit discrimination, torture and any inhuman or degrading treatment and punishment, in relation to the protection of citizens' rights and the overall behaviour of police officers towards citizens, underlining that these fundamental principles are a matter of primary importance for the Hellenic Police Headquarters. At the same time, it is particularly pointed out that, in case that an administrative inquiry shows any violation of these principles and values, severe disciplinary sanctions shall be imposed, as provided for by the applicable disciplinary laws. Moreover, if there is any information indicating potential ill-treatment of a person, the administration investigates the case and, if proved to be right, imposes disciplinary sanctions upon the liable persons, corresponding to the gravity of the offence, pursuant to the provisions of presidential decree 120/2008 on "Disciplinary Law for Police Personnel", so as to prevent any feeling of impunity.

## **2. Response to the direct observations-recommendations and requests for information of the Committee**

### **SECTION A – Receipt and Identification Centres**

#### **2. Findings of the visit in April 2016**

##### d. Legal guarantees

#### **Paragraph 25: Recommendation to the Greek authorities to ensure that procedures be put in place to ensure that persons readmitted to Turkey can take all their personal belongings with them**

In the context of the return operations effected pursuant to the Joint EU-Turkey Statement (*Brussels, 18.03.2016*), all foreign nationals are placed in detention from the moment that their return to Turkey is recommended (*if they are not already in detention at that time*). On approval of their return by the Turkish authorities, the foreign nationals to be returned are promptly notified on their forthcoming return, while the relevant "Return Decision" is issued.

In any event, it is ensured that foreign nationals have the required time to prepare their belongings, since the relevant procedures begin at least the day before the operation.

Moreover, the return operations are also attended by a representative of the independent authority of Ombudsman, who supervises the procedures to ensure the fundamental rights of the foreign nationals to be returned.

#### **3. The situation at the time of the visit in July 2016**

#### **Paragraph 28: Recommendation to the Greek authorities to ensure the improvement of detention conditions of irregular migrants held at the PROKEKA of Lesbos**

Third-country nationals are detained at the Pre-Departure Detention Centre for Foreign Nationals (PROKEKA) of our country until the completion of the procedures for their return to Turkey or their country of origin.

For every detained foreign national, the relevant return decision by detention is issued and delivered thereto, in order to be informed of the reasons for detention and of their rights and make use of such rights.

These foreign nationals are detained in the Detention Centres with full respect to their rights, in living conditions ensuring both their decent living according to the obligations for decent living conditions stemming from Community and national laws and the provision of full and immediate information on their rights.

In addition to the foregoing, it is noted that renovation-reconstruction works have been and continue to be made at the facilities of PROKEKA at Lesbos in order to improve the detention conditions of foreign nationals.

#### **Paragraph 29: Request for information: possibility of voluntary return of foreign nationals from Eastern Aegean islands**

In the context of the measures taken to manage the foreign nationals accommodated at the Reception and Identification Centres (RICs) of the Eastern Aegean islands, a series of relevant instructions have been issued and voluntary return is enabled (*through IOM programmes*) as an alternative for irregular foreign nationals who cannot continue their journey to central and northern Europe.

**Paragraph 30: Request for information: transfer of irregular foreign nationals from Eastern Aegean islands to PROKEKAs at mainland Greece**

At the same time, in the context of the measures taken to manage the foreign nationals accommodated at the Reception and Identification Centres (RICs) of the Eastern Aegean islands, foreign nationals who, although measures alternative to detention have been taken (*issuance of decisions suspending expulsion on the basis of the return procedure*) with the restriction of non-departure from the island where they stay until they return to Turkey (*review of asylum requests, exercise of remedies*), committed offences during their free stay on the island (*theft, threats-insults, bodily injuries etc.*) are transferred to Pre-Departure Detention Centres for Foreign Nationals (PROKEKA) on the mainland until their registration and the review of the asylum requests and until they can be returned to Turkey (*return on the islands*) in case their requests are rejected.

These transfers of delinquent foreign nationals were effected until November 2016 (*the Turkish authorities put out obstacles to the transfer of third-country nationals to the mainland*).

They remain on the island of Lesbos since then and are detained until the completion of the procedure for their return to Turkey.

**SECTION B –Foreign national children deprived of their liberty**

**1. Preliminary remarks**

**2. Unaccompanied and separated children (UASC) held at RICs**

**Provision of general information within the competence of the Hellenic Police**

The issue of increased migrant flows on Greek territory is a major matter with a humanitarian dimension. The Hellenic Police Headquarters have been making efforts to take all necessary measures to effectively deal with this phenomenon in a manner ensuring the verification of the legal stay of foreign nationals in our country and their circulation/transportation in the Schengen area.

The matter of management of unaccompanied children and, overall, of children being third-country nationals has been carefully monitored by the Hellenic Police. It is a matter of special concern for our agencies and, in the context of their social role and mission, it is handled with sensitivity and attention in order to provide the required degree of protection to this sensitive age group. To this end, any instance of illegal entry of foreign children is notified and referred immediately by the police agencies to the prosecuting authorities (*article 45 of Law 4375/2016, articles 25 and 32 of Law 3907/2011 and article 19 of presidential decree 220/2007*).

In this context, in case of unaccompanied children or victims of trafficking in human beings, the competent prosecuting or police authorities take the necessary measures to determine their identity and nationality and establish that they are not accompanied and then make every possible effort to locate their family as soon as possible and immediately take the necessary measures to ensure their legal representation and, if required, their representation in criminal proceedings.

In particular, at the detention facilities of irregular foreign nationals (*for which the Hellenic Police is competent*), unaccompanied children are separated from other irregular migrants and the necessary procedures are followed to determine their nonage with the assistance of other agencies, State bodies and collaborating NGOs.

**It is noted that, as regards their detention, unaccompanied children are under protective custody and are temporarily accommodated in police premises, always in special premises and not together with adults,** until they are transferred, according to applicable laws, in association with the National Centre for Social Solidarity (EKKA) and Non-Governmental Organisations (NGOs) to appropriate open accommodation centres, according to the child's best interests.

This procedure is followed in all instances, even when the unaccompanied child does not seek asylum, in implementation of article 19 of presidential decree 220/2007, which transposed Directive 9/2003. In particular, the Prosecutor for Minors or the competent Prosecutor at the First Instance Court is appointed interim guardian of the child and then, in association with NGOs and social services, the permanent guardian of the child is appointed (*usually a social worker*) to ensure the necessary representation of the child. If the appointed guardian does not perform his duties, he may be replaced by order of the Prosecutor.

It is also mentioned that, following the issuance of Law 4375/2016 (Government Gazette 51/03.04.2016, series A) especially for Eastern Aegean islands, pursuant to articles 8 par.2a, 9 and 14 par.2, 8 (*article 11 par.5 of Law 3907.2011 has been abrogated*), the Reception and Identification Agencies and, by extension, the Administrator of every Reception and Identification Centre (RIC) are competent for the management of unaccompanied children. In any event, unaccompanied children are separated from other irregular migrants and are always held in special premises, away from detention facilities for adults, until they are taken to more appropriate premises in association with the EKKA and NGOs, always on the basis of their best interests.

