



CPT/Inf (2019) 5

Response

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

from 10 to 19 April 2018

The Greek Government has requested the publication of this response. The CPT's report on the April 2018 visit to Greece is set out in document CPT/Inf (2019) 4.

Strasbourg, 19 February 2019

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HELLENIC REPUBLIC
MINISTRY OF HEALTH

**REPORT TO THE GREEK GOVERNMENT ON THE VISIT TO GREECE CARRIED
OUT BY THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT) FROM 10 TO 19
APRIL 2018**

Comments of the Ministry of Health

Regarding cooperation and the obligation of national authorities to assist the work of CPT (paragraph 7):

The Ministry of Health and the Department of Mental Health have made every possible effort to facilitate the delegation's visit within their competence and provide the information requested so far in a timely and accurate manner. We apologize for any inconvenience caused by poor cooperation between the ministries due to Easter holiday season at the time of the particular visit and would like to assure the Committee that every effort will be made on our part to avoid such an unfortunate occurrence in the future.

Regarding the drafting of the new law governing involuntary hospitalization (paragraphs 11, 19, 43, 45, 46, 47, 48, 49):

The drafting of the new law on involuntary psychiatric placement is under way.

The new draft law has already integrated the CPT's recommendations regarding the following:

- Guarantees of independence, impartiality and objective medical expertise. The draft law stipulates that two separate psychiatric opinions should be provided, including reasoned diagnostic information, as specified in a relevant diagnosis template. (paragraph 43).
- Ensuring patients benefit in practice from the right to be heard in person by the court during placement or appeal procedures, by holding hearings in psychiatric institutions (paragraph 45).
- Providing patients in an appropriate way with full, clear and accurate information including their rights, information on legal assistance etc, as well as a copy of any court decision on their involuntary placement or other information on their legal status (paragraph 46). The draft law also stipulates free of charge legal assistance for patients who need it (paragraph 47).
- Time limitations applied to provisional placement measures (paragraph 48).
- Furthermore, before its finalization, the new draft law will integrate the CPT's recommendations regarding a clearer legal basis for involuntary placement/treatment in a private health care institution (paragraph 19), as well as safeguards against unnecessary involuntary placements.

Regarding the more appropriate placement of patients suffering from mental disability (paragraph 20):

According to the new draft law on involuntary placement, patients suffering from mental disability cannot be subject to involuntary hospitalization. Furthermore, the Department of Mental Health is currently working on a new Circular regarding the referral and transition of mental health patients to Psychosocial Rehabilitation Units (boarding houses, hostels and sheltered apartments), which stipulates the referral of patients to appropriate community-based Units according to an assessment

of their profile and individual needs. Finally, the dimension of diagnostic and functional homogeneity is explicitly mentioned in a ministerial decision, issued in July 2018, regarding the development of eleven new community-based Psychosocial Rehabilitation Units (boarding houses).

Regarding ill-treatment (paragraphs 23, 24):

The Ministry of Health has called upon Athina Vrilissia Private Clinic to take immediate action regarding the CPT's observations, and report back on the steps taken by the end of November. More specifically, the document addressed to Athina Vrilissia Private Clinic's management stresses out:

- The necessity to communicate a clear message to all staff members that any kind of ill-treatment of the patients is unacceptable, in order to avoid any such incidents in the future.
- That all staff members working in contact with patients must be properly trained in verbal de-escalation techniques. (Regarding de-escalation techniques, it is worth mentioning that a ministerial decision was issued in September 2018 for the training of the personnel of public psychiatric units on verbal de-escalation techniques).
- That the use of any means of restraint is not allowed in private psychiatric clinics.
- That all injuries suffered by patients must be diligently recorded, that the patients concerned must be examined by a doctor who should treat, if necessary, and describe the injuries, and that all injuries indicative of possible ill-treatment or inter-patient violence must be brought to the attention of the relevant prosecutor, even in the absence of an allegation of ill-treatment or other violence.

Furthermore, the Ministry of Health addressed early November a Circular to all psychiatric establishments (Psychiatric Hospitals, Psychiatric Units of General Hospitals, private psychiatric clinics, and Psychosocial Rehabilitation Units ran by legal entities of public and private law), regarding injuries suffered by patients. The Circular stipulates the following:

- That all injuries suffered by patients must be diligently recorded, both in a specific and in each patient's personal medical record.
- That the patients concerned must be examined by a doctor who should describe the injury in a detailed medical report, specifically mentioning if the injury is, in the doctor's view, indicative of possible ill-treatment or inter-patient violence.
- That the Director of the Hospital, or the Scientific Manager of the Psychosocial Rehabilitation Unit, must bring to the attention of the relevant prosecutor all aforementioned medical reports in which possible ill-treatment or inter-patient violence is mentioned, even in the absence of an allegation to this effect.

Regarding incidents of inter-patient violence in Dromokaiteio Psychiatric Hospital, the Ministry of Health has called upon the Hospital's management, among other things, to make sure the staff is vigilant as to relevant signs and can intervene effectively when needed.

Regarding other issues concerning Athina Vrilissia Private Clinic:

The aforementioned document addressed to Athina Vrilissia Private Clinic's management also stresses out:

- That the number of patients accommodated in each room must be reduced, in order to ensure that patients enjoy sufficient privacy, and that efforts must be made to improve and personalize the patient's living areas.
- That the situation regarding incomplete record-keeping must be amended as a matter of priority.
- That the contact of patients with their family and friends must be facilitated. (It should be mentioned that the same instruction has been included to the document addressed to Dromokaiteio Psychiatric Hospital).
- That patients must be offered a wider range of recreational activities.

The Ministry of Health has requested Athina Vrillissia Private Clinic to report back on the action taken by the end of November.

Regarding the systemic overcrowding of the Psychiatric Units of General Hospitals (paragraphs 21, 26):

The aforementioned new Circular regarding the referral and transition of mental health patients to community-based Psychosocial Rehabilitation Units (boarding houses, hostels and sheltered apartments) aims to facilitate the distribution of mental health patients in appropriate community-based Units. It is worth mentioning that the new Circular, unlike the one currently in effect, stipulates an integrated framework for the referral and transition to community-based Units not only of long-term patients from Psychiatric Hospitals, but also of patients from General Hospitals as well as the community. Meanwhile, a systematic monitoring of community-based Units vacancies ensures the placement of patients in given free places according to their profile without delay. Finally, the upcoming development of a considerable number of new community-based Units (11 boarding houses for long-term patients of psychiatric hospitals, 4 boarding houses for patients suffering from autism and 2 more specialized boarding houses) with funds from the National Strategic Reference Framework 2017-2020 will further assist addressing the problem of overcrowded Psychiatric Units of hospitals.

However, it must be said that, unfortunately, the overall capacity of the community-based Units will most likely continue to fall short of the relevant demand.

Regarding Evangelismos General Hospital (paragraphs 18, 27, 28):

The Department of Mental Health is monitoring the action taken by Evangelismos General Hospital regarding a) the transfer of long-term patients who have been at the Unit for long periods to community-based units, b) the unacceptable practice of placing bedridden and/or restrained patients in the corridor, and c) the access of mental health patients to a suitable outdoor exercise area. By letter of 30-10-2018, the Hospital's management has informed the Department of Mental health on the progress made so far on these matters, as following:

- a) Two patients have been transferred to community-based Units heretofore. (The transfer of the three remaining patients depends on the vacancies of available community-based Units).
- b) Patients with impaired functionality are accommodated in hospital rooms.
- c) Mental health patients have access to the hospital's garden when possible (according to doctors' authorization), given the fact that the Psychiatric Unit lies on the 9th floor.

Regarding Gennimatas General Hospital (paragraphs 27, 30):

The Ministry of Health has called upon the management of Gennimatas General Hospital to make sure patients of the Psychiatric Unit have access to the gardens of the Hospital and are offered a wider range of activities.

The Ministry of Health has requested the hospital to report back on the action taken by the end of November.

It should be mentioned that the Department of Mental Health is planning to propose to the Mental Health Committee of the Central Health Council to draft a Circular regarding the access of patients to outdoor exercise in psychiatric institutions.

Regarding staff shortages (paragraph 31):

The Secretary General's Office in collaboration with the Department of Mental Health have diligently recorded the current staff shortages in the context of an Action Plan including nationwide data on Mental Health Units ("*Sectorized Planning of Mental Health Units Development*"), in order to prioritize the needs in the light of the strict austerity measures.

Regarding treatment (paragraphs 32, 33):

As far as pharmacotherapy is concerned, the Ministry of Health has called upon Athina Vrilissia Private Clinic (among other things mentioned above) to take immediate action in order to bring the use of medication in line with modern medical standards and offer to patients a wider range of treatment options, including psychosocial rehabilitation, counseling and psychotherapy. Same instructions were addressed to Dromokaiteio Psychiatric Hospital by letter of 5-11-2018 regarding overmedication. The Ministry of Health has requested both institutions to report back on the action taken by the end of November.

Moreover, the Department of Mental Health has already officially proposed to set up Committees which will monitor and evaluate in the next four years both the use of means of restraint and the use of medication in all psychiatric institutions throughout the country (Psychiatric Hospitals, private psychiatric institutions and Psychiatric Units of General Hospitals).

As far as individual treatment plans are concerned, it should be mentioned that there are already protocols for the treatment of serious mental disorders (schizophrenia, bipolar disorders, depression), which include algorithms for the pharmacotherapy needed.

Regarding the use of means of restraint (paragraphs 40, 41):

The Ministry of Health is committed to take action in order to monitor the implementation of the instructions recently issued to all psychiatric establishments on the exceptional use of means of restraint (including seclusion and chemical restraint), including the framework for recording and reviewing. As mentioned above, the Department of Mental Health has already officially proposed to set up Committees which will monitor and evaluate in the next four years both the use of means of restraint and the use of medication in all psychiatric institutions throughout the country (Psychiatric Hospitals, private psychiatric institutions and Psychiatric Units of General Hospitals).

It is also worth repeating that a ministerial decision was issued in September 2018 regarding the training of the personnel of public psychiatric units, with funds from the National Strategic Reference Framework 2017-2020, on verbal de-escalation techniques, in order to avoid resorting to the use of restraints.

