



# International Covenant on Civil and Political Rights

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## Human Rights Committee 115th session

### Summary record of the 3204th (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Tuesday, 20 October 2015, at 10 a.m.

*Chairperson:* Mr. Seetulsingh (Vice-Chairperson)

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*In the absence of Mr. Salvioli, Mr. Seetulsingh (Vice-Chairperson) took the Chair.*

*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant (continued)**

*Second periodic report of Greece (continued) (CCPR/C/GRC/2; CCPR/C/GRC/Q/2 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Greece took places at the Committee table.*

2. **Mr. Xintaropoulos** (Greece), replying to an issue raised at the 3202nd meeting by Mr. Bouzid regarding the shots fired at 35 migrant workers on a farm in Manolada in April 2013, said that criminal proceedings had been brought against seven individuals, who had initially been charged with attempted murder and labour trafficking. However, following an appeal by the accused, the trafficking charges had been dropped and the other charges had been reduced from attempted murder to grievous bodily harm. Convictions had been secured against two of the accused, who had been sentenced to prison terms of 14 years and 7 months and 8 years and 7 months, respectively. The injured migrant workers had been granted residence status on humanitarian grounds.

3. The Government was taking all necessary steps to mitigate the detrimental effects of austerity-related measures on the national health-care system. It was, for example, seeking to curb pharmaceutical and hospital costs through the application of internationally accepted best practices with a view to allocating financial resources to system sectors with immediate needs, such as health-care services for persons with disabilities. As for the protection of the rights of mental patients, the Special Committee for the Monitoring of the Protection of Rights of Persons with Mental Disorders, which had been established pursuant to Act No. 2716/1999, was empowered to oversee the operation of mental health-care facilities, receive complaints and advise the Ministry of Health on related issues. The Special Committee had, for instance, issued detailed guidelines on the use of physical restraint, which was considered an acceptable safety measure when applied as a last resort, under strict medical supervision and for short periods. Following a recent tragic fire at a psychiatric hospital in Athens that had resulted in the death of three patients, a comprehensive review of security and safety procedures in such facilities had been initiated.

4. **Ms. Papageorgiou** (Greece), in reply to a question put by Mr. Politi, said that national awareness-raising campaigns designed specifically to address the problem of the underreporting of gender-based violence had resulted in an increase in the number of reported incidents of domestic violence against women. The current National Action Plan on Preventing and Combating Violence against Women would be subsumed under the new Action Plan on Gender Equality. Facilities for women victims of abuse included 21 shelters with a capacity for 454 victims, which were operated jointly by 19 large municipalities and the National Centre for Social Solidarity, and 20 counselling centres, which had provided services for 8,162 women in the period up to June 2015. Existing specialized training programmes for judges and prosecutors on the enforcement of relevant legislation would be continued as an integral part of the curriculum of the National School for Magistrates.

5. **Ms. Rossidi** (Greece) said that courts were able to distinguish between different domestic violence offences on the basis of the relevant provisions of Act No. 3500/2006 on domestic violence and the Criminal Code. In 2014, a total of 1,197 prosecutions had been brought in relation to cases of domestic injury and 307

convictions had been handed down. Mediation was also used as an alternative to more traditional retributive methods, with a view to meeting victims' needs while avoiding time-consuming and arduous court proceedings. Victims of domestic violence were not required to pay a fee to initiate criminal proceedings and were provided with free legal assistance, regardless of their income. The Government was of the view that the broad definition of torture set out in the Criminal Code covered rape and that there was therefore no need to include a specific reference to that offence in the Code. The Government had, however, in response to recommendations made by various international human rights bodies, drafted an amendment to the Code that would broaden still further the scope of the definition of torture.