To this end, instructions have been issued to competent Police Directorates to maintain continuous cooperation with the Administrators of the Reception and Identification Centres (RICs).

**The establishment of national strategy for the management of unaccompanied foreign children, legislation for a reliable system to determine nonage, the reform of the institution of guardianship and the creation of more accommodation centres for unaccompanied children are long-standing requests of the Hellenic Police Headquarters.** The Ministry of Migration Policy has undertaken to work out the appropriate legal framework to ensure more effective protection of unaccompanied foreign children in our country.

At the same time, the jointly-competent Ministry of Migration Policy is implementing a plan to reorganize the accommodation centres on the mainland (hotspots), with emphasis on the creation of safe zones for unaccompanied children, and a training programme devised by the Ministry of Education is being implemented for refugee/ migrant children.

### **3. Children in Migrant Detention Centres**

#### **Paragraph 47: Request for information: detention conditions in the Special Holding Facilities for Unaccompanied Foreign Children at Amygdaleza**

At the time of the visit of the Committee, the agencies of the Directorate of Foreign Nationals of Attica transferred the unaccompanied children to the Special Holding Facilities for Unaccompanied

Foreign Children (EXPAA) at Amygdaleza, which was the only facility for children in the area of Attica (*for which the Hellenic Police is competent*) as a last resort; they were accommodated there until the completion of the procedures and their transfer to special accommodation premises for unaccompanied foreign children.

Because of the sensitive status of children and having been notified that the holding facilities (*EXPAA of Amygdaleza*) may not meet the requirements (*closed detention facilities*), it was decided to transfer the children to the 2<sup>nd</sup> sector of the Pre-Departure Detention Centre for Foreign Nationals (PROKEKA) of Amygdaleza, where holding conditions are excellent, with fully-equipped renovated houses, proper sanitary conditions, exercise yard and free internet access, always separate from adult detainees.

This facility consists of eight (8) apartment-type houses, with two (2) bedrooms that comprise berths, with two (2) air conditioners each, two (2) WC with showers and two (2) boilers.

There is a special room for entertainment with a TV set. Access to the yard is allowed around the clock, and there is a playground and a pediatric practice nearby.

A private cleaning crew cleans all communal areas of the detention facilities and the cells every day. A private crew disinfects and debugs the premises and issues a relevant certificate.

The Directorate of Foreign Nationals of Attica and various NGOs procure the provision of shoes, clothes, slippers, sanitary items etc. to the children.

**Paragraph 48: Recommendation** to the Greek authorities to immediately stop using Petrou Ralli Special Holding Facility for irregular migrants for holding UASC. It also reiterates that Amygdaleza special holding facilities for unaccompanied children should no longer be used for holding UASC. If, exceptionally, they are held in this latter facility for short periods pending its closure, they should be provided with:

- ▶ decent and hygienic material conditions
- ▶ bed linen, sufficient hygiene products and the possibility to wash their clothes
- ▶ access to their personal belongings and to their mobile phones
- ▶ adequate hours of organised activities every day, and possibilities to exercise in the fresh air outside of the small barred covered yard.

Further, it should be staffed with properly trained men and women, including a social worker and a psychologist, and offer a range of age-appropriate purposeful activities.

The Hellenic Police gives great importance to respecting, guaranteeing, protecting and safeguarding the children's rights during their detention and arrest by police authorities and, to this end, orders and instructions have been issued for their treatment by police agents.

It is pointed out in particular that, in any event, all official actions should be legitimate and taken on the basis that every child has fundamental rights responding to their individual needs; such actions should aim to provide substantial and effective assistance to them, should be characterized by a spirit of sensitivity and humanity, respect to dignity, individuality and particularity of the juvenile delinquent or victim and promote the anthropocentric image of the Hellenic Police and, by extension, of the Greek State.

As regards the holding of UASC at the facilities of the Directorate of Foreign Nationals of Attica, see the response to paragraph 47.

**Paragraph 49: Recommendation to the Greek authorities to end the detention of UASC in detention facilities of the Illegal Migration Department (TDPM) of Mygdonia**

Children placed in protective custody are held separately from adult irregular migrants. The detention facility is characterized as temporary detention facility for detainees and their stay at this agency is short. It consists of a corridor and two (2) cells, with a surface area of 22.45 m<sup>2</sup> and 11.7 m<sup>2</sup>, respectively, the corridor being 17.1 m<sup>2</sup>. Each cell has its own toilet within the detention area, for use by detainees. The cells are aired by two windows in the detention areas, a wall-mounted fan and two air conditioners, considered adequate for the renewal of the air. As regards heating, cells have radiators and the said air conditioners are also used for heating. There is a card phone at the corridor, at a spot that serves the detainees of both cells. The detention facilities of this station accommodate all unaccompanied children under protective custody according to article 118 of presidential decree 141/91 from all agencies of the General Police Directorate of Thessaloniki. During their stay at the agency, they are given the possibility to contact the NGO "ARSIS-Association for the Social Support of Youth". Other NGOs also visit the TDPM of Mygdonia at times and, in addition to psychosocial support, also provide them with material support, information and free legal representation. Their medical-pharmaceutical care is provided by the local Health Centre of Lagadas at Thessaloniki or any Thessaloniki hospital on duty. If considered necessary, they are also taken to the child psychiatry clinic of the hospital on duty. The agency of the TDPM of Mygdonia, aware that the holding facilities of a police agency are not appropriate for the protective custody of unaccompanied children, makes great efforts every day to find appropriate accommodation centres for them. In order to keep the number of children at holding facilities as low as possible and their stay as short as possible, the TDPM of Mygdonia notifies every day the nearby accommodation centres, such as the NGO ARSIS, housed at the refugee centre of Diavata, Thessaloniki, and the IRC, housed at Giannitsa, Pella. These centres, following relevant reports to the Prosecution Service at the First Instance Court of Thessaloniki, receive some of them when they have accommodation vacancies. The Section of Minors of the Prosecution Service at the First Instance Court of Thessaloniki issues relevant orders for the receipt of children by these centres, until their final placement by EKKA. If medical tests need to be carried out, they are taken to the General Hospitals of Thessaloniki "PAPAGEORGIU" and "G. PAPANIKOLAOU" following consultations with these hospitals. Tests are carried out immediately on admission of the child in the said agency, in order to be able to promptly go to an appropriate accommodation centre. It is noted that, if detainees claim to be minors at any stage of the administrative procedure, they are immediately taken to the holding facilities of the TDPM of Mygdonia, where the children of the Directorate of Foreign Nationals of Thessaloniki are held, and then the procedure is initiated to establish their nonage according to article 45§5 of Law 4375/16, articles 25 and 32 of Law 3907/11 and article 19 of presidential decree 220/07.