As far as private psychiatric clinics are concerned, the Secretary General's Office has addressed a document to private psychiatric institutions regarding the prohibition of the use of restraints, given the fact that there is no clear legal basis at the moment for the involuntary placement of patients in private psychiatric institutions. (As mentioned above, the new law on involuntary placement will amend this situation).

Finally, the Ministry of Health has called both upon Dromokaiteio Psychiatric Hospital and Athina Vrilissia private Clinic to follow the instructions and guidelines regarding the use of means of restraint.

Regarding the periodic review of long-term patients (paragraphs 44):

The Ministry of Health is committed to take action in order to amend the current situation regarding the periodic review of long-term patients.

Regarding complaints procedures (paragraph 51):

The Department of Mental Health is about to take the necessary steps in order to inform the competent Offices for the Protection of the Rights of Health Services Recipients of Psychiatric and General hospitals on the CPT's recommendations regarding the complaints procedure.

Regarding the systematic monitoring of all psychiatric institutions (paragraph 52):

The Ministry of Health is already planning the establishment of an external supervisory body, with the participation of W.H.O. professionals, in order to monitor and evaluate all mental health units on a national basis.

Regarding the transfers of individuals to establishments for psychiatric assessment (paragraph 56):

The Ministry of Health is currently examining the feasibility of the new arrangements described in our letter of 7-6-2018 (transfer by specially trained staff, in special vehicles, under conditions that absolutely ensure respect for the patient, while at the same time fulfilling the necessary safety requirements) in the districts of Athens and Thessaloniki.

Regarding Korydallos Prison Psychiatric Hospital (paragraphs 59-69):

Once the transfer of the responsibility for Korydallos Prison Psychiatric Hospital is completed, the Ministry of Health is committed to take resolute action in order to address the Committee's recommendations regarding the establishment and also proceed with the recruitment of personnel without delay.



HELLENIC REPUBLIC
MINISTRY OF JUSTICE, TRANSPARENCY
& HUMAN RIGHTS

**REPORT TO THE GREEK GOVERNMENT ON THE VISIT TO GREECE CARRIED OUT
BY THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT) FROM 10 TO 19
APRIL 2018**

Comments of the Ministry of Justice, Transparency and Human Rights

Regarding the observations made by the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), following their visit to Greece (10-19 April 2018) and the recommendations included at CPT's Draft Report regarding Korydallos Prison Psychiatric Hospital and especially paragraphs 58 to 69 of the above mentioned report, we kindly inform you the following:

As regards paragraph 59:

The Ministry of Justice, Transparency and Human Rights is fully committed to implementing the integration of both Korydallos Prison Hospital and Korydallos Prison Psychiatric Hospital into the National Health System, according to the legal provisions of art. 13 law n. 3772/2009 as amended by art. 43 par. 1 law n. 4356/2015. As already mentioned in the response of the MoJ to the preliminary observations following the CPT visit to Greece from 10-19 April 2018 (ref. no 39871/7-6-2018), the procedures are under way but have not been concluded yet.

As regards paragraph 60:

In relation to the capacity of prison establishments it should be noted that the Ministry of Justice, Transparency and Human Rights implemented in 2017 for the first time a procedure of measuring actual capacity of all prison establishments following common criteria which adhere to both the recommendations of the CPT and the decisions of the European Court of Human Rights. Following this procedure, the official capacity of all prisons was re-established, with particular reference to specific categories of offenders (male, female, juvenile, young offenders, drug addicted prisoners, patients) and type of facilities (close prisons and semi-open farm houses). Accordingly, updated information on prison occupancy and vacant places is available on the MoJ website on a monthly basis so that decisions on placement of convicted offenders and remand prisoners are informed by actual availability of space in every prison facility. The outcome of this process in relation to Korydallos Prison Psychiatric Hospital has resulted in the recording of maximum capacity of 261 prisoners (as opposed to the previous reported capacity of 160), However, in the draft Presidential Decree providing for the integration of the facility into the National Health System, the capacity is set at 200 places including prisoners that are detained as workers. It is expected that following the completion of the integration, the capacity will be re-adjusted accordingly, with specific reference to women

and young detainees (as provided in art. 6 of the draft Presidential Decree 180 places are reserved for males, 10 for women and 10 for young offenders).

As regards the practice of placing prisoners in various prisons as workers, it is based on the legislative framework and especially law no. 2776/1999 "Correctional Code" (Governmental Gazette A' 291) and Presidential Decree 107/2001 "Beneficial Calculation of Days for detainees working or employing in programs or studies "(A' 97), as in force. Every prison has a specified number of placements for workers, as defined by Ministerial Orders. Accordingly, Korydallos Prison Psychiatric Hospital has ninety-two (92) official working positions (Ministerial Order nr. 44833/6-5-2011). On April 2018 when the CPT's delegation visited Korydallos Prison Psychiatric Hospital, sixty-two (62) detainees were placed as workers according to the official register book of the prison and each one of them was officially detained there as prisoner with a diagnosed mental illness, under regular monitoring by the prison psychiatrists and receiving psychiatric medication. Due to responsibility linked to some of the working positions, a number of prisoners with minor psychopathology but high functionality may be placed there.

The draft Presidential Decree stipulates that a number of places for prisoners with mental issues placed as workers may remain at the Korydallos Prison Psychiatric Hospital, following a reassessment by the medical staff, which would provide an outcome as for the number of places that could be covered by patients as part of their inpatient treatment or those that would be covered by prisoners with high functionality (art. 10 draft Presidential Decree).

As regards paragraph 61:

According to art: 2 para 1 (d) and 6 of the draft Presidential Decree, a special unit for female prisoners with a maximum capacity of 10 female detainees will be located in a designated area either of the Korydallos Prison Psychiatric Hospital or of the Department for Women of Korydallos Prison (already named Korydallos II Prison). As regards young detainees who, according to the correctional legislation, are young inmates aged 18-21 years old (and in case they attend educational programmes until 25 years of age), they will be placed in a designated area of the Korydallos Prison Psychiatric Hospital (special dormitory or cells) so that they are not held with older inmates and not a specific unit is envisaged. Finally, juvenile detainees (aged below 18) which are held in Korinth Prison it is not planned that they will be hospitalized in Korydallos Prison Psychiatric Hospital, but that they will receive adequate treatment in cooperation with specialized units of the National Health System.

As regards paragraph 62:

By the daily order of 5-6-2018, the Head of Korydallos Prison Psychiatric Hospital requested the fully attention and cooperation of all the staff of Hospital's departments for taking the best care of the prisoners detained in the Hospital.

As regards paragraph 63:

The Ministry has been in close cooperation with the competent departments of Korydallos Prison Psychiatric Hospital for improving the Hospital's material conditions. As a result, the provision of necessary funds for better material conditions constitutes an absolute priority for our Ministry.

As regards paragraph 64-66:

Following the Committee's preliminary observations in relation to the practice and use of the three protection cells ('blue' cells), the Ministry of Justice, Transparency and Human Rights has already expressed in the response of 7/6/2018 the view that *"the specific practice related to the use of the basement protective cells, without proper attention and for periods of time which exceed the shortest necessary, is unaccepted"*. Accordingly, the General Secretary for Crime Policy issued an order (nr. 39848/29-052018) which ceases promptly and irrevocably the operation of the so-called "blue" cells. Since then no patient has been placed in a solitary confinement regime. Furthermore, as regards the implementation of the action plan presented in the abovementioned response, we would like to comment the following:

- a) The specific location for the quiet rooms on the ground floor has been designated and a detailed information note has been submitted by the Head Psychiatrist of Korydallos Prison Psychiatric Hospital, consisting of specific international technical standards for seclusion places for mental patients in need of protection, including proper clothing (surgical type) for patients with acute self-harm behavior (documents nr 3889, dated 10.05.2018). Cells are situated at the ground floor in the Segregation Unit with natural light and ventilation. CCTV supervision is planned, with specific placement so there is no encroach upon patients' intimacy. Accordingly, an autopsy was done by engineers of the Technical Services Division of the Ministry of Justice, Transparency and Human Rights and of the Construction Engineering Directorate of the Regional Unity of Piraeus for the reformation of calm rooms on the ground floor of the building of Korydallos Prison Psychiatric Hospital, based on international standards. The above mentioned competent Directorate of the Regional Unity of Piraeus (document's nr.: 187300, dated: 28/9/2018) completed the technical description of the project and estimated the necessary budget for the cell's reform which comes to the amount of EUR 113.000,00 (including VAT). The adaptation/refurbishment of the above cells in accordance with the technical standards is set as follows, in order to ensure the safety conditions and to serve the purpose of a protection-calm cell: the walls inside of each one will be lined with a soft material (thermoset polyurethane/foam thermoplastic), which will be made of pre-assembled 2,44 x 1,22 m panels with a nominal wall thickness of 25 mm and 19 mm of the floor. Note that, this material will cover the walls (other than the WC), the floor (other than the WC) and the entrance to the cell, as well as the bed. All components of the WC will be replaced with new ones made of stainless steel (INOX). Also, the beds will be built and they will be covered by foam protective material (without metallic elements). Once the necessary approval by the financial services of the MoJ is completed, the official procedures will follow for the implementation of the project in accordance with national and European law.
- b) The attention of the members of staff of Korydallos Prison Psychiatric Hospital has been drawn on the protocol of the National Committee on the Protection of the Rights of Persons with Mental Disorders on protective measures during psychiatric hospitalization, which constitutes the national standards on the issue and instructions of the adherence to the above protocol have been sent.
- c) Instructions were given **to** the Head of Korydallos Prison Psychiatric Hospital for the implementation of CPT's recommendations and the creation of a specific registry of all restrictive measures, consisting of the medical orders for placement in the protection cells by the psychiatrists, descriptions of the reason for this decision of the psychiatrist in charge and the relatives dates and time of entry/exit. More detailed provisions for the registry will be included in the operating regulation which is currently being drafted and is expected to come into force soon.
- d) As regards supply of proper clothing the procedures are pending by the Head of Korydallos Prison Psychiatric Hospital.

- e) One additional psychologist has already been appointed and performing his duties at Korydallos Prison Psychiatric Hospital.
- f) Finally, cooperation with the National Committee on the Protection of the Rights of Persons with Mental Disorders and the Hellenic Forensic Psychiatry Association has been established and training of all personnel working at Korydallos Prison Psychiatric Hospital on de-escalation measures for patients with acute self-harm behavior is planned and is expected **to be** implemented within the next months.

