

*Check against delivery*

**OPENING STATEMENT  
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Mr. Chairman, distinguished members of the Committee against Torture,

It is a great honor for me and the members of my delegation to be presenting before you Greece's combined 5<sup>th</sup> and 6<sup>th</sup> reports on the implementation of one of the most important universal human rights treaties.

Greece attaches great importance to the fight against torture and other cruel, inhuman or degrading treatment or punishment. Prevention and elimination of such phenomena has been and still is a high priority for the Government of Greece. Our country is determined to spare no effort to prevent and to punish any instances of abuse or misconduct leading to a violation of the rights guaranteed by the Convention against Torture and to improve the living conditions of all persons under detention.

Nevertheless, we are fully aware of the fact that a number of objective external factors, such as the rapid increase in migration flows and the financial crisis, contribute to overcrowding and to the inadequate

maintenance of detention facilities, posing serious challenges concerning the living conditions of detainees.

Notwithstanding these adverse conditions, Greece has taken important steps in two directions: first, to improve as much as possible the living conditions in detention facilities through targeted interventions and second, to enhance transparency in the administration of detention facilities. In my opening statement, I will focus on actions in these fields, as well as on specific measures adopted to respond to pressing challenges on other topical issues, in particular the situation of irregular migrants and asylum seekers.

## **1. ACTIONS CONCERNING THE PRISON SYSTEM**

### 1.1 Measures against overcrowding.

Greek authorities neither deny nor ignore the problems of our penitentiary system, having specifically acknowledged that prisons' overcrowding is an ongoing concern which many states have to deal with. Greece has adopted the following initiatives and actions regarding the strategic planning of prisons and tackling prisons' overcrowding, through specific legislative measures.

Especially, since 2001, Greece has established by law a Special Framework of Spatial Planning (SFSP) that includes the construction of several new prisons located throughout the territory.

Within this SFSP, Greece has scheduled and implemented the construction of six (6) new prisons with a total capacity of 3200

detainees, in order to tackle effectively the increase in prisons' population.

With respect to changes in the national legislative framework regulating the execution of sentences, we have proceeded to targeted legislative initiatives in order to both streamline and rationalize the penal law and the applicable sentencing system by eliminating failures of the legislation in force that had contributed to the prisons' population increase.

In particular, by virtue of Law 3811/2009, the conditions under which pre-trial detention may be ordered were restricted, while the requirements for conditional release of detainees convicted for drug offenses were amended by decreasing the minimum serving time from the 4/5 to 3/5 of the imposed sentence. According to statistics, 1235 detained persons have been released till now, under the provisions of Law 3811/2009.

Moreover, Law 3900/2010," aim at further accelerating the administration of justice in our country. Pursuant to their provisions, the high percentage of pre-trial detainees (more than 30% of the prisons' population) is expected to be handled effectively and the separation between pre-trial and convicted detainees to be more distinctive.

Furthermore, Law 3904/2010 improves the alternative measures to imprisonment, so as a prison sentence may be imposed only for serious offenses and reoffending criminals.

More particularly, the Law provides for the conversion of prison sentences to a fine, enhances the disused community service institution, increasing to 285 the number of participating institutions, facilitates the early release of detainees, further extends the suspension of the execution

of sentences, as well as the possibility of serving the imposed sentence under confinement at home for all detainees aged over 75 years.

Vulnerable groups of detainees, in particular persons with poor health conditions, enjoy a beneficial calculation of the time served in prison, since each day spent in prison is calculated as two days for the purposes of serving sentence.

Under the provisions of Law 3904/2010, about 1134 detained persons have been released until now.

Law 3860/2010 of, titled "Improvements to the criminal law for juvenile offenders, prevention and treatment of victimization and juvenile delinquency", provides for fairer penalties for juvenile offenders, since most minors are serving now only sentences for felonies and not misdemeanors, as happened in the past, whilst such sentences may not exceed 10 years, unless in exceptional cases of particularly serious crimes where they could amount up to 15 years instead of 20 years, as was in the past.

Additionally, pursuant to the Law's provisions and aiming to reduce the penal correction in particularly serious crimes and higher-aged minors, only reformatory or therapeutic measures may be imposed to minors up to the age of 15, instead of 13 as was recently, while confinement to Special prisons may be imposed to minors aged 15 years or more.

Also, the new Law 4043/2012 titled "Measures for the improvement of living conditions in detention facilities and other provisions" includes certain arrangements enhancing the alternative measures to imprisonment, giving the possibility of conditional release to detainees whose sentence does not exceed five years.