**Paragraph 50: Recommendation to the Greek authorities to end all detention of parents with children at the TDPM of Thessaloniki**

Children are held at the TDPM of Thessaloniki as accompanied by their parents in order not to be separated and they stay at these premises for the absolutely necessary period, less than 24 hours. As regards the management of cases of families with children, always taking into consideration the family life and the children's best interests, they remain for the absolutely necessary period in order for the administrative procedure to be completed (*fingerprinting, fingerprint checking, issuance and delivery of documents to such persons*). Families spend the night there only when they are taken to



such premises at the afternoon and they depart in the morning. In such cases, the staff of the TDPM of Thessaloniki take all necessary action to provide the best possible conditions for their stay.

## **SECTION C – Adults in Immigration Detention (other than in RICs)**

### **2. Detention conditions**

#### **a. Police Stations**

##### **Paragraph 55: Request for information: Detention conditions at the police detention facilities of Drapetsona**

The Police Directorate of Piraeus carries out at regular intervals inspections of the detention facilities of the Police Station of Drapetsona. When problems are observed both as regards the maintenance of the building and the living conditions of detainees, it immediately proceeds to their rectification.

By way of example, in November 2016 electrical and plumbing problems were repaired and the detention areas were painted, while in February 2017 new plumbing problems were repaired. In addition, the Police Directorate of Piraeus takes daily action to keep the number of detainees at the police station of Drapetsona within prescribed limits.

Furthermore, due to the old age of the building and given that it no longer meets the functional requirements of the police station of Drapetsona, the Police Directorate of Piraeus/Staff (*Department of Material Management*) takes action to find a new building to relocate the police station.

#### **b. Special holding facilities for irregular migrants**

##### **Paragraph 57: Request for information: Detention conditions at the Directorate of Foreign Nationals of Thessaloniki**

As regards detention conditions at the premises of the Directorate of Foreign Nationals of Thessaloniki, it is noted that there is adequate artificial and natural light. Every separate holding area (cell) has its own toilet (WC) and shower. Hot water is available throughout the day for detainees, as well as clean bed linen, which are cleaned regularly.

The detention areas have air conditioning and central heating, activated depending on the weather.

The detention areas are cleaned by private crews and are regularly disinfected-debugged by private crews; cells are painted at regular intervals.

Due to the shape of the building, there is no yard for detainees. In order to overcome this problem, the Directorate of Foreign Nationals of Thessaloniki has taken the necessary action with the Directorate of Technical Support of the Police Headquarters to construct an area to meet the needs of detainees.

Medical-pharmaceutical care is provided to detainees in public hospitals at their oral request. Medications are bought following the approval of the cost of pharmaceutical treatment prescribed by doctors. Various non-prescribed medications are administered (*mostly painkillers*) at the request

of detainees. Moreover, medications at the possession of detainees on admission to the detention area that do not require special prescription (*e.g. painkillers, antipyretics, anti-inflammatory, antacids, anti-cough drugs*) are not confiscated, remain with their personal belongings and are given to their holders on request by the police staff.

Moreover, monthly visits take place at the detention areas, in collaboration with the Ministry of Health, by competent teams that carry out preventive tests for contagious diseases (*AIDS, hepatitis B and C, dermatological conditions and tuberculosis screening by MANTOUX test*). NGO teams made extraordinary visits and carry out medical tests on detainees who wish to have such tests.

As regards the Committee's recommendation to take three (3) detainees on 22.07.2016 to the University General Hospital AHEPA on duty, the two (2) Pakistani nationals initially underwent clinical examination and laboratory tests, without establishing the presence of any infectious or contagious disease. To further investigate the reported symptoms, they were admitted to the 1<sup>st</sup> Internal Medicine Clinic; however, in the following hours, they stated that they did not want to continue their hospitalization and undergo further medical tests and they signed their discharge. The tests carried out until then could not establish the presence of any infectious or contagious disease. An Iranian national who was also taken on the same day to have his leg examined was found to have a soft cell lesion of the third toe and was given medications.

Detainees received the prescribed allowance for their meals (€5.87) per day. The Financial Material Management Office held a tender for the detainees of the Detention Facilities Guard Office, on the basis of which, paying three euro (€3.00) per day, detainees had the option of receiving meals out of a menu with salad from a catering company with the necessary ISO standards, while the canteen of the Transfer Centre of the Courts of Thessaloniki, housed at the same building, offers twice a day (*morning-afternoon*) basic hygiene items (*shampoo, shower gel, washing powder, toothpaste*) and other items (*cigarettes, phone cards, water, juice, croissants etc.*) at cost prices. These two actions aim to increase the purchasing power of detainees so that the allowance can cover their basic needs. The police staff and external entities (*local parishes, NGOs*) collect and provide detainees with necessary items (*shampoo, shower gel, towels, clothes etc.*).

It is also noted that the largest number of detainees, on admission to the detention areas, have substantial amounts of money, delivered to the agency according to the regulations on money and valuables and returned to them on departure and in installments during detention, to cover their personal needs, always ensuring the smooth operation of the agency and preventing incidents of theft among them.

In the context of improving the security of the facilities of the Directorate of Foreign Nationals of Thessaloniki and the living conditions of detainees, a series of expenditures have been made and are being approved to improve the facilities.

At the same time, maintenance and repair works are made to rectify any problems in the electrical and plumbing network of the building by the Police Directorate/Sub-Directorate of Transfers of Thessaloniki and the competent technical department of the Sub-Directorate of Technical Applications of Northern Greece.

It is also noted that, at the time of the visit of the Committee, the Head of the Department of Internal Operations was absent because of a 3-month assignment to the Police Directorate of Lesbos, while the Head of the Office had taken his scheduled summer leave, being substituted by another officer of the Department of Internal Operations.

**Paragraph 58: Request for information: Detention conditions at the Directorate of Foreign Nationals of Attica (24 P. Ralli Street)**

The number of foreign detainees at the Pre-Departure Detention Centre for Foreign Nationals (PROKEKA) of Tavros (24 P. Ralli Street) has significantly decreased compared to previous visits of the Committee. Specifically, during the Committee's visit on 19.07.2016 (*first visit*), 470 persons were detained at the 2<sup>nd</sup> floor (*with a capacity of 203 persons*) and 42 persons were detained at the 3<sup>rd</sup> floor (*with a capacity of 150 persons in full use – maintenance work is being currently done*), while during the Committee's visit of 24.07.2016 (*second visit*), 190 persons were detained at the 2<sup>nd</sup> floor (*with a capacity of 203 persons*) and 42 persons were detained at the 3<sup>rd</sup> floor (*with a capacity of 150 persons in full use*).

As regards the provision of information to detainees about the reasons of their detention, when a detainee wants to be orally informed of his case, he makes such request and a police officer informs him.