As regards paragraph 67:

The Ministry of Justice, Transparency and Human Rights indeed acknowledges that the current level of staffing at Korydallos Prison Psychiatric Hospital is inadequate for providing prompt health services to mental patients, even though a full-time psychiatrist and a full-time psychologist have been added to permanent staff. However, following art. 19 law n. 4491/2017 (A' 152) a total of forty (40) new health-care staff positions have been added to the permanent positions of staff at Korydallos Prison Psychiatric Hospital, as provided in Presidential Decree 9⁶/2017 (Organogram of the Ministry of Justice, Transparency and Human Rights, A' 136). These positions are considered necessary for the full operation of Korydallos Prison Psychiatric Hospital following its integration in the National Health System. It is expected that within the next months the procedure for the fulfillment of these positions through recruitment via the system of recruitments in the public sector will commence.

It is worth mentioning that, in the above 40 new permanent positions there are also included two full time occupational therapists.

Meanwhile, the medical screening of new arrivals at the Hospital is always taken place by the doctors on duty with specialty on psychiatry, pathology and general medicine. In particular, during morning and early afternoon hours there is one permanent and five visitors' psychiatrists and two visitors' pathologists (their shifts are set at the beginning of each month). Also, on regular basis there are 7 doctors (specialty: general medicine), who cover the hospital's duties on weekdays (working hours: 17:00-07:00) and weekends (24 hours).

Finally, in the framework of continuing training initiatives for scientific and prison staff, on September 2018 the scientific staff of the social service of the Korydallos Prison Psychiatric Hospital (i.e. 2 psychologists and 4 social workers) attended the two-day training seminar organized by the General Secretariat for Crime Policy in cooperation with scientific personnel from the Department for the Treatment of Addicted Persons 'JANOS' of the Psychiatric Hospital of Thessaloniki on "*The basic principles of the Motivational Interviewing and their application to the prison system*".

As regards paragraph 68:

Despite the existing difficulties of available space and the old facilities of Korydallos Prison Psychiatric Hospital, several activities for mentally ill detainees are operating on a weekly basis, mainly under the therapeutic contribution, supervision and responsibility of the social service of the prison. We briefly outline the following activities:

- The treatment and counseling program for addicted detainees to toxic addicts or coexisting mental illness — being implemented by 18 ANO, Drug Addiction Unit of the Psychiatric Hospital of Attica (Dafni). (This program has been running for over 25 years).
- The program of art psychotherapy — being implemented by the Association for the Support of Prisoners "Onissimos" and funded by the STAVROS NIARCHOS Foundation.

- The group of arts and crafts — implemented by the prison's social service (this group has been working many years now and their art and craft works are for sale at the Christmas and Easter bazaar as well as in the annual handicraft exhibition of prisoners).
- The theatrical workshop for creative engagement and personal development — implemented by the Greek National Theater.

Moreover, it is within the immediate plans of the Ministry of Justice, Transparency and Human Rights that regular language courses are implemented for foreign prisoners as well as educational courses in accordance with the educational needs of inmates in cooperation with the Ministry of Education, Research and Religion. Finally, the library of the facility has been expanded and transferred to a proper location.

As regards the development of treatment plans, it should be noted that it is fully envisaged as treatment practice under the draft Presidential Decree (art. 2). In relation to current practice there is interdisciplinary cooperation in order to deal with all prisoners' issues (participation in programs, regular exit, dismissal, etc.). Moreover, a multidisciplinary team of Korydallos Prison Psychiatric Hospital meets once a week under the supervision of the head psychiatrist dealing with chronic psychiatric incidents.

As regards paragraph 69:

To date most prison facilities implement a policy for the separate placement of prisoners who do not smoke in separate dormitories and cells for their protection from the harms of passive smoking. However, no policy has been implemented yet on the prohibition or restriction of smoking in areas of common use.



HELLENIC REPUBLIC
MINISTRY OF CITIZEN PROTECTION

**REPORT TO THE GREEK GOVERNMENT ON THE VISIT TO GREECE CARRIED
OUT BY THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND
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APRIL 2018**

Comments of the Ministry of Citizen Protection

Findings during the visit and recommended action:

1.Mistreatment

Requests for furnishing information/conducting an investigation in relation to the censurable behaviour-acts of police officers against illegal immigrants, inmates and suspected criminal offences.

Paragraphs 74, 75, 76, 138, 139. 140, 141, 142, 143, 144 and 145 for grievances addressed to the Committee on mistreatment of inmates:

a.-Paragraphs 74, 75 and 76: Requests for furnishing information:

With regard to the incidents described in paragraphs 74, 75 and 76 of the Report on physical abuse-mistreatment of alien citizens deprived of their freedom, by police officers, in the region of Evros and on the islands of the East Aegean Sea, and in particular in the Pre-Departure Detention Centre for Aliens (Pro.Ke.K.Ad of Orestiada /Guard Post) and of Lesvos (Moria), in the Reception and Identification Centre (K.Y.T.) of Orestiada (Guard Post) and in the Police Department and Border Guard Department (T.S.F.) of Tycherio Evros, the following are set out:

On the occasion of the Verbal Note of the Canadian Embassy in Athens, on mistreatment of an alien citizen of it at the Border Guard Department (T.S.F.) of Tycherio Evros. a Preliminary Administrative Examination (hence, P.D.E.) was ordered by the proper Police Direction, so that in case of disciplinary violations, the respective disciplinary liabilities would be charged against any police officer in any manner illegally involved in the said case.

After the completion of the P.D.E., it was heard by the Director of the Police Direction of Alexandroupoli and since no liability of any police officer was found, he decided to place in the archive as regards the disciplinary part.

On the occasion of the preliminary notes text of the Report, from which it results, among others, grievances related to abuse of an alien citizen at the Pro.Ke.K.A. of Lesvos (Moria), a P.D.E. was ordered by the General Regional Police Direction of the North Aegean so as, if any disciplinary violations are found, to attribute the respective disciplinary liability against any police officer illegally involved in any manner in the said case.

The P.D.E. is in Progress. After the completion and the decision making by the proper agent, you will be informed on its outcome.

It is noted that the proper Headquarters Office sent the correspondence in relation to the above case to the Independent Administrative Authority «Ombudsman» in application of article 56 of law 4443/2016 that decided, within its special power as the «National Mechanism of Arbitrariness Cases Investigation», to follow up its investigation and at the same time, it requested to receive the legal file of the P.D.E., prior to its hearing, to verify and to express its opinion.

On the occasion of the escape incidence (09-04-2018) and then the detection (10-04-2018) of an unaccompanied minor alien citizen of Afghanistan, which was under a restriction of personal freedom status in the Reception and Identification Centre (K.Y.T.) of Orestiada (Guard Post), the Police Direction of Orestiada ordered a P.D.E., so as, if any disciplinary violations are found, to attribute the respective disciplinary liability against any police officer illegally involved in any manner in the said case.

After the completion of the P.D.E., it was heard by the Director of the Police Direction of Orestiada and since no liability of any police officer was found, he decided to place in the archive as regards the disciplinary part.

It is mentioned that the Police Staff Direction/HPH did not receive any charges on abuse of the aforesaid alien, as a reprisal for his previous escape and therefore, the said grievances were not investigated. Moreover, to investigate the alleged incidence, the supplementation of the conducted and heard P.D.E. will be ordered.

After the completion and the decision-making by the proper agent, you will be informed on its outcome.

b.-Paragraphs 138-145: Requests for furnishing information:

Please be advised of the following as regards the incidents described in the above paragraphs relating to the refoulement of illegal aliens asylum seekers in the region of Evros, as well as to the employment of physical violence against them, since February 2017:

On the occasion of the article (04-02-2017) in the Press, entitled: «Huriet: The Hellenic Police tortures the immigrants and sends them back to us using force», the General Regional Police Direction of East Macedonia and Thrace ordered an investigation, from which no evidence resulted that would

substantiate any disciplinary offences of police officers, and therefore, by decision of the General Director of this Office, the case was placed in the archive, as regards its disciplinary part.

On the occasion of a complaint of the Social Refugee & Immigrants Support Network on illegal refoulement of alien citizens of Syria, on 26-05-2017, in the region of Evros, the General Regional Police Direction of East Macedonia and Thrace ordered an investigation, from which no evidence resulted that would substantiate any disciplinary offences of police officers, and therefore, by decision of the General Director of this Office, the case was placed in the archive, as regards its disciplinary part.

On the occasion of a complaint of an alien citizen of Afghanistan to the Independent Administrative Authority «Ombudsman» on his illegal refoulement to Turkey, on 07-06-2017, in the region of Evros, the General Regional Police Direction of East Macedonia and Thrace ordered an investigation, from which no evidence resulted that would substantiate any disciplinary offences of police officers, and therefore, by decision of the General Director of this Office, the case was placed in the archive, as regards its disciplinary part.

Upon a complaint of an alien citizen of Iraq on abuse consisted of beatings and electroshock, as well as removal of his personal items on behalf of the police officers in the border area in Evros, at the time of his arrest and detention, the General Regional Police Direction of East Macedonia and Thrace ordered a P.O.E. so as to find whether any disciplinary violations were committed and to attribute the respective disciplinary liability against any police officer illegally involved in any manner in the said case, which is in progress. After the completion and the decision-making by the proper agent you will be informed on its outcome.

It is noted that the Police Staff Direction/HPH sent the correspondence in relation to the above case to the Independent Administrative Authority «Ombudsman» in application of article 56 of law 4443/2016 that decided, within its special power as the «National Mechanism of Arbitrariness Cases Investigation», to follow up its investigation and at the same time, it requested to receive the legal file of the P.O.E., prior to its hearing, to verify and to express its opinion.

On the occasion of an ex proprio motu investigation of the Independent Administrative Authority «Ombudsman» in relation to the illegal refoulements of more than three hundred seventy-nine (379) alien citizens, mostly of Syria, Iraq and Sierra Leone, which seem to have taken place in the region of Evros on 6, 21, 22, 26 and 27-10-2017, as well as on 05 through 06-11-2017, 31-12-2017, 01-01-2018, 30-06-2018 and 05, 06, 09 and 28-07-2018, during which those aliens allegedly suffered mistreatment consisted of insults, threats, employment of violence and removal of their personal items, the Police Directions of Alexandroupoli and Orestiada ordered two (2) independent P.D.E.s, respectively.