6. **Ms. Zerva** (Greece), replying to a question asked by Ms. Waterval, said that the Government had ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto. In addition, it had moved forward with the process to ratify the revised European Social Charter. With regard to the enforcement of building regulations, mandatory on-site inspections were conducted to ensure that all work was carried out in strict accordance with building permits. Sanctions were imposed in the event of non-compliance with requirements. In order to support the work of the relevant inspection bodies, officials from various ministries had, in collaboration with the National Confederation of Persons with Disabilities, drafted guidelines to ensure that building inspections were conducted in a systematic and uniform manner.

7. **Ms. Toura** (Greece) said that the figures provided to the Committee concerning the percentage of children with disabilities attending school were unofficial and unreliable. The Ministry of Education was itself well aware of the need for a more solid database on children with disabilities and had therefore begun work, together with the Institute of Education Policy, on establishing an electronic database for all students with disabilities and/or special education needs aged from 4 to 25 years. The data collected would, among other things, enable the Ministry to develop a more holistic approach to inclusive education.

8. **Mr. Papaioannou** (Greece) said that the fact that the National Commission for Human Rights had for many years lacked full financial autonomy had not directly affected its independence. However, he was strongly of the view that the administrative and financial measures planned by the General Secretariat of the Government with a view to ensuring the Commission's financial viability would improve its capacity to function effectively.

9. **Mr. Shany** said that he appreciated the delegation's frank replies to the Committee's questions. In particular, he was grateful for the information provided at the 3202nd meeting on cases in which the national courts had referred to the Covenant and the Committee's Views. However, he would be glad if the delegation could submit, within 48 hours, further written information on decisions and opinions in that regard rendered by the courts since 2006. The information provided by the delegation suggested that the procedures available to give effect to the Committee's Views failed to provide a strong guarantee of the right to an effective remedy. The State party should therefore reconsider those procedures and take steps to ensure that victims of rights violations were able to obtain effective remedies, including the direct payment of compensation, where appropriate and necessary.

10. With regard to the information provided in paragraph 81 of the replies to the list of issues (CCPR/C/GRC/Q/2/Add.1) concerning the imposition of fees for the lodging of criminal complaints, he would like to know what criteria were used to determine which offences should be prosecuted by the prosecutor and thus exempted from such fees. He would also like to know what steps the Government took to ensure that the high fees charged for the filing of appeals against decisions by the prosecutor not to bring criminal proceedings did not deter victims from pursuing their cases before the

courts and thereby serve to impede their right of access to justice. He asked the delegation to comment on reports that the process for determining eligibility for legal aid and exemption from fee charges resulted in lengthy delays that rendered a criminal complaint irrelevant or ineffective. He would appreciate information on whether any assessment had been made of the practical impact of Act No. 4055/2012 on reducing the backlog of court cases and on the relationship between the compensation provisions contained in that Act and those in Act No. 4239/2014.

11. Turning to the issue of refugees, he said that the Committee was fully aware of the heavy burden borne by Greece in that regard and was greatly appreciative of the many manifestations of generosity and courage shown by private individuals and members of the Hellenic Coast Guard. The Committee was nonetheless concerned about numerous reports of incidents involving the illegal push-back of refugees, which had not been effectively followed up by the State party. He would therefore welcome information from the delegation on any investigations that had been conducted into the widely reported incidents that had occurred in the village of Praggi in the Evros region in November 2013 and near the island of Farmakonisi in January 2014. He also invited the delegation to comment on reports that migrants had been beaten by crew members of Greek military ships and had had personal items confiscated in two separate incidents that had occurred in September 2013 near the islands of Ikaria and Chios.

12. Lastly, he would like the delegation to comment on information that some non-governmental organizations (NGOs) representing minority groups had not been consulted over the preparation of the report.

13. **Mr. Bouzid**, referring to paragraphs 85 to 92 of the State party's replies, said that he would like to know what was being done to ensure full compliance with the provisions of Act No. 2776/1999 relating to the separation of pretrial detainees from convicted prisoners. He would also welcome information on the steps taken to improve the quality of health-care services in prisons and to address the shortage of prison staff. It would be interesting to know the interim results of the pilot project launched in May 2015 with a view to testing the use of electronic surveillance as an alternative to custodial sentences.