Access to hygiene facilities is unobstructed throughout the day and night, in order to immediately meet the needs of detainees without any delay, while such facilities are adequate to meet all needs of all detainees, since there are thirteen (13) toilets and eight (8) bathrooms with hot water and ventilation.

All communal areas and cells are cleaned every day by a special external crew and are regularly disinfected-debugged.

All cells have access to natural light and fresh air.

Every bed has a mattress and, on admission, every detainee is given two (2) clean sheets. Mattresses and sheets are changed on a regular basis.

Personal hygiene items (*shampoo, shower gel, toothpaste, toothbrush, toilet paper etc.*) and detergents for their clothes are given to detainees on a regular basis.

There is central heating and air conditioning in all detention areas.

For the healthcare of detainees, one (1) physician and two (2) nurses of KEELPNO are available during week days (*Monday to Friday*), while one (1) psychiatrist is available twice a week (*Tuesday and Thursday*); they maintain the medical records and medical secrecy of the detainees.

A "Special Team for the Transfer of Foreign Nationals" has also been established to ensure their unobstructed access to hospitals in case of health emergency.

Detainees have outdoor exercise in the morning (09.00-13.00) and the afternoon (18.00-20.00) on a daily basis (forces are available for this purpose), with access to team games and activities (*football, basketball, ping pong, chess etc.*). Visiting hours are available daily from 16.00 to 18.00, while card phones are accessible around the clock.

In the context of improving the facilities of Tavros and the living conditions of detainees, a series of expenditures have been made and are being approved to improve the facilities.

At the same time, maintenance and inspection works of all facilities are made by maintenance staff

of the Directorate of Foreign Nationals of Attica, by crews of the Directorate of Technical Support of the Police Headquarters and by private crews on request and following the approval of the expenditure.

As regards the children at the Tavros facilities, during the Committee's visit (*at the former women's wing of the 3<sup>rd</sup> floor*), they have been transferred from Eastern Aegean islands in order to be taken to public hospitals and undergo tests (*radiological, dermatological, pulmonary*) necessary to be taken then to accommodation centres. All minor detainees during the period of their protective custody have two (2) hours of outdoor exercise at a special area while, during their stay the PROKEKA facilities, they were confined in their cells only during the counting hours.

In collaboration with the Red Cross, they had been given hygiene items (*toothpaste, toothbrush, toilet paper, soap, shampoo*), clothes (*underwear, sheets*) and toys (*board games, balls*).

Unaccompanied children-irregular migrants are no longer held at the PROKEKA detention facilities of Tavros (*see paragraph 47*).

**Paragraph 59: Request for information: Detention conditions at the Police Directorate at the Athens Airport "Eleftherios Venizelos"**

The holding facilities meet all necessary standards of hygiene and safety. The Police Directorate at the Athens Airport makes all possible efforts to procure the frequent maintenance, disinfection, debugging and rat extermination and the daily cleaning of the holding facilities, so that they always remain functional and clean.

Persons arrested for flagrant criminal offences are detained for a short period, no more than three (3) days, during which the criminal procedure is completed as a rule. Then irregular foreigners are referred to the Deportation Department of the Directorate of Foreign Nationals of Attica, where they belong until the completion of their deportation procedure. In case of congestion of the holding facilities of the Police Directorate at the Athens Airport, the Deportation Department of the Directorate of Foreign Nationals of Attica is immediately notified in order to redistribute detainees to other holding areas to decongest the holding facilities. Political asylum-seeking foreigners are also held for a short period for "on the spot" requests, no more than twenty eight (28) days from the date of their registration with the Asylum Agency.

Outdoor exercise for the detainees is not currently available because of the location of the building, but the Police Directorate at the Athens Airport has taken relevant action.

As regards the detention of foreign nationals at the holding rooms of the Airport Terminal of the Athens International Airport, these rooms are for short stays and accommodate foreign nationals characterized as irregular, who are returned to their country of origin on the next available flight, as prescribed by article 5 of Law 4251/14 "Code of Migration and Social Inclusion and other provisions". They are systematically registered in a special book.

**Paragraph 61: Recommendation to the Greek authorities to ensure that, in all holding facilities:**

- all detainees are provided with full information, in a language they understand, on their legal situation and interpretation services are made available if required;
- all detainees are offered a bed or plinth, mattresses, blanket and bedding, all clean and regularly cleaned and disinfected;
- all detainees are offered at least one hour of outdoor exercise a day;
- all detainees have access to their personal belongings, including mobile phones;
- each facility has a common association room, equipped with a television and reading material;
- a programme of activities (educational, recreational and vocational) is developed;
- all detainees are provided with sufficient quantities of food, water, personal hygiene and cleaning products, and medication, all free of charge;
- regular maintenance work and disinfection is carried out and sufficient funding is made available to this end.

The Ministry of Interior/Sector of Citizen Protection and the Hellenic Police Headquarters assign great importance to protecting and safeguarding the rights of persons detained at police agencies, by ensuring the necessary health and safety rules for the stay of all detainees (*women and men*) at police holding facilities, and by ensuring compliance therewith by all police agencies which, on a daily basis, manage a large number of detainees either during guarding or during their transfer to and from courts, detention facilities etc.

Observance of all rules and safety regulations for detention facilities and their construction according to standards are necessary to ensure holding conditions meeting the requirements of human dignity and our culture, eliminate the chance of escaping, self-inflicted injuries etc. and ensure the protection of police agencies staff who guard the detainees.

To this end, the necessary actions have been taken to address problems relating to shortages of holding areas at the facilities of the Hellenic Police and orders have been issued to all our regional agencies, comprising instructions-commands to strictly abide with their obligations, as stemming from applicable provisions and international conventions.

On the basis of our constant effort to safeguard human rights, improve the building infrastructures and ensure healthy living conditions and protection of detainees, a Technical Description of the holding areas has been made, based on which holding areas of police agencies are constructed or reconstructed, taking into consideration, inter alia, the CPT guidelines. In this context, projects are implemented through the Public Investment Programme (PIP) or through public-private partnerships (PPPs) for the construction of new modern buildings with appropriate holding facilities to fully meet both the work requirements of the staff and the citizens' requirements, and to provide humane holding conditions to detainees in such agencies.

We are also monitoring this matter and intervene by specific commands-instructions when shortages or dysfunctions are noted, to immediately improve existing conditions.

In particular, aiming to ensure the improvement of detention conditions and the protection of the health of detainees and the Hellenic Police agencies staff, specific commands and instructions have been given, inter alia, for the following matters:

- ensuring the necessary conditions of health (*personal hygiene and cleanness of detainees*) and safety at detention facilities;

- thorough cleaning and smartening the detention facilities (*regular painting*);
- regularly disinfecting the premises (*especially toilets and bed linen*) according to applicable provisions and the health rules of the Health Regulation;
- immediately addressing any problems in the heating (*provision of hot water*), air conditioning, ventilation and lighting of the holding facilities and outdoor exercise of detainees (*according to the potential of the buildings*);
- providing for the healthcare of detainees, in collaboration with Health Services;
- conducting periodical health inspection of detention facilities by the competent healthcare agency;
- providing adequate food;
- protecting individual and other prescribed rights of detainees.