Upon completion of the P.D.E.s, they were heard by the Directors of the above Directions respectively, and since no liability of any police officer was found, they decided to place them in the archive as regards their disciplinary part.

c.-Paragraph 76: Request for furnishing information: «Measure-taking to prevent mistreatment:

Furthermore, within the expressed will of the Political and Natural Leadership for zero tolerance to matters of human rights violation, orders have been issued and transmitted to all the Services involved in such cases, whereby the Hellenic Police staff is reminded of the main provisions from which the requirement of life protection, respect of human dignity, prevention of discrimination or torture or other inhuman or degrading treatment and punishment derives in relation to the matter of citizen rights safeguarding and the general behaviour of police officers towards the citizens, pointing out to them that these fundamental principles are a matter of primary significance to the Hellenic Police Headquarters.

At the same time, it is especially noted that if any breaching of these principles and values is found via an administrative investigation, strict disciplinary sanctions will be imposed as provided for in the effective disciplinary law. It has also been noted that in case of any information containing serious indications of possible mistreatment of a person, the administration should take effective action, according to the provisions of the P.D. 120/2008 on the «Disciplinary Law on the Police Staff», to investigate and to attribute the respective disciplinary sanctions, depending on the importance of the act, against the liable persons, to avoid any sense of impunity.

2.-Reply to the Committee's direct notes-recommendations/requests for furnishing information:

a.-Legal guarantees against mistreatment:

Paragraphs 77-78: Requests of the Committee to the Hellenic Authorities for taking the necessary measures to ensure that the aliens whose freedom is deprived by the Police, according to the legislation on aliens, are granted the right to inform their family in case of detention to access to a lawyer and to a doctor and that they are in the position to exercise those rights from the beginning of the deprivation of their freedom.

As regards the rights of inmates to inform a close relative etc», there is no communication barrier, on the contrary, the Authorities facilitate the communication, in compliance with the provisions of the Criminal Procedure Code, of the Corrective Code and of the confidentiality of the conversations.

In particular, the administrative inmate aliens are entitled to accept visits from relatives up to second degree, whether full-blood or half-blood. If there are not such persons, they are allowed to accept visit from another relative or friend, who have previously declared to the prison guard.

The visitors communicate with the administrative inmate aliens in special visitation rooms that are designed to fulfill the prescribed terms and conditions of security, whilst at the same time it allows the convenient communication of the inmate with the visitor.

The visitation days and hours are determined by order of the prison chiefs. The right to provide legal aid has been stipulated in every stage of criminal and administrative procedure, based on the provisions of the national legislation.

Every inmate alien is entitled to be visited by his/her lawyer. The duration of the communication of the lawyer with the inmate alien whom he/she represents is not subject to time limitations, besides those imposed for the compliance with the security measures and rules of good operation of the prison.

Especially for the alien citizens, the Services in charge of issuing the decisions of return, are required to furnish information and any possible assistance to the alien applying for legal counseling, representation by a lawyer and speech assistance, in order to exercise his rights. For this reason, he is granted an «Information Form» in languages used and understood by the third country citizens.

Besides the foregoing, we are bringing to your notice that within the Asylum, Migration and Integration Fund (AMIF), we are in consultations to implement the action «free provision of legal support» for the aliens that are held in the Pro.Ke.K.A.s. In particular, the provision of legal support/protection will concern the administrative differences resulting from or regarding the:

- filing of objections against the administrative detention or lodging of appeal against the administrative decision of return and
- lodging of appeal against the rejecting decision or filing of petition for suspension-cancellation of an administrative decision of return.

In addition, representatives of the Hellenic Council for Refugees (E.S.P.) have a day-to-day access to the detention areas and communicate with the illegal immigrants, with the purpose of providing those who wish so with legal aid and representation in the procedure of asylum. It is noted that the same occurs with representatives of other agencies involved in the issue of immigration and human rights, such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) as well as other Non-Governmental Organisations (NGOs). In particular, during 2017, our Office (D,D.M.) granted 292 permissions for access-entrance into areas of administrative detention of aliens, to International and European audit structures, Non-Governmental Organisations (NGOs), Associations and Agencies (some of the authorisations concern multiple visits), whilst for the next 9 months of this year (2018), the number of the respective permissions runs into 224.

The aliens arrested in the borders and in other territories of our country undergo precautionary examination by doctors, and in cases of health problems, in care of the local Services, they are

transferred immediately for first aid to the closest health centre or hospital and then, if needed, they are hospitalised in the proper hospital.

Non-Governmental Organisations (NGOs) that have regular access to the areas of administrative detention of aliens also contribute to the provision of medical services to illegal immigrants.

As regards the Pre-departure Detention Centres for Aliens (ProKe.K.A.), those referred to in paragraphs 113, 114 and 115, the assignment to the Ministry of Health/Health Units Societe Anonyme (A.E.M.Y. S.A.) of services of medical-pharmaceutical care, of mental and social support, of interpreting is indicated.

Paragraphs 79-80: Request of the Committee to the Hellenic Authorities for providing interpreting services to the aliens deprived of their freedom, if deemed necessary, and for providing them with an information a brochure in a language they understand:

The aliens under administrative custody are systematically provided with information on the Regulation applied in the prisons, as well as on their rights and duties. It is for this reason that related forms have been posted in visible spots and they are provided with «Information Prospectus», through which they are updated about their rights, so much as regards the detention as the procedure of asylum, in a number of languages.

As said above, the third country citizens under administrative custody are allowed to get into touch with the legal agents and their family members. The related and proper national, international and Non-Governmental Organisations (NGOs) and agents may visit the prisons. Those visits are subject to authorisation by the proper police Authority in charge of the guarding and operation of the prison.

Besides the continuous efforts of having interpreters in the areas of the Hellenic Police administrative detention, with the purpose of reinforcing the rights of the inmates, among others, the Police Authorities are involved in:

(a) «Information Prospectus» on the «rights of the aliens arrested and under deportation» [Model KA 141 (a)] and on the «rights of the aliens arrested and under return» [Model KA 141(1)], in a number of languages, so as to assure they are aware of their rights and to facilitate the actual exercise thereof, aiming at typically strengthening the guarantees of the legitimacy, the impartiality and the objectiveness at the time of the police action, as well as the transparency in the treatment of the inmates in the Police Authorities.

(b) Besides, the articles 21 and 22 of the By-laws of the Pre-Departure Detention Centres for Aliens (Government Gazette B/118-21.01.2015) entitled «Rights» and «Duties of Inmates» were translated respectively and are posted at the existing Pre-Departure Detention Centres for Aliens (Pro.Ke.K.A.) in ten (10) languages:

French, English, Arab, Pakistani (Urdu), Afghan (Pasta), Iran (Farsi), Begali, Dari, Sorani and Swahili.

The contents of paragraphs 113, 114 and 115 regarding the interpreting services to the Pro.Ke.K.A. also apply here.

Paragraph 81: Recommendation of the Committee on the proper compliance with the detention records.

The individualised detention record (exclusive for every alien) is prepared at the time of the procedure of the admission of the inmate for administrative detention in areas of which the Hellenic Police is in charge,

In particular, the detention Services comply with the following procedures:

- (a) the identity data, the detention cause, if he/she is suspected for escape, if he/she is dangerous for himself/herself or others is recorded, and any other evidence that should be taken into account at the time of the detention as well as any other related documents in case he/she had undergone medical exams or admitted to the hospital before being confined in the detention areas, that show his/her health condition, and any pharmaceutical treatment that has been administered and should be followed,
- (b) any money, valuable items and other items of the inmates are removed and not allowed to be possessed by the inmates in the detention areas for safety reasons, they are kept in a special area or a safe deposits and they are recorded in a Book of Inmates, where the inmate puts his signature, at the time both of their removal and their return. The removed items are returned to the inmates at the time of their departure from the detention area,
- (c) the inmates file an affidavit containing the identity particulars of a relative or friend that they wish to see at the time of their detention, if they have no first or second degree relatives, whether full-blood or half-blood,
- (d) the Book of Inmates records all the medical data of the inmate aliens (e.g. transfers to the hospital, etc).

To properly fill out and keep the records of the inmates, guidelines-orders have been issued —and they are continuously reminded within the everyday checks/inspections conducted- for the absolute compliance with their obligations, as these derive from the effective provisions to all the Police Services.

Within the new system of computer processing on alien issues, additional regional computer systems will be created, as the one of the inmates electronic file. In particular, we are advising you that we are in consultations with FRONTEX-European Border and Coast Guard Agency and the European Commission, for the implementation of the action to create as return case management system (RECAMAS)», which focuses on the operations, which ideally will have to include the proportional system of a K-M, in order to be able to manage efficiently the cases of illegal aliens. The objective of said action is to improve the ability of our country to follow up effectively all the stages of the administrative management of the illegal

aliens in the Pre-departure Detention Centres for Aliens (Pro.Ke.KA.) and the other detention areas (P.D.-S.P.D.-I.M.D. etc).

Paragraph 82: Recommendation of the Committee to the Hellenic Authorities to ensure the right of the inmates to file a complaint.

In application of the above recommendations, the order no. 6004/12/56-a' dated 16-10-2013 of the Head of the Hellenic Police Headquarters Staff was issued, whereby the obligation of service to the detainees in Police Services of the standard and updated «Information Prospectus on their Rights» (Model D-33) and the new model D-34 of «Complaint of a detainee in a language they understand was reminded so as to ensure that every detainee, regardless of nationality, may file, whilst under custody, a complaint on any poor conditions of detention, abuse, mistreatment or other violations of his/her right and to address it to any Authority-Service-Organisation he/she wishes, a fact that is the main reason of establishment of the said form-model (D-34). Furthermore, it was determined that the Services that have detention areas should serve the detainees with the said form in a language they understand with the proof of service attached to their personal record on one hand, and on the other, to post the model D-34 in all the languages, in the detention areas. In application of the foregoing, the General Police Directors, such as the Directors under the command of their Services (Police Direction level) were ordered to appoint a senior Officer, who will be responsible for the check and inspection of the Services involved in these affairs, giving at the same time instructions to the Officers performing the duties of an Inspector to make a daily verification of the compliance with the above requirements and if it is found that the On Duty Officer does not know or does not comply with the foregoing requirements, then both, he/she and the Commanding Officers, would be subject to disciplinary control.