Particularly, detainees convicted to up to three years of imprisonment, of which 1/10 has been served, can be released, whilst for sentences from three to five years, detainees should have served 1/5 of the sentence so as to be entitled to conditional release.

The application of the law extends until November 2012, which means that there will be a steady release of prisoners for the following period of time. According to statistics, 360 prisoners have already been released within the first two weeks of its application.

Last but not least, Articles 74 and 99 of the Criminal Code were amended by virtue of Law 4055/2012 titled "Fair Trial within a reasonable time ", in order to improve the process of imposition and execution of judicial expulsion, the implementation of which had resulted, until recently, in long-term detention for those foreigners whose expulsion was impossible. The law restricts the duration of detention for the purposes of expulsion, while compliance to its provisions will be monitored by a judicial body.

### 1.2. Transparency in the administration of prisons

Since June 2011, there has been established in every prison a Record of Injuries to Detainees, where all cases of injuries suffered by detainees are recorded. This will allow Prosecutors to effectively control every allegation of ill-treatment and violence against detainees.

Since the same time also, there has been established in every women's prison a Record of Body Searches, where all cases of body search of female prisoners are recorded. This will allow the competent authorities to effectively check whether such searches are made in accordance with the law.

A special trial hotline has been also set in place in the Special Secretariat for Correctional Policy, allowing prisoners to get easily in

touch with and to be heard by the central administration of Prisons. In this way, a lot of issues concerning prisoners' demands and living conditions have been immediately dealt with. Successful operation of this hotline led to the decision to establish it in a permanent way.

Increase of transparency is also sought by systematically pursuing a policy of allowing NGOs and other bodies, such as Bar Associations and political parties, to have access to prisons, in order to report and check the conditions of detention.

Last but not least, transparency will be greatly enhanced by the ratification of the Optional Protocol to the Convention against Torture. In this respect, the relevant Law-Drafting committee has already submitted a draft law, which designates the Greek Ombudsman as the national preventive mechanism, with the task of conducting visits to all places of deprivation of liberty, especially prisons, police stations and detention centers, in order to guarantee the prevention and control of any offences to dignity and the improvement of detention conditions.

### 1.3. Medical Treatment of Detainees

In spite of the adverse financial situation, a series of measures aiming at improving prisoners' healthcare have been taken.. More than 4.000 prisoners have been examined for Chronic Obstructive Pulmonary Disease. Many prisoners have been vaccinated against hepatitis and diphtheria and tetanus, whereas others have been examined for AIDS and tuberculosis.

A new draft law on Drugs, conferring every prisoner the right to get drug - addiction treatment has been submitted to the Parliament.

## **2. THE SITUATION OF IRREGULAR IMMIGRANTS AND ASYLUM SEEKERS**

It has generally been acknowledged, including by the competent UN human rights mechanisms, that Greece faces a particularly heavy migratory pressure, due to its geographic position at the external border of the EU, its extensive land and sea borders and its proximity with the main countries of origin and transit of irregular migration. It is significant that, since 2008, more than 125,000 persons have been detected each year for illegal entry or stay in Greece. Cooperation with the EU agency FRONTEX and the strengthening of the local police directorates led to an improvement of the situation in the sea borders and the islands. In the land borders, the number of irregular migrants apprehended quadrupled in 2010. In the Evros area, more than 200 persons are illegally crossing the border on a daily basis. Such a massive influx of foreign nationals can only lead to the overcrowding of the relevant facilities. Furthermore, Greece accounts for 90% of all detections of illegal border crossings in the EU and ranks among the EU countries with the highest number of asylum applications, despite its relatively small population. Moreover, the EU Dublin II Regulation (which determines the EU Member State responsible to examine asylum requests) places an extremely heavy burden on Greece, which is one of the main gateways to the European Union.

It is clear that Greece is facing a critical situation at a time of serious financial constraints. The competent authorities are fully aware of their obligation to respond to the above challenges with full respect for international human rights law. Their actions are currently focused on the implementation of a series of measures with regard to the treatment of migrants under detention and asylum seekers, which have already been

announced and approved by the EU, and are based on the following pillars:

- Creation of reception centers;
- Modernization of existing Migrants' Detention Centers and creation of new ones. The above measures will increase the capacity of facilities for migrants in respect of whom the implementation of a decision ordering their administrative or judicial expulsion is pending and will ensure appropriate reception and accommodation conditions for the persons concerned, in conformity with contemporary international standards;
- The reform of the national asylum system, and
- The introduction of new return procedures that constitute a modern, integrated and decentralized policy for a rational and efficient management of migration flows.