The purpose of the foregoing is to ensure human rights in the context of dignity and respect for peculiarities, non-marginalisation and segregation of people.

**Paragraph 61: Recommendation to the Greek authorities to take the necessary steps to ensure that, at Petrou Ralli and Thessaloniki holding facilities:**

- medical screening is systematically carried out upon admission;
- a doctor and at least one nurse are present every day, including on weekends;
- visiting specialists, including psychiatrists and dentists regularly attend;
- a system is established (e.g. written requests to be directly collected by health care personnel) to allow detainees to directly request consultations with health-care staff;
- medical confidentiality is strictly guaranteed;
- self-harm and suicide preventive measures are put in place.

Relevant points are made in paragraphs 57 (*on the Directorate of Foreign Nationals of Thessaloniki*) and 58 (*on the Directorate of Foreign Nationals of Attica*).

**Paragraph 61: Request for information: procedures in place to expedite the return of persons who volunteer to return to their country of origin, especially when they are willing to purchase their own air tickets**

At the moment, to meet the unquestionable obligation stemming from European decisions on effective returns, despite the delays observed because of non-absorption to date of the funding approved for our country owing to long-lasting tender procedures (*regular AMIF Programme*), the Hellenic Police has reached an agreement with FRONTEX-European Border and Coastguard Agency which, in collaboration with the other Member States, makes aircrafts available both for organizing return operations from our country and for our participation therein (*flights passing through Greece to receive migrants to be returned to their country of origin*) at no cost for our budget.

It is noted that this agreement has been expanded, since FRONTEX-European Border and Coastguard Agency has notified us on the possibility to ensure aircrafts for Greece to conduct domestic return flights in case of increased numbers of irregular migrants to be returned.

Moreover, foreign nationals are regularly informed by competent police agencies that, if they wish to depart voluntarily for their country of origin or any other third country of their choice (*which will lawfully admit them on its territory*), apart from the possibility of joining assisted voluntary return (AVR) programmes of the International Migration Organisation (IOM), they can pay themselves for their return ticket, thereby expediting the relevant procedure.

## **SECTION D – Treatment of criminal suspects detained by the police**

### **3. Safeguards against ill-treatment**

#### **Paragraph 69: Recommendation to the Greek authorities to take the necessary steps to ensure that every detained person is granted the right to notify a close relative or third party of their choice**

As regards the right of detainees **to notify a close relative etc.**, communication is not obstructed. On the contrary, the authorities facilitate communication, observing the provisions of the Code of Penal Procedure, the Disciplinary Code and the secrecy of conversations.

In particular, foreign detainees are entitled to have visits by their relatives up to the second degree by blood or affinity. In case there are no such relatives, they may have visits by other relatives or friends, whose identity they had declared in advance to the holding facilities guards.

Visitors meet with provisionally detained foreign nationals at special visiting rooms, designed to comply with prescribed terms and conditions of security, while enabling easy communication of detainees with visitors.

Visiting days and hours are determined by order of the administrators of detention facilities.

#### **Telephone contact**

Foreign detainees may use card phones installed within the detention facilities. The number of card phones sufficiently serves the needs of detainees.

The period of use of card phones serves the needs of all detainees.

In case of emergency relating to relatives of detainees (*death, sickness etc.*), after the agency confirms the incident, detainees may telephone their relatives at any time.

#### **Paragraph 70: Recommendation to the Greek authorities to take immediate and effective steps to ensure that the right of access to a lawyer applies for any detained person as from the very outset of deprivation of liberty by the police**

The right to legal aid has been established for all stages of penal and administrative procedure, on the basis of provisions of domestic laws.

Every foreign detainee is entitled to visits by his lawyer. The length of contact of lawyers with the detainees they represent is not subject to restrictions other than those dictated by security measures and operating rules of the detention facilities.

Especially as regards foreign nationals, the agencies that are competent for issuing the return decisions are obliged to provide information and any possible assistance to foreign nationals seeking legal advice, representation by lawyer and language assistance in order to exercise their rights. To this end, they are given a relevant information leaflet in common languages used and understood better by third-country nationals.

Foreign nationals are entitled to free legal aid and representation on request.

On the basis of financing from the 2013 Annual Programme of the European Return Fund (ERF), free legal aid and interpreting were provided until 30.06.2015 to foreign nationals detained at Pre-Departure Detention Centres for Foreign Nationals (PROKEKA) in the context of the administrative procedure for their return to their country of origin and, to this end, memoranda of cooperation and assignment-subsidy agreements were signed with the Athens Bar Association and the Bar Associations of the regions where Detention Centres for Foreign Nationals were located.

In this context, our plans for the implementation of the National Programme in the field of Internal Affairs 2014-2020 (*Multiyear AMIF Fund*) comprise an action for free legal aid to foreign nationals detained at Pre-Departure Detention Centres for Foreign Nationals (PROKEKA) in the context of the administrative procedure for their return to their country of origin and, to this end, significant efforts are made to initiate as soon as possible the required tender procedures of the State and meet the needs using European funds, since national funds are hard to find in the current financial situation of our country.

In addition, nominated representatives of the Greek Council for Refugees (ESP) have daily access to detention facilities and communication with irregular migrants for the provision of legal aid, in order to ensure the access of detainees to the asylum procedure and enable their representation during the review of their request.

It is noted that the same is true for representatives of other entities involved in migration, such the UN High Commission and other NGOs.

**Paragraph 71: Recommendation to the Greek authorities to ensure the right of access to a doctor**

Foreign nationals arrested on our territory are preventively examined by doctors at the seats of the arrest agencies; when there are health problems, these agencies procure their immediate transfer for the provision of first aid to the closest health centre or hospital and, then, if they need to be hospitalized, to university hospitals.

Moreover, NGOs contribute significantly to the provision of medical services to illegal migrants and they have regular access to detention facilities for foreign nationals.

The competent healthcare agencies have issued instructions to all agencies of the Hellenic Police concerning hygiene, which meet the requirements of the Hellenic Centre for Disease Control and Prevention (KEELPNO) of the Ministry of Health, while updated instructions have been issued recently.

Moreover, systematic seminars and informative lectures are given by specialized healthcare personnel with an aim to provide full information to police staff, especially those involved in guarding foreign detainees.

In this context, our plans for the implementation of the National Programme in the field of Internal Affairs 2014-2020 (Multiyear AMIF Fund) comprise advanced consultations with the Ministry of Health and the European and Development Programmes Management Agency (YDEAP) (*as Management Authority*) in order to assign the medical-pharmaceutical care, the psychological and social support and the provision of interpreting services to foreign nationals detained at Pre-Departure Detention Centres for Foreign Nationals (PROKEKA) to the Ministry of Health/ Health Units Societe Anonyme (AEMY SA).