Paragraph 83: Request of the Committee to the Hellenic Authorities for examining the alternative measures in exchange of the detention.

At this stage, Greece applies the following types of alternative detention:

- Regular appearance before the Authorities
- Requirement of stay in a specific place (with no restriction of freedom)

that may be accompanied with assistance to Programmes of voluntary return and resettlement of the International Immigration Organisation (I.I.O.) with the sub-assistance of the Services of the Hellenic Police, whilst the application of other measures alternative to detention is examined that aim at lower human cost (avoidance of hardships related to detention).

At the same time, the measures taken as alternative to the detention for handling the aliens, also contained their stay in the open or semi-open Reception and Identification Centres (K.Y.T.) in the islands of the East Aegean, until their readmission to Turkey is achieved (examination of applications for asylum, exercise of remedies).

To this end, a number of related orders was issued so that the decisions of deportation/readmission (based on the procedure of readmission) to be sent in application of the article 78 of Law 3386/05 and of the article 22 par.3 of Law 3907/11 (alternative measures, more favourable provisions), with a parallel requirement to stay in a specific place (geographical confinement in organised accommodation areas such as Kara Tepe in Lesvos) and on the additional condition of non-departure from the island they are.

Moreover, as regards the measures we have taken for the handling of aliens accommodated in the Reception and Identification Centres (K.Y.T.) on the islands of the East Aegean, a number of related orders was issued that provide the possibility of voluntary return (via Programmes of the 1.1.0.) as an alternative solution for the illegal aliens that may not continue their trip to the central and north Europe.

b.-Conditions of detention

Paragraph 85: Request for furnishing information on the detention conditions at the of Border Guard Department of Feres.

At the Border Guard Department (T.S.F.) of Feres, an alien is detained in a separate cell from the other inmate immigrants and refugees, for medical reasons, since he suffered from scabies and was administered drugs, following the doctor's recommendation. He was isolated from the other persons upon medical urge and instruction of the Health Disease Prevention Control Centre (KE.EL.P.NO.), in order to prevent the spreading of the scabies to the other inmates, given that a week is needed for the completion of the treatment and then, a check.

It is also notified that the area in which the above person was held has a surface of eighteen (18) square meters, there were three (3) bedrooms and a hygiene area, and as a result the necessary living space of the inmate is ensured.

Within the taking of additional measures aiming at preventing the appearance of other scabies cases, the proper Service did all the necessary actions to disinfect the prison cells of the premises in Feres but also the police cells of the other Services of the Police Direction of Alexandroupoli.

Paragraph 87: Request for furnishing information on the detention conditions at the Border Guard Department of Didimoticho (Isaakio).

The visit of the Committee was held in a period of a strong inconvenience caused from the gathering of a very large number of newly-admitted and arrested illegal immigrants in the region of the General Regional Police Direction of East Macedonia and Thrace, and especially at the Police Directions of Orestiada and Alexandroupoli and due to that, the objective failure of timely submission of the newly-admitted illegal immigrants to the procedures of reception and identification at the Reception and Identification Centre (K.Y.T.) of Orestiada, as provided for in the related legislation, with their stay in

the above areas of which the Police was in charge, due to need, notwithstanding the effective legislation, until their transfer to the K.Y.T.

Now, according to the measures taken and the related limitation of the immigration pressure, the condition has been normalized.

Paragraph 88: Request for furnishing information on the detention conditions at the Border Guard Department of Tichero.

According to the order no. 71778/1³/791172 dated 30-05-2013 of the Direction of Aliens/HPH, the prison of the Border Guard Department of Tichero was shut down and it operates now as a Border Guard Office subject to the Police Department of Tichero. In particular, as of June 01' 2013 in the said Service, the detention spaces for arrested illegal immigrants do not operate. After their detection by the police officers, the aliens entering the country illegally are transferred to the premises of Tichero for order the recording and arrest procedures. They spend the less necessary time at the said Service in order for the criminal procedures to be completed according to the proper legislation and then, they are transferred to the prisons of other Services under the authority of the Police Direction of Alexandroupoli where they stay until they are transferred to the Reception and Identification Centre (K.Y.T.) of the Border Guard of Orestiada.

In March this year, as mentioned above, the immigration pressure in the region of which the Police Direction of Alexandroupoli was in charge surged, as shown in the recorded arrests of illegal immigrants and refugees by the Services of Border Guard, and they were six hundred forty eight (648). Out of that number, the Police Department of Tichero/Border Guard Office was called upon to handle two hundred eighty nine (289) illegal immigrants-refugees, detected in the region of its authority, whilst in the previous month, namely in February this year, it made thirty eight (38) arrests of aliens. Given the volume dealt with by the said Service in March and the time required to complete the criminal procedure (abstention of the Prosecutor from the criminal prosecution), the stay of the arrested persons in the premises of Tichero beyond the 24 hours was needed, without however exceeding the thirty six (36) hours. In such cases, the feeding of the detainees was realized normally,

Paragraph 90: Request for furnishing information on the detention conditions at the Police Department of Drapetsona

At the P.D. of Keratsini-Drapetsona, there are nineteen (19) detention rooms (cells) of total capacity seventy six (76) people (27 women and 49 men). The number of detainees at the time of the Committee's visit was thirty (30).

In relation to the findings-notes of the Committee on the insufficient access of natural light to the detention rooms and the failure of access to outdoor exercise, please be advised that these are structural problems of the initial construction of the detention spaces, which do not adapt to interventions.

As regards the measures taken, please be advised that:

- In July 2018, pharmaceutical products and cleaning and hygiene products were distributed to the detainees, which were offered
- In August 2017, due to tear and pollutants, the old mattresses were removed and new ones were provided
- In August-end 2018, a disinfection-debugging was made by a cleaning company
- In September 2018, the linen were transferred to a sterilizer of the Tzanio Hospital of Piraeus for cleaning and disinfection and then, they were given to the detainees.

Moreover, from the proper department of the Police Direction Staff of Piraeus, there has been some action to cope with any problems so as to maintain the building and to improve the living conditions of the detainees. Paragraph 91; Request for furnishing information the detention conditions at the Police Department of Kolonos

At the P.D. of Kolonos at the time of the Committee's visit, there were eighteen (18) detainees, of whom seven (7) persons for administrative return, nine (9) for flagrante offence and convictions and two (2) persons waiting for their transfer to prison (execution of imprisonment order). For the seven (7) detainees destined for administrative return, the related "Memos" had been sent to the Direction of Aliens of Attica, for their transfer to detention areas of the Pre-departure Detention Centre for Aliens (Pro.Ke.K.A.) of Amygdaleza and they were expecting the reply on the transfer. Beyond the foregoing, the Police Direction of Athens conducted regular controls-inspections in the detention areas of the P.D. of Kolonos and each time that problems are observed so much in relation to the maintenance of the building, as to the living conditions of the detainees, there were actions to replace them.

Paragraphs 92 & 93: Requests for furnishing information on the detention conditions at the Police Department of Omonia.

When the Committee went to the Provisional Detention Area of the P.D. of Omonia, renovation, reconstruction and repair works were in progress for any kind of wear/damages, which was completed on 21/05/2018.

As regards the cleaning of the cells, it is noted that at the P.D. of Omonia, at regular intervals, new linen is provided by the Reception and Solidarity Centre of the Municipality of Athens (KYADA) to the Provisional Detention Area.

Also, the Provisional Detention Area is cleaned everyday by a proper cleaning company.

Any garbage in the sanitation area is owing to the fact that the cleaner is going to the P.D. of Omonia in the morning and between the time he leaves and the time he returns, detainees' garbage is accumulated, whilst at every shift change, the guard, at the time he comes into the Provisional Detention Area to count the detainees, removes the accumulated garbage.

In addition, the Provisional Detention area at the P.D. of Omonia has a metal door, which separates the sanitation area from the bedroom and is always open; it closes for security and protection reasons, only when employees of the cleaning company go into the Provisional Detention Area. As regards the board of the detainees, a list of detainees' meals is prepared every day in the evening of the previous day and it is checked again in the morning of the next day, and regards the current day, in order to enter the cost prescribed. In cases that a detainee is admitted to the Provisional Detention Area in the afternoon or evening, and he/she is not recorded in the list of detainees' meals, the P.D. of Omonia tries to board him/her and to enter him/her in the list. It is noted that if a detainee in the Provisional Detention Area has money and wishes to spend a sum for food (always packaged) of his preference, he/she may do so.

In relation to the detention in the Provisional Detention Area of a detainee for eleven (11) days, please be advised that he was a Pakistani citizen, detained for administrative return and his transfer to the Direction of Aliens of Attica was pending, for further detention and handling and in any case, this is an exception.

Paragraph 94: Recommendation: The Committee calls upon the Hellenic Authorities to assure that:

-the number of people detained at any time in any Police Department and Department of Border Guard (T.S.F.) does not exceed the capacity of the premises (which is calculated based on -4- square meters of living space per person).

- All the detainees are provided with sufficient and proper food, which contains at least a hot meal per day,
- Every detainee is provided with a mattress, a blanket, linen -all clean- and a brick base or a bed
- A free box of basic hygiene items is given to all detainees staying for more than 24 hours,
- All the cells are kept in a decent condition in terms of cleanliness
- The cells, including the sanitation areas, are sufficiently repaired and offer adequate access to both, natural light and artificial
- All the detainees staying for more than 24 hours have access to hot water for washing.

The Ministry of Citizen Protection and the Hellenic Police Headquarters give special significance to the protection and assurance of the rights of people detained in the police services by ensuring the necessary rules of hygiene and safe stay for all the detainees (women and men) in the areas of which they are in charge, as well as to the keeping of them by all the police services, which on a daily basis, handle a great number of detainees, either at the time of the guarding-keeping or at the time of their transfer from and to the courts, prisons, etc.

The compliance with the rules and security conditions of the detention areas, but also their construction according to the specifications is necessary to ensure those detention conditions that respond to the

human dignity and our culture, to eliminate the possibility of escape, self-injury, etc, and to assure the protection of the staff of the Hellenic Police Services that is in charge of guarding the detainees.