In particular, through the adoption of relevant action, and, where necessary, legislation:

- 1) First Reception as well as Asylum Services have been established as independent services within the Ministry of Citizen Protection, with independent administrative organization and qualified civilian personnel. The first center is expected to be fully operational by September 2012;
- 2) The Draft Presidential Decree regarding the organization and operation of the First Reception Service is at the final stage of processing;
- 3) The "General Regulation for the Operation of Regional First Reception Services" is in force, in a continuing effort to improve the building infrastructure and to ensure sanitary accommodation



and protection of the persons held, aiming at solving the problems of some services where large numbers of irregular migrants have to be accommodated.

- 4) A Memorandum of Understanding between Greece and the European Economic Area has been signed, in order to face pressing needs for the accommodation of migrants, vulnerable groups and unaccompanied minors and to strengthen the program of voluntary return, as well as the UNHCR, in order for the latter to continue to support the work of the Greek authorities.

At this point, it is important to stress that, the activities and policies designed and implemented by the Ministry of Citizen Protection are not confined to addressing the acute challenges posed by irregular migration in the region of Attica-Athens, but equally extend throughout the country. The anti-crime and immigration policy also leads to the same direction, aiming at dealing with the above issues in cooperation with the competent services.

The aim of all the above is to ensure the protection of the dignity and human rights of those held, as well as to respect their diversity and prevent their marginalization or discriminatory treatment.

It is encouraging that irregular migration has been regarded as a European problem and initiatives have been launched by the EU in order to support the Hellenic Action Plan for the Management of Migratory Flows. Greek authorities are supported by E.U. funding, in order to take the necessary additional measures on asylum and irregular migration management.

### **3. MEASURES AGAINST ILL-TREATMENT BY POLICE OFFICERS**

The Ministry of Citizen Protection and the Headquarters of the Hellenic Police attach great importance to fully respecting and guaranteeing the protection of human rights and combating all forms of racist behavior.

It should be noted that the Ministry of Citizen Protection and the Hellenic Police Headquarters make serious efforts to create efficient and permanent structures to address any instances of violence and ill-treatment on the part of police officers.

Recently, an Office has been established in the Ministry of Citizen Protection, responsible for addressing allegations of arbitrariness against law enforcement personnel.

The mission of the Office is to collect, record, assess and investigate allegations of abuse by members of the uniformed personnel of the Hellenic Police, the Hellenic Coast Guard and the Fire Brigade in the performance of their duties. It will also investigate cases on account of which a judgment of the European Court of Human Rights finding a violation of the European Convention on Human Rights (ECHR) has been delivered. One of the aims of the Office is to achieve the most effective assessment of cases of abuse or offense against human dignity allegedly committed by members of the police personnel.

Special action has been also taken in order to address instances of racist behavior. To this end, there is a close cooperation with all relevant bodies, independent authorities and NGOs.

### **4. ACTIONS TO COMBAT TRAFFICKING IN HUMAN BEINGS**

Legislation and policies against trafficking in human beings have been further strengthened. There is now a comprehensive legal and

operational framework, comprising preventive activities, criminalization of the relevant offenses, assistance to victims, effective police action and cooperation with countries of origin. Greece has recently ratified the Palermo Convention and its Protocols. Since July 2008, an informal, inter-ministerial working group is operating, aiming at supporting political decision-making and facilitating the implementation of anti-trafficking legislation. This Ministry of Foreign Affairs-based working group functions as a National Coordination Mechanism and represents Greece in all international bodies and initiatives. It consists of contact points in various Ministries and cooperates closely with the Parliamentary Committee on trafficking in human beings, the IOM and competent NGOs.

## **5. ACTIONS TO COMBAT VIOLENCE AGAINST WOMEN**

Violence against women is considered not only as a criminal offence but also as one of the gravest forms of gender-based discrimination. The adoption of Law 3500/2006 has been a decisive step forward. However, more needs to be done. It is important to note, as a best practice, that a 24-hour SOS hotline was launched in March 2011, operated by psychologists and social workers and covering all forms of gender-based violence. The creation and operation of a comprehensive structure for prevention, combating and support of victims of gender-based violence throughout the country (Counseling Centers and Shelters included) has been included in the National Action Plan on Violence against Women 2009-2013, which has been incorporated in the National Programme for Substantive Gender Equality 2010-2013.

Mr. Chairman,

Let me conclude by extending our deep appreciation to the Committee against Torture for its valuable contribution in the fight against torture and all forms of ill-treatment, as well as for its efforts to improve its working methods. The new optional reporting procedure has proved to be an extremely useful tool for the efficient preparation of the review of the State Party's policies under the Convention. My delegation looks forward to an open, frank, in-depth and constructive dialogue with the members of the Committee.