To this end, the relevant legislative amendment has already been passed and the publication in the Government Gazette is pending to proceed to the necessary actions for the implementation of the actions.

**Paragraph 71: Recommendation to the Greek authorities to ensure that the police officers of the Directorate of Foreign Nationals of Thessaloniki be trained in first aid and in particular cardiopulmonary resuscitation (CPR)**

As regards police officers' lack of training in first aid and in particular cardiopulmonary resuscitation (CPR) observed by the Committee on the occasion of suicide committed by a detainee at the Directorate of Foreign Nationals of Thessaloniki, the Directorate of Security of Thessaloniki, in association with the General Police Directorate of Thessaloniki/Training Department and with the approval of the Directorate of Human Resources Training and Development/Department of Further Training and International Education of the Hellenic Police Headquarters, carried out a training programme in first aid and cardiopulmonary resuscitation for its staff that serves at detention facilities. The programme was attended by a total of sixty (60) officers in three (3) training sets (24.11.2016, 25.11.2016 and 28.11.2016). The training was carried out at the amphitheatre of the Police Building of Thessaloniki and the trainers were one general physician and one cardiologist from the Central Medical Office of Thessaloniki, as well as one Red Cross rescuer.

**Paragraph 72: Recommendation to the Greek authorities to ensure that the principle of medical confidentiality is strictly respected**

The presence of police officers during medical tests is allowed only when there is even the slightest risk that the detainee will escape, which is assessed objectively by the escorting police officers, who are also bound by their duty to respect medical confidentiality of the detainee patient. Moreover, prescriptions for psychiatric medications or substitutes given to drug addicts are kept at the detention facilities guard (*office of the Officer on Duty*) and these medications are administered in the presence of police officers in order to prevent abuse and their use by other drug-addict detainees.

**Paragraph 73: Recommendation to the Greek authorities to review the provision of health care in police stations and consider establishing a system of regular visits by doctors and/or nurses reporting to a doctor**

The Healthcare Directorate of the Hellenic Police Headquarters provides only emergency medical aid to private patients detained or transferred from Hellenic Police agencies (article 1, par.1, item d of presidential decree 584/1985), when this is possible.

However, apart from the absence of legal provision for permanent healthcare provision, the Healthcare Directorate of the Hellenic Police Headquarters also has objective problems, since police detention facilities operate throughout the country, while a Healthcare Agency with organised units operates only in two large cities (*Athens and Thessaloniki*), whose medical staff can marginally cover the needs of the Hellenic Police staff.

On the basis of the foregoing and given that the Ministry of Health is competent for the health care of detainee irregular migrants who make up the majority of detainees, the overall response to these paragraphs must include the relevant response of the Ministry of Health.

**Paragraph 74: Recommendation to the Greek authorities to ensure the systematic and prompt provision of information to detained persons about all their rights and the provision of interpreting services**

Detained foreign nationals receive systematic information about the regulation applicable to the detention facilities and about their rights and obligations. To this end, relevant forms have been posted at visible places and they are given "Information Leaflets" through which they are informed of their rights, both about detention and the asylum procedure.

As aforesaid, detained third-country nationals are allowed to have contacts with their legal representatives and the members of their family.

The competent national, international and Non-Governmental Organisations (NGOs) and entities have the power to visit the detention facilities. These visits are subject to the permission of the police agency competent to guard the facilities.

The presence of **interpreter** is also legally established and efforts are made to meet the interpreting requirements in all involved agencies with interpreters appointed by the Greek State and NGO interpreters.

As stated in the response to paragraphs 71, 72 and 73, interpreting services are provided to foreign nationals detained at the Pre-Departure Detention Centres for Foreign Nationals (PROKEKA) at the Ministry of Health/Health Units SA (AEMY SA) to facilitate the communication of third-country nationals to be returned with the Greek authorities.

**Paragraph 75: Recommendation to the Greek authorities to ensure that custody registers are properly maintained**

The individual custody record (*unique for every foreign national*) is drafted on admission of the detainee to the detention facility of the Hellenic Police.

In particular, the competent agencies observe the following procedures:

(a) They record the identity particulars, the reason for detention, whether the detainee is suspect of escape, whether he poses a risk to himself or to others, and any other information to be taken into consideration on detention, as well as any relevant documents, whether he underwent medical tests or was hospitalized before detention, and any medications.

(b) Money, valuables and other items in the possession of detainees are removed for security reasons and cannot enter the detention facilities; they are kept at special premises or safes and registered in the Book of Detainees, signed by the detainee both on removal and on return thereof. The removed items are returned to detainees on departure from the detention facilities.

(c) Detainees submit a statutory statement comprising the particulars of a relative or friend for visits during detention, if they do not have any relatives of first or second degree by blood or affinity.

(d) The Book of Detainees comprises all medical information of foreign detainees (*e.g. transfers to hospital etc.*).

For the purpose of properly filling in and maintaining the detainee registers, instructions-orders have been issued – *and continuously recalled in the context of daily inspections/supervision* – to all police agencies for strict compliance with their obligations, stemming from applicable provisions.

In the context of the new computerized system for foreign nationals, additional regional computer systems and electronic detainee records have been provided for.

**Paragraph 75: Recommendation to the Greek authorities to ensure to detainees the right to make a complaint for ill-treatment**

In implementation of these recommendations, the Head of Staff of the Hellenic Police Headquarters issued order No.6004/12/56-a/16.10.2013, which recalled the obligation to provide detainees at police agencies with the new standardized and updated "Information Leaflets on their rights" (Form D-33) and the new form D-34 "Detainee's complaint", in a language they understand, in order to enable every detainee, irrespective of nationality, to make a complaint during detention about any bad detention conditions, abuse, ill-treatment or other violations of their rights and address such complaint to any authority, agency or organisation, which is the main reason for the launch of such form (D-34). Moreover, agencies with detention facilities must provide detainees with such form in a language they understand and keep the evidence of provision of the form in the individual records of each detainee, and post the D-34 form in all languages at the detention facilities.

To implement the foregoing, the General Police Directors were ordered to instruct the Directors of their Agencies (at Police Directorate level) to nominate a senior officer to be responsible for the inspection and supervision of the agencies involved in such matters and give corresponding orders to officers on duty to conduct daily inspections to verify compliance with such obligations and, if they ascertain that the officer on duty is not aware of or does not comply with such obligations, disciplinary procedures will be initiated against them and the governing officers.

Moreover, given the expressed will of the political and physical leadership for zero tolerance in matters of human rights violations, it was underlined again that, whenever there is evidence of potential ill-treatment, effective action must be taken, pursuant to the provisions of presidential decree 120/2008 on "Disciplinary Law for Police Personnel", in conjunction with the relevant Circular Orders, to immediately, thoroughly and fully investigate such incidents and impute disciplinary sanctions depending on the gravity of the offence, so as to prevent any sense of impunity.