To this end, there were actions to deal with problems related to lack of detention areas in the premises of the Hellenic Police, whilst at the same time orders have been issued to all of our regional Services, with instructions-orders for the absolute compliance with their requirements, as these derive from the effective provisions and international conditions. In line with the continuous effort to ensure the human rights, to improve the structural infrastructures and to assure the good health stay and protection of the detainees, a Technical Description of the detention areas has been prepared, based on which the detention areas of the police services are constructed-restructured, taking into account, among others, of the instructions of the C.P.T. Committee.

In this context, projects are implemented, either through the Public Investments Programme (P.D.E.) or through the Public-Private Sector Joint Ventures (S.D.I.T.) regarding the erection of new modern buildings that will have the proper spaces to fully cover both the working needs of the staff and the needs of the incoming citizens, and to provide the detainees in those services with human detention conditions.

We also follow up the whole matter, by intervening, with special orders-instructions, in case we find lacks-malfunctions, to immediately improve the conditions.

In particular, aiming at ensuring the improvement of the detention conditions and the protection of the health of the detainees, but also of the staff of the Hellenic Police Services, specific orders and instructions, among others, have been given on the following:

- To ensure the necessary sanitation conditions (personal hygiene and cleanliness of the detainees) and security conditions in the detention areas
- To clean thoroughly and to beautify the detention areas (regular painting)
- To disinfect regularly the spaces (especially the toilets and the linen), according to the effective provisions and sanitation rules of the Sanitation Regulation,
- To directly deal with any problems of heating (hot water supply), air-conditioning, ventilation, etc and lighting of the detention areas and the yard of the detainees (according to the structural potential),
- To provide the detainees with healthcare, in cooperation with the proper Healthcare Services
- The proper sanitation Service to make periodic sanitation checks of the detention areas
- To provide sufficient meals
- To protect the personal and other prescribed rights of the detainees.

Moreover, clear orders and instructions have been provided to all the regional Services, to apply-comply with the provisions of the P.D. 45/2008, the prescribed measures of hygiene and safety, as well as the guidelines of disease transmission prevention.

The respect to the rights and the personality of the detainees in the police Services, is of absolute priority to the Hellenic Police staff.

c.-Pre-departure Detention Centres for Aliens (Pro.Ke.K.A.)

Paragraph 106: Request for furnishing information on the schedule and the progress of the scheduled renovation at the Pro.Ke.K.A. of Orestiada (Border Guard).

Paragraph 111 hereof applies here.

In addition, as regards the capacity of the Pro.Ke.K.A. of the Border Guard of Orestiada and the reported lack of the stipulated living space per accommodated person, please be advised that there are actions in progress of the Direction of Technical Support of the Hellenic Police Headquarters, as the proper Service, to complete the architectural project of "renovation-restructure and maintenance of the Detention Centre", where, among others, the reduction of the capacity of the Centre is provided for by one hundred forty-four (144) persons. In particular, the Direction of Technical Support/H.P.H. has completed the architectural project as regards the technical interventions in the detention spaces and the yard of the detainees-aliens, as well as the space planning matters of the ground floor settlement and the final floor plan (ground floor and fencing) of the Detention Centre has been prepared. According to the scheduled project, it is estimated that the project will be finished by the beginning of December (2018), the required period of completion of the conclusion of the required procurement (following an open tender) in five (5) to six (6) months and the required period of works after the conclusion of the procurement (will be finished) in six (6) to nine (9) months.

Paragraph 107: The Committee calls upon the Hellenic Authorities to take immediately measures:

- to reduce drastically the levels of fullness at the Pre-departure Detention Centre for Aliens (Pro.Ke.K.A.) of Filakio, so as to ensure that each detainee has his/her own bed and mattress. To this end, the number of persons transferred at any period of time should not exceed the capacity of the Centre
- to transfer immediately the vulnerable persons (including the families with kids, the pregnant women, etc) to proper Open Accommodation Structures, where they can be provided with the appropriate care for their special needs. As regards the unaccompanied minors, a reference to the recommendation of paragraph 128 is made⁴
- to not hold women and kids in the same cell as men if they are not members of the family

Paragraph 87 hereof applies here.

Paragraph 108; The Committee calls upon the Hellenic Authorities to take the necessary measures to remove the roll wires and the wire fences from the Pre-departure Detention Centre (Pro.Ke.K.A.) of Morin Lesvos.

The Lesvos Pro.Ke.K.A. space planning and the construction of the premises was realized following a project of the Direction of Technical Support of the Hellenic Police Headquarters, in line with the specifications prepared and described in it. It is worth noting the nature of the particularity of the operation of the Pro.Ke.K.A. of Lesvos, since it is the only Pro.Ke.K.A. that operates outside the areas of the Reception and Identification Centre (K.Y.T.) of Lesvos (Maria). As a consequence, it is surrounded by premises in which all the immigrants and refugees that stay in Lesvos lives. The distance between an alien detainee of the Lesvos Pro.Ke.K.A. and the other space of the K.Y.T. of Lesvos is the existing double fencing. For security reasons and in order to ensure the unhindered operation of the Pro.Ke.K.A., but also to avoid disturbing the order inside the premises or even to avoid-discourage the escape of the alien detainees, who we note are described as detainees in the broader sense of the Criminal Code (since they are held by order of the Authority), the double fencing and the high barriers should remain.

Paragraph 109: The Committee calls upon the Hellenic Authorities to take the necessary measures to ensure that the detainees in all the Pre-departure Detention Centres for Aliens (Pro.Ke.K.A.) in Greece are provided with clothes and shoes (depending on the season), according to their needs. Moreover, they should also be provided with sufficient quantities of personal hygiene products, for free.

Following our point (d), please be advised that the brief procurements in progress by the Direction of Aliens of Attica and the Police Directions in the Region of which Pro.Ke.K.A. operate for the supply of materials and the covering of operating needs of the Centres, are in full deployment.

It is noted that said action is within the application of the National Programme of the Home Affairs Ministry sector 2014-2020 (Multiannual Fund AMIF). In particular, on 16-02-2018 the conducting of draft tenders for seven (7) categories-Operating Costs, namely stationary-paper, personal hygiene items, clothing, shoes, food and camping items (beds, etc), sport items and entertainment, printer cartridges-computers-printers, were incorporated as projects for a budget of 520,800.00 euros (7x74,400 00E+VA7). To this end, on 12-04-2018, an order was sent by our Direction (DDM) to conduct brief tenders on behalf of the Direction of Aliens of Attica and after the P.D. in the Region of which the Pro.Ke.K.A. operate and to redistribute the materials to the Centres depending on the number of the detainees-aliens.

In particular, per sub-project category and per Police Direction, the following is reported:

- B' P.D. of DODECANESE (Kos): printer cartridge-computers-printers. Execution of the Contract on cartridges on 13/08/2018. They were delivered by the contractor. Consultations with other P.D. on the delivery proceedings and date fixing. On 23/10/2018, a tender was announced for the supply of printers and computers.
- P.D. of XANTHI: shoes. Execution of the Contract on 10/08/2018. Delivered by the contractor. Consultations with other P.D. on the delivery proceedings and date fixing.
- P.D. of DRAMA: clothing. Re-announcement of a new tender on 16/10/2018 (new technical specifications).
- P.D. of KORINTHIA: personal hygiene items. Execution of a new Contract on 01/11/2018 for procedural reasons (initially executed on 13/09/2018).
- DIRECTION of ALIENS OF ATTICA: food and camping items. (a) Sub-project for mattresses and mattress covers. Execution of the Contract on 14/09/2018 (delivery by contractor soon). (b) Sub-projects beds, pillows and blankets, etc. Re-announcement of a new tender on 13/10/2018 (new technical specifications). Procedure of awarding.
- P.D. of ORESTIADA: sport items and entertainment. Execution of the Contract on 18/09/2018. Delivered by the contractor and already distributed to the P.D. of Orestiada and Xanthi. Consultations with other P.D. on the delivery proceedings and date fixing.
- P.D. of LESVOS: stationary-paper. Execution of the Contract on 06/10/2018. Delivery by the contractor next week.

It is noted that the above items will cover the existing needs for the months of November-December 2018 and the year 2019, whilst a proportional provision has been made for the years 2020-2021-2022 within the preparation of a Joint Ministerial Decision (K.Y.A.) on the "Extension of operation of the Pre-departure Detention Centres for Aliens (Pro. Ke. K A.) " for the years 2019-2022.

Paragraph 111: The Committee calls upon the Hellenic Authorities to take the necessary measures to ensure that in all the Pre-departure detention Centres for Aliens (Pro.Ke.K.A.) in Greece:

- the new practice of unlimited access to outdoor exercise during the day applies;
- the outdoor spaces are properly equipped (benches, shelters, etc),
- an activity Programme has been developed (training, entertainment and occupational).
- at least one common entertainment room has been created, equipped with a tv set and games, and also a multi-religion worship room.

Within the Asylum, Migration & Integration Fund (AMIF), we are in consultation with the proper Directions of the Hellenic Police Headquarters and the other Services of our Ministry, to implement the «renovation-reconstruction and maintenance of the Pre-departure Detention Centres for Aliens (Pro. Ke. K A.) ».

In particular, we plan to restructure the spaces of the Administration and to receive the detainees according to the existing Operation Regulation of the Pro.Ke.K.A. To make them operative, providing:

- The creation of a space where the required actions of admission of the aliens to the Centre will be carried out (physical check, recording in the book of detainees and other electronic applications of the Centre).
- The creation of a space that will operate as a warehouse of the personal items of the aliens that are not allowed in the detention area (they will be placed in numbered sachets and will returned to the alien at the time of his ((departure» from the Centre)
- The creation of a space that will serve as a provisional reception-overnight area in case the aliens come to the Centre at non-working times of the staff of the Ministry of Health/Health Units Societe Anonyme (A.E.M.Y. S.A.) (night hours)
- The creation of a space that will serve as a supply area of the aliens with the prescribed items, before they come into the designated detention space (wing and container), namely blankets, linen, and personal hygiene clothes, etc

As regards the handling of aliens, among others, the following have been included:

- Technical interventions that will allow the direct access from the detention areas to the yard
- Creation of additional entertainment spaces
- Creation of additional religion convictions practice areas
- Paving (with asphalt) of every wing of the yard and placement of basketball baskets etc for sports ground
- Creation of additional visitation areas
- Creation of spaces for the communication with a legal counsel (free legal aid)
- Creation of spaces for events, etc
- Creation of areas to be used as a first-aid room (e.g. for aliens that are under a pharmaceutical treatment for skin diseases. etc)

In relation to this, as mentioned above, the financing has been ensured from the Asylum, Migration and Integration Fund (AMIF) and we are working together with the Direction of Technical Support of the

Hellenic Police Headquarters for the required procedures of determination of the procedure and the scheduling of implementation of the renovation-reconstruction and maintenance of the entire Pre-departure Detention Centres for Aliens (Pro.Ke.K.A.), (eight (8) in number) in their full capacity for the years 2019-2022, with a total budget of 74,000,000.00 euros.