It was also pointed out that the persons conducting, giving opinion and deciding administrative inquiries should procure that they are formally and essentially complete and take any legitimate investigating action required to conduct thorough, justified and in-depth investigations into the complaints within a reasonable period, so that all concerned parties have the secure feeling that the administrative inquiry covered all aspects of the matter, that all involved police officers and any witnesses were duly examined and that any existing medical certificates or medical examiner's reports, proof of the victim's hospitalization and any other evidence were sought and obtained, and that any criminal dimension of the matter and its course have been established. At the same time, it was underlined that thorough investigations must be conducted when the "victim" belongs to vulnerable ethnic, religious or social groups or is a foreign national for the presence of racist motives in the behaviour of the police officers, taking into consideration the case law of the European Court of Human Rights (ECHR). The competent investigating officers of the cases must make special reference to this information in a separate paragraph of their findings.

Finally, the Ministry of Interior/Sector of Citizen Protection and the Hellenic Police Headquarters are determined not to allow the development of xenophobic climate or the expression of racist phenomena within the Hellenic Police and control any illegitimate, irregular or improper behaviour of police officers and, to this end, any complaint or information of improper behaviour of police officers during the discharge of their duties or outside their duties relating to covering up illegitimate citizen behaviour and, in general, illegitimate actions or omissions of police officers shall be examined thoroughly and with particular attention and applicable provisions will be strictly applied.

#### 4. Detention conditions

**Paragraph 79: Recommendation** to the Greek authorities to ensure that, in all police stations:

- every detained person held in a multi-occupancy cell has a minimum of 4m<sup>2</sup> of living space excluding the sanitary annex;
- all detained persons have ready access to a proper toilet facility at all times, including at night;
- each detained person is provided with a clean mattress, clean blanket, clean bedding and a means of rest, such as a plinth or a bed;
- all detained persons are provided with adequate and appropriate food, which includes at least one hot meal a day;
- all detained persons staying longer than 24 hours are provided with a basic sanitary kit (including adequate rations of soap, washing powder, toilet paper, shampoo, shaving utensils and toothpaste, and a toothbrush), free of charge;
- all detained persons are provided with sufficient quantities of detergent to keep their cells clean;
- detention areas (including sanitary facilities) are maintained in an adequate state of repair and cleanliness;
- all detained persons have adequate lighting;
- all detained persons staying longer than 24 hours are provided with access to hot water for the purpose of washing.

Paragraph 61 is relevant.

**Paragraph 79: Recommendation** to the Greek authorities to ensure that, if juveniles suspected of a criminal offence are exceptionally detained in police stations, they should not be held together with adults and should be provided with appropriate care and support

Paragraph 61 is relevant.

## **B. ADDITIONAL INFORMATION (OTHER ACTIONS-FINANCING)**

1. In addition to the foregoing, as regards the remarks made in the Report about the administrative procedures followed after the Joint EU-Turkey Statement (*Brussels, 18.03.2016*), the powers of the Hellenic Police at the Reception and Identification Centres (RICs) for Foreign Nationals and the collaboration with the Reception and Identification Agency (RIA) and the Asylum Agency, we would like to make the following points:

### **(a) Collaboration with the Reception and Identification Agency (RIA)**

(i) Pursuant to Law 4375/2016 on "Organisation and operation of Asylum Agency, Refugee Authority, Reception and Identification Agency... and other provisions", in addition to other

obligations of the Hellenic Police at the Reception and Identification Centres (RICs) for Foreign Nationals, article 13 par.1, in conjunction with article 11 par.3, provides for an identification and nationality ascertainment team and for a facilities external guard and security team (*article 16*).

(ii) The issuance of this Law, in conjunction with the decisions of the Joint EU-Turkey Statement of 18.3.2016 (*re-admission to Turkey*) also resulted in the adaptation of the detention (*legal status*) of newly-entered migrants, ensuring at the same time the necessary institutional guarantees for respect to human rights of foreign nationals subject to re-admission without losing the quality of and respect to human dignity.

(iii) Identification and nationality ascertainment team at Reception and Identification Centres (RICs)

Following consultations with competent agencies and bodies, the Hellenic Police issued instructions to the Reception and Identification Agency (RIA), the Asylum Agency and the Hellenic Police (ELAS) follow a parallel (*simultaneous*) procedure.

In particular, detailed instructions were given so that, on completion of the procedures by the identification and nationality ascertainment team (falling within the powers of the ELAS) [*ascertainment of identity and nationality, registration, taking and recording fingerprints (eurodac) and taking a photograph*], the Administrator of the Reception and Identification Centre (RIC) should issue on the same day a "freedom-restricting decision" (*on admission of the foreign national to the RIC*).

On completion of the reception and identification procedures, a "delivery decision" is issued by the Administrator of the Reception and Identification Centre (RIC) to the ELAS in order for the foreign national to become subject to deportation, return or re-admission procedures, according to the applicable provisions (*stay at the RIC: 1 to 25 days*).

In parallel with these procedures, on admission of a foreign national to the Reception and Identification Centre (RIC), in addition to the action taken by the Reception and Identification Agency (RIA), the Hellenic Police (*competent Police Directorate*) issues a deportation/re-admission decision of the foreign national (*on the basis of the re-admission procedure*) within three (3) days (*article 76 of Law 3386/2005, as amended and currently in force*).

This parallel procedure, supplementary to the rights stemming from applicable laws on the "freedom-restricting decision" made by the Administrator of the Reception and Identification Centre (RIC) (*article 76 of Law 3386/2005, as amended and currently in force*), the applicable laws on foreign nationals ensure, as minimum guarantees, an appeal against the foreign national's deportation decision on the basis of the re-admission procedure, the suspension of enforcement only of the part relating to deportation/re-admission if an appeal is lodged and the submission of objections against detention before the competent Administrative First Instance Court.

When this procedure was launched, priority was given to foreign nationals who had entered Greece irregularly after 20.3.2016.

As regards the further management of foreign nationals who, for various reasons, cannot be immediately re-admitted to Turkey, especially those who remain for twenty five (25) days at the facilities of the Reception and Identification Centres (RICs) due to the absence of Pre-Departure Detention Centres for Foreign Nationals (PROKEKA) at Eastern Aegean islands, a series of orders

was issued so that deportation/re-admission decisions (*on the basis of the re-admission procedure*) would be suspended, in implementation of article 78 of Law 3386/05 and article 22 par.3 of Law 3907/11 (*alternative measures, more favourable provisions*), with a parallel obligation to remain at a certain place (*organised accommodation premises, such as Kara Tepe at Lesbos*) and the additional requirement not to depart from the island.