The main categories of expenditure regard:

- -boarding services, with an estimated budget of 40,000,000.00 euros
- -cleaning services, with an estimated budget of 2,700,000.00 euros
- -leased premises, with an estimated budget of 1,121,000.00 euros
- -travel costs of police officers, with an estimated budget of 15,000,000.00 euros
- -operating etc costs, with an estimated budget of 16,000,000.00 euros.

It is noted that as regards the required periods, without any objections and other impediments, to conclude a procurement, according to the open procedure, five (5) to six (6) months are required to perform the works, after the conclusion of the contract six (6) to nine (9) months are required, whilst the estimated time to complete the projects per Detention Centre varies between 01/12/2018 and 01/03/2019, a fact that will result in the delivery of the works per Pro.Ke.K.A. That will vary between 02/02/2020 and 01/06/2020.

All the foregoing are implemented in line with the international requirements of our country and the optimal practices applied to other countries and aim at improving the stay, the conditions and the safety of the detainees and the staff.

3: Healthcare services

Recommendations of paragraphs 112, 113, 114 and 115.

1.-Within the application of the National Programme of the Domestic Affairs sector 2014-2020 (Multiannual Fund AMIF), recently, the Ministry of Health/Health Unit Societe Anonyme (A.E.M.V. S.A.) was assigned with the projects of pharmaceutical care, mental and social support and interpreting in the Pro.Ke.K.A., of 7,009,974.01 euros total budget.

The implementation of the related Programme has started in the mid-January 2018 by placing in the Pro.Ke.K.A.: medical doctors, psychiatrists, nurses, administrative employees, health visitors, psychologists, social workers and interpreters.

For your full information, please read to the following:

- Provision of pharmaceutical care services

Staffing with medical doctors by 55.56%, nurses by 72.50%,

health visitors by 37.50% and administrative employees by 100%

- Provision of mental support services

Staffing with psychiatrists by 12.50% and psychologists by 90%

- Provision of social support services
- Staffing with social workers by 90%
- Provision of interpreting services

Staffing with interpreters by 46.15%

At this phase, as regards the staffing per Detention Centre, please be advised of the following:

PRO.KE.K.A. of Amygdaleza: 4 medical doctors, 2 nurses, 2 psychologists, 2 social workers, 3 interpreters, 1 administrative employee, 1 health visitor. PRO.KE.K.A. of Tavros: 2 medical doctors, 1 psychiatrist, 4 nurses, 1 psychologist, 1 social worker, 1 interpreter, 1 administrative employee, 1 health visitor.

PRO.KE.K.A. of Korinthos: 1 medical doctor, 5 nurses, 2 psychologists, 2 social workers, 1 interpreter, 1 administrative employee, 1 health visitor.

PRO.KE.K.A. of Drama (Paranesti): 1 psychologist, 5 nurses, 1 interpreter, 1 administrative employee.

PRO.KE.K.A. of Xanthi: 1 medical doctor, 5 nurses, 1 psychologist, 1 social worker, 2 interpreters, 1 administrative employee.

PRO.KE.K.A. of Orestiada (Filakio): 2 medical doctors, 5 nurses, 1 psychologist, 1 social worker, 2 interpreters, 1 administrative employee. PRO.KE.K.A. of Lesvos: 1 psychologist, 1 social worker, 1 interpreter, 1 administrative employee.

PRO.KE.K.A. of Kos: 3 nurses, 1 psychologist, 1 social worker, 1 interpreter, 1 administrative employee.

Within the foregoing, the Ministry of Health/Health Unit Societe Anonyme (A.E.M.Y. S.A.) makes efforts to staff by 100% the prescribed posts and to this end, tenders keep being announced based on the proper legislation, to staff with scientific personnel, but with delay owing to procedural matters. 2.-In addition to the foregoing, please be advised that the provision of the primary health care at the Pro,Ke.K.A. aims to the healthcare coverage of the immigrants as follows:

- Providing healthcare and prevention
- Psychological and social support, taking into account that they are under confinement conditions
- Preventing the diseases and infections from spreading among the detainees, the working staff in the Detention Centres and the broader community

(d) Support of the project of the above services with the participation of interpreters, so as to reduce the time of response to the needs of the detainees-aliens and to properly deal with the problems related to health issues, but also their stay and the facilitation of the communication of the aliens with the Hellenic Responding to the direct healthcare needs in the living space, so as to not burden the detainees-aliens and their companions, when it is possible and not considered necessary, by their transfer to a healthcare secondary unit

(e) Promoting an integrated approach for the healthcare, both through improving the health and living/detention conditions.

The patients-detainees are examined at the consultation room of the Detention Centre and if needed, they are provided with the proper pharmaceutical treatment. The medical test includes the taking of the medical record, a general clinical exam and if needed, referral to a laboratory test, with the purpose of tracing any infectious diseases (tuberculosis, sexually transmitted diseases, skin diseases) or other contagious diseases.

The incidents with alien detainees that cannot be dealt with by the doctors of the Detention Centre, they are referred to the hospital or tests accompanied by police officers, in a hospital on call or other proper hospital. If a alien needs to remain in hospital, the proper Police Service undertakes to guard him/her, until the return to the prison of the Pro.Ke.K.A.

To facilitate the work of the medical team of the scientific staff, the Ministry of Health/A.E.M.Y. S.A. is in the procedure of supplying medical equipment and pharmaceutical material.

In addition, within the implementation of the action "renovation-reconstruction and maintenance of the Pre-departure Detention Centres for Aliens (Pro.Ke.K.A.)", more sufficient spaces besides the consultation room, in every Detention Centre are provided for, to carry out private or group meetings in a way to ensure privacy (establishment of offices of psychologists, social workers, etc). To assure the medical confidentiality, for every detainee patient, the A.E.M.Y S.A.'s scientific staff keeps an electronic medical record with all the related medical data. The medical files are stored with safety and the number of access the members of the staff have to every kind of file is determined.

Paragraph 116: Request for furnishing information on the death of a detainee at the Pro.Ke.K.A. of Amygdaleza.

On 07/04/2018 around 00:40 hrs, a detainee¹, held at the Pre-departure Detention Centre for Aliens (Pro.Ke.K.A.) of Amygdaleza lost consciousness. Around 00:44 hrs, the Officer on duty at Pro.Ke.K.A. of Amygdaleza called EKAV (first aid service) to send an ambulance. Around 00:55 hrs, he called again EKAV to hurry and send an ambulance because the detainee would not come around. Around 01:20 hrs, the ambulance arrived and transferred the detainee to the

¹ In accordance with Article 11, paragraph 3 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, personal details have been deleted.

"SISMANOGLIO-AMALIA FLEMING" General Hospital of Attica accompanied by police officers, where he was reported dead.

While in detention, neither he nor any of the other detainees in the same cell informed the guard staff about a health problem in order to be transferred to a hospital for tests.

In addition, we report that the body was examined, upon order dated 07/04/2018, by a Forensic Doctor, who excluded the violent death since no abuse indications were found.

The exact causes of death will be reported after the findings of the autopsy-postmortem and toxicological exams, which have not been sent to us so far. The legal file of sudden death was submitted by the 1st P.D. of Acharnes to the Prosecutor at the Misdemeanours Court of Athens, according to the report no. 1019/29/18-d dated 04/11/2018.

4.-Detention of minor immigrants

Recommendations of paragraphs 126,127, 128, 129, 130 and 131

The issue of handling unaccompanied children but also in general, children of third country citizens is cautiously followed up by the Hellenic Police, and it is an issue of special care for our Services and within the social role and the mission of the Services, it is dealt with sensitivity and caution, so as to provide the required extent of protection to that sensitive age group. To this end, every case of illegal entrance of an alien child is notified and referred to immediately by the Police Services to the Prosecution Authorities (article 45 of Law 4375/2016, articles 25 and 32 of Law 3907/2011, and article 19 of the P.D. 220/2007).

In this context, in the cases of unaccompanied children or victims of human trafficking, the proper Prosecution or Police Authorities, after they take the necessary measures to identify and to find out their nationality, and then, to establish the fact that they are not accompanied, they make any possible effort to locate as fast as possible their family and to take immediately the necessary measures to assure their legal representation and if needed, their representation within the criminal proceedings.

In particular, in the detention areas of the illegally entered aliens (in the authority of the Hellenic Police) the unaccompanied children are separated from the other illegal immigrants and the required procedures to determine their minority are implemented with the assistance of the other Services and public agencies and associated Non-Governmental Organisations (NGOs). It is noted that as regards their detention, the unaccompanied children are under the protective guard status entirely provisionally until they are transferred to Hellenic Police premises, always in especially formed spaces and not together with other adults and then, according to the proper legislation, they are transferred in association with the National Social Solidarity Centre (E.K.K.A.) and Non-Governmental Organisations (NGOs) to proper open accommodation structures, only in the best interest of the children.

In the above context, all efforts are made so that the total number of the unaccompanied alien children that are under the Police's protective guard will be accommodated in proper areas in Amygdaleza Attica and in the Direction for Aliens in Thessaloniki (52. Pontou street and in the Department of Immigration Management of Saint Athanasios).

As regards the information on the re-opening of the former Special Unaccompanied Children Stay Area (E.X.P.A.A.) of Amygdaleza (Egg paragraph 126), please be advised that its operation had stopped since the beginning of 2017 and it re-opened for a short period of time, between 22/05/2018 and 09/07/2018, due to emergency cases and pressing needs and in particular, to receive eighty five (85) minors, which were transferred from the Pro.Ke.K.A. of Korinthos, following an operation of broad evacuation scale of the two unofficial accommodations of Patras (AVEX-LADOPOULOU) that resulted into the successful removal of six hundred eleven (611) of alien immigrants and refugees, among whom the above unaccompanied children, whose transfer was effected with special care into said space.

It is noted that special guidelines have been given to the local Police Directions of the East Aegean to constantly work with the Chiefs of Reception and Identification Centres (K.Y.T.) for the above purpose.

Besides the foregoing, please be advised that the national policymaking for handling the unaccompanied alien children, the law making for a reliable minority verification system and the creation of more structures to accommodate the unaccompanied children are standing requests of the Hellenic Police Headquarters, and the Ministry of Migration Policy has undertaken the obligatory formation of the proper legal framework to ensure the more efficient protection of the unaccompanied alien children that are in our country.

In the above context of the legislative regulation, the Law 455⁴/2018 was recently issued (GG A 130/18-07-2018) according to which the issues of the procedures of custody of the unaccompanied children and the further handling thereof were settled, in proper accommodation centres via the National Social Solidarity Centres (EKKA) of the Ministry of Employment, Social Security and Social Solidarity.

Also, the other proper Ministry of Migration Policy applies via the law making of the legal framework the operation of guest houses for the unaccompanied children, whilst at the same time an education plan prepared by the Ministry of Education is implemented for the minor refugees/immigrants.

5.-Refoulements

Besides the contents of the chapter on mistreatment, in relation to the refoulements (par.138-45), please be also advised of the following:

Paragraphs 136-145 of the Report describe the testimonies of immigrants who allegedly suffered unofficial violent sending backs (refoulements) to Turkey, not in compliance with the legal procedures. A reference is also made to incidents of violence and serious violations of human rights (beatings, thefts, lack of food, etc) as well as incidents according to which the access of refugees and immigrants to the asylum mechanism was blocked. Besides the Hellenic police Authorities, pars-military are allegedly involved in the acts of violation.

In relation to the charges, it is reminded that the Direction of Border Protection/HPH works towards the protection and promotion of the fundamental rights in the borders. Within the Joint Operations of Frontex, in conjunction with that objective, it supervises the police Services throughout the country and investigates in detail any incidents that are brought to their notice and raise suspicions of disciplinary offences.

It is noted that the reported behaviours and practices do not exist as an operational activity and practice of the staff of the Border Guard Services at all, which is mainly involved in actions to deal with the effect of illegal immigration in the greek-turkish borders.

The operational activity applied to prevent the entrance of immigrants into our country focuses on their location within the Turkish territory by using material means, while they move and approach the Evros river, and then on preventing them from crossing it, by using both lighting and sound signals on the Greek bank of the river, and the immediate arrival at the approaching point of floating patrols deployment. The respective Turkish Authorities are directly notified, in order to prevent the immigrants from entering the Greek territory. The action described above is fully legal and provided for by the Greek legislation, and it is imposed by the Schengen Border Code as well as the greek-turkish borders are also external borders of the Unified Schengen Space.

The operational action and practice followed in the cases of arrest of non-legal immigrants consists in their transfer to the Border Guard Services, in the formation of criminal legal file and in their transfer, after the end of the criminal procedure, to the Reception and Identification Centre (K.Y.T.) of Filakio Orestiada, for their further management according to the Greek legislation.

At the time of their arrest, their personal objects e.g. cell phones are recorded directly for each arrested person in a separate form, and these are delivered to them at the time of their departure from the detention areas. The detainees are served, in a language they understand, with information notes about their rights, whilst they are given the right to communicate on the phone with their relatives, lawyers, Consulates, Non-Governmental Organisations (NGOs) or other Organisations. During the above procedures, their rights are fully respected and their life and dignity is safeguarded.

The non-legal immigrants arrested by the Border Services of the Hellenic Police, return to Turkey, on the basis of a Bilateral Protocol of Readmission and the EU-Turkey Agreement. These returns take place as provided by the Border Transit Point of Evros Gardens and in no case via unofficial refoulements.

For the best operational response, the Hellenic Police Headquarters has issued standing orders, which are transmitted to the staff of the Border Guard Services in relation to the behavior of the police staff towards the immigrants and refugees, for the full respect of the fundamental human rights.

It is worth noting that the Greek police officers that operate in Evros over the last years are co-assisted by a staff of the European Border Guard and Coast Guard Organisation (Frontex), which by the Joint Operations held (Flexible Operational Activities and Focal Points), assists the National Operation "ASPIDA" with the purpose of strengthening the response to the greek-turkish borders. In particular, within the actions of Frontex, in the region of Evros a great number of officers, coming from various Member-States of the Organization has taken action, without having ever recorded some incidence of illegal refoulement or violation of human rights by police officers of the Border Guard Services. Said officers, always under the supervision of the Greek police officers, take part so much in the prevention operations (entrance prevention), as in the handling of immigrants after their location (procedures of verification of nationality, debriefing, interpreting, etc).

Following the investigation of a number of similar reported incidents by the proper Services of the Hellenic Police, it is concluded that the said complaints are not confirmed. In no case, should this fact leave any space to negative impressions, as to the very difficult operational work of the police staff during the handling of migrating flows in the greek-turkish borders.

At the same time, said complaints should not cancel the broad scale measures taken carried out in the region of Evros and which also show substantial and positive results in the field of immigrants handling.

In this context, the Hellenic Police will keep accomplishing its work with professionalism and respect to the human rights, whilst it will continue to look into ways of better handling of the borders and protection of migrating flows, fighting at the same time any arbitrariness case within it.

B.-Besides the foregoing, we have included in our planning on the application of the National Programme of the Domestic Affairs sector 20142020 (AMU') a number of actions related to the Detention Centres for Aliens and the returns, the implementation of which will contribute, by order of priority, to the increase of returns and the assurance of the living conditions with decent living conditions.

The common objective of the proper Services of our Ministry is to absorb the financing granted by the European Commission, but also of the funds scheduled to be spent in support of the efforts of our country to deal with the effect of the illegal immigration, working with other proper Ministries and agencies to this end.



HELLENIC REPUBLIC
MINISTRY FOR MIGRATION POLICY

**REPORT TO THE GREEK GOVERNMENT ON THE VISIT TO GREECE CARRIED
OUT BY THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT) FROM 10 TO 19
APRIL 2018**

Comments of the Ministry for Migration Policy

Regarding **paragraphs 96 and 97**: the increased arrivals through our land borders with Turkey resulted in the overcrowding of the Reception and Identification Center (RIC) of Fylakio. In order to remedy the situation and decongest Fylakio Reception and Identification Center, people were transferred to other open accommodation facilities in the mainland.

Since April additional places have been and are being created in the mainland. In particular 2.000 additional places have been created in apartments under the ESTIA programme, run by UNHCR and funded by the European Commission. The Ministry of Migration Policy has rented houses and hotels with 1.742 places in Grevena in the Western Macedonia region and in Volvi in the Central Macedonia region. Existing accommodation facilities have been extended providing around 2.500 accommodation places (Elefsina and Malakasa in the region of Attica, Andravida in the Western Greece region, Oinofyta in the Central Greece region, Kavala in the Eastern Macedonia region and Filippiada and Katsikas in the Epirus region). At the same time, an ongoing project with the cooperation of the International Organization for Migration for the gradual creation of 6.000 accommodation places in hotels is underway (till 18 December 2018, 5.182 places have been delivered).

Moreover, with the support of UNHCR 13 containers and 3 WASH containers have been installed Fylakio RIC to address some of the shortcomings in adequate functional capacity of the RIC. As of 18 December 2018 there were 239 persons hosted in Fylakio, with transfers to open accommodation facilities taking place regularly.

The average occupancy rate for July and August 2018 was 227 and 182 TCNs respectively.

Regarding mentioned cases of persons being accommodated in the RIC for longer periods of time it must be noted that these refer to more complex situations, especially regarding custody of unaccompanied and separated minors.

Regarding the recommendation to the increase of financial and staffing resources of the centre, its maintenance and refurbishment (through availability of sufficient funding in a swift manner), as well as for the provision of hygiene products and appropriate clothing it is to be noted that two complementary applications for Emergency Assistance funding have been submitted by the Greek Authorities regarding coverage of needs and operating costs of Fylakio RIC. The respective grant agreements are about to be signed, thus enabling the continuation and

enhancement of provided goods, works and services. Indicatively and not exhaustively, the grant agreement will include:

- Recruitment of fixed term staff for administrative support, legal support, assistance in the procurement process. (staffing resources)
- Procurement and distribution of clothing, footwear, bedding, sanitary items.
- Interpretation services.
- Provision of medical and psychosocial services.
- Procurement and installation of a compact wastewater treatment plant.
- Continuation of the provision of food catering services and provision of cleaning and hygiene services
- Procurement and supply of equipment for facility needs (i.a. heating equipment, additional air-conditioning unit, spare parts and tools), as well as works for repairs and maintenance

An open call from the Ministry of Health is underway to recruit additional medical staff, to be deployed from January 2019.

Whilst aware that problems and challenges remain, due to the ongoing migratory pressure towards Greece, the Greek Authorities continue relentlessly to take additional measures to effectively address possible shortcomings and gaps in the provision of care and support to the hosted population.

Regarding **paragraph 98** and the accommodation of women, children and men we would like to stress the fact that while it is a priority of outmost importance for the Greek authorities to guarantee family unity every possible measure is taken for the security and wellbeing of the people hosted in the RIC, including accommodation in separate units for families and single men. We acknowledge the challenge present to the efficient separation of some families with children and unrelated boys or men during the time of the Committee's visit. It is to be noted, however that the visit was carried out during April, the month of the year most heavily affected by arrivals at exceptionally high levels. Such a volume of migratory flows can result in a pressure to the reception centre and phenomena such as the above, but it does not in any way reflect a decision or a policy in this direction on behalf of the Authorities.

Moreover, it is to be noted that RIC staff is deployed to prevent any risk of sexual and gender based violence (SGBV), while SGBV focal points have been appointed to every RIC, SGBV incidents are being recorded and the SGBV monitoring tool is implemented, in an attempt to identify gaps and best practices in SGBV prevention and response and the coordination mechanisms between different actors.

Regarding **paragraph 99** it is to be noted that in Fylakio RIC, there are classes of Greek & English language, history and mathematics, dancing classes, football games and a range of recreational activities in cooperation with a national NGO.