As aforesaid, in parallel to the measures taken to manage the foreign nationals accommodated at the Reception and Identification Centres (RICs) of the Eastern Aegean islands, foreign nationals who, although subject to alternative measures to detention (*issuance of decisions suspending deportation on the basis of the re-admission procedure*) under the requirement not to depart from the island until they can be re-admitted to Turkey (*review of asylum requests, exercise of remedies*), during their free stay on the island exhibited delinquent behaviour (*theft, threats, insults, provocation of bodily injuries etc.*) were transferred to Pre-Departure Detention Centres for Foreign Nationals (PROKEKA) on the mainland, until any asylum requests are recorded and reviewed and until they can be re-admitted to Turkey (*return to the islands again*) in case of rejection of the asylum requests.

These transfers of delinquent foreign nationals were carried out until November 2016 (*the Turkish authorities put out obstacles to the transfer of third-country nationals to the mainland*). They remain on the island of Lesbos since then and are detained until the completion of the procedure for their re-admission to Turkey.

As aforesaid, in the context of the measures taken to manage the foreign nationals accommodated at the Reception and Identification Centres (RICs) of the Eastern Aegean islands, a series of relevant instructions have been issued and voluntary return is enabled (*through IOM programmes*) as an alternative for irregular foreign nationals who cannot continue their journey to central and northern Europe.

(iv) Facilities external guard and security team at the Reception and Identification Centres (RICs)

In order for the Hellenic Police to fully and adequately respond to the imperative need to guard the centres and ensure a feeling of security to the staff (*Regional Asylum Agencies, EASO, UNHCR, NGOs etc.*), following a series of consultations with other competent agencies and bodies, our Directorate (DDM) issued a series of relevant orders and, with the assistance of other competent agencies, prepared "**Security Plans-Vulnerability Reports**" for existing Reception and Identification Centres (RICs), taking into consideration the existing buildings and the peculiarities of each Centre. These plans were completed and, in collaboration with the Reception and Identification Agency, which is competent for the overall operation of RICs, the necessary technical interventions are under way. The European Border and Coastguard Agency (FRONTEX) finances police forces that, inter alia, assist in the security of RICs.

In addition to the foregoing, the Police Directorates of Lesbos, Chios, Samos and Dodecanese II (Kos and Leros) have prepared, in collaboration with other competent agencies, "**Emergency (evacuation) plans" of facilities (partial and total)**, that supplement the existing "Security Plans-Vulnerability Reports" of the RICs.

Moreover, a "**Manual-Memorandum of Action**" was prepared, comprising the duties/obligations of the Hellenic Police at Reception and Identification Centres (RICs). In particular, the "Memorandum of Action" summarises the management procedures of newly-entered foreign nationals on Eastern Aegean islands, in collaboration with the Reception and Identification Agency

(RIA), the duties of the police personnel of the identification and nationality ascertainment team and the facilities external guard and security team, the management of children and vulnerable social groups (*victims of trafficking in human beings, single-parent families, pregnant women, psychiatric patients, carriers of AIDS and other contagious diseases*).

(b) Collaboration with the Asylum Agency

The main parameter for the implementation of the Joint EU-Turkey Statement of 18.3.2016 is the review of the requests for international protection made by almost all newly-arriving migrants, so that they are not returned to Turkey. To this end, Law 4375/2016 makes a series of legislative changes to asylum matters, while important contributions are made by the UN High Commission for Refugees, EASO and collaborating NGOs.

In this context, clarifications were issued about the implementation of Law 4375/2016 (Government Gazette A 51) by the Asylum Agency and ELAS by transmitting to all police agencies the **interpreting circular** issued by the Asylum Agency on a series of clarifications on the administrative procedure to be followed for the said category of foreign nationals.

It is underlined that, in all re-admission operations implemented by the competent authorities of Greece and Turkey under the coordination of the European Border and Coastguard Agency (FRONTEX) and the support of Member States, all the required institutional guarantees are observed as regards the principle of non-refoulement.

2. In the context of our plans for the implementation of the National Programme in the field of Internal Affairs 2014-2020 (*Multiyear AMIF Fund*), procedures are under way to implement a series of actions such as medical-pharmaceutical and psychological support, provision of interpreting services and legal support to foreign detainees at PROKEKA, operating costs of the Centres etc., whose implementation will contribute, by priority, to ensuring living conditions in a decent environment.

The common goal of all competent agencies of our Ministry is the great importance given to the absorption of the financing provided by the European Commission and the funds scheduled to be spent to support our country's efforts to address the phenomenon of irregular migration, in collaboration with other competent ministries and bodies.

C. We kindly ask for your further actions.

D. This document is transmitted to the offices of the physical and political leadership for their information.

**THE HEAD OF THE SECTOR OF FOREIGN  
NATIONALS AND BORDER PROTECTION  
ACHILLEAS SKANDALIS  
BRIGADIER**

**For the transcript**

**Athens, on the same day**

Signature-Seal

Alexandros F. Angelopoulos

Deputy Police Director

## **LIST OF RECIPIENTS**

### **CC:**

1. Office of the Alternate General Secretary of the Ministry of Interior Mr. Filippakos
2. Office of the General Secretary of Public Order (*Ref: Order No.6284/17.02.2017*)
3. Staff Office of the Chief
4. Hellenic Police Headquarters/Chief of Police
5. General Police Inspector of Foreign Nationals and Border Protection
6. HPH/Staff (*Ref: Orders No.11443/18.02.2017 and 9340-a/19.02.2017*)
7. General Police Inspector of Northern Greece
8. General Police Inspector of Southern Greece
9. HPH/Sector of Foreign Nationals and Border Protection (*Ref: Orders No.7040/ 18.02.2017 and 7040-a/22.02.2017*)
10. HPH/Sector of Financial/Technical Support and Informatics
11. HPH/Security Sector
12. HPH/Order Sector
13. HPH/Sector of Administrative Support and Human Resources
14. Press –Public Relations Office
15. HPH/Directorate of Police Personnel
16. HPH/Directorate of General Police
17. HPH/Directorate of State Security
18. HPH/Directorate of Public Security
19. HPH/Directorate of Organisation and Legal Support
20. HPH/Directorate of Border Protection
21. HPH/Directorate of Foreign Nationals
22. HPH/Directorate of Technical Support
23. HPH/Directorate of Finances
24. HPH/Directorate of International Police Cooperation
25. Reception and Identification Agency
26. Ministry of Interior/Office of Alternate Minister (Mr. Toskas)
27. Ministry of Migration Policy/Office of Alternate Minister (Mr. Mouzalas)
28. Office of Alternate General Secretary of Migration Policy
29. Ministry of Foreign Affairs/C4 Directorate of Justice, Internal Affairs and Schengen
30. Ministry of Foreign Affairs/D4 Directorate of Human Rights

*Athens, 31.05.2017*

*True translation from Greek*

*The translator Eleni Dimitriou*