14. With regard to the processing of asylum applications, he asked whether the Government was taking any steps to address staff shortages and to amend legislation in order to expedite procedures. Only 6 of the 13 regional offices of the Asylum Service were in operation, which meant that many asylum seekers could not register their applications within the prescribed time limit and were therefore in danger of refoulement. While they were waiting to register, some asylum seekers and refugees were reportedly accommodated in facilities lacking adequate sanitation. He therefore wished to know what measures the State party intended to take to improve conditions in those facilities and whether there were plans to introduce the electronic registration of asylum applications or to offer legal aid to asylum seekers and refugees.

15. He wondered whether there were any plans to revise legislation in order to ensure the independence of the bodies that processed asylum applications and that heard appeals in the event of their rejection, and whether the Government was contemplating any measures to improve the treatment of persons in detention pending deportation or refoulement. What steps would be taken to address the problem of stateless refugees and of unaccompanied minors? Were there any plans to adopt a system that would permit legal access to European territory in order to prevent asylum seekers and refugees from becoming victims of traffickers?

16. On the issue raised in paragraph 23 of the list of issues, he said that the Supreme Court's position on the imprisonment of commercial debtors when a claim exceeded €30,000 was inconsistent with article 11 of the Covenant. He therefore asked whether

the Government might consider the unconditional prohibition of the imprisonment of persons owing commercial debt.

17. **Sir Nigel Rodley**, referring to paragraph 7 of the list of issues, which related to hate speech, asked whether it was true that only one conviction under Act No. 927/1979, as amended by Act No. 4285/2014, had been upheld on appeal. If that were so, why had it been deemed necessary to rebalance the law to allow more freedom of expression? He also asked whether it was true that the case in question, which had concerned the remark, “Thank God, not even 1,500 Jews are left in Thessaloniki”, could no longer have been brought under the amended version of that law, because the impugned statement was not directed at a specific individual. The European Commission against Racism and Intolerance had surely approved of only some aspects of the amendment. He would be interested to know whether a case could be brought only by an individual and not by the authorities of their own motion.

18. The reply to the issue raised in paragraph 17 of the list of issues, related to police custody, was rather laconic. Impunity for ill-treatment at the hands of the police seemed to be due primarily to a failure to implement the law in practice. He therefore wished to know how the national preventive mechanism, which was to be set up under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, would remedy the deficiencies described in paragraph 28 of the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT/Inf (2014) 26). He wondered whether any thought had been given to complying with that Committee’s recommendation that an audiovisual recording should be made of police interrogations.

19. With reference to the issue raised in paragraph 21 of the list of issues, he asked whether the recent drastic budget cuts in Greece had affected conditions of detention in police and border guard stations and pre-removal centres and whether consideration had been given to alternatives to detention.

20. Lastly, he found the reply to the issue raised in paragraph 26 of the list of issues somewhat impenetrable. He was therefore curious to know how the State party defined a minority and what its position was on a minority’s own right to determine that it was a minority. In that connection, he drew attention to general comment No. 23, paragraph 5.2. What objective criteria were used to establish whether Macedonian and Turkish communities in Greece were an ethnic, religious or linguistic minority? In view of the reference in paragraph 139 of the replies to the list of issues to the procedural reasons for not implementing judgements of the European Court of Human Rights, he asked the delegation to indicate at what point the State party would find the means of ensuring that its courts were not an obstacle but an avenue to permitting respect for freedom of association.

21. **Mr. Politi** asked, by way of a follow-up question, what stage had been reached in progress towards ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

22. Turning to the issue raised in paragraph 19 of the list of issues, he was anxious to know how many unaccompanied minors were present in Greece. What initiatives had been taken to avoid the detention of such minors, which was extremely distressing for the children concerned, and to detain them separately from adults in centres such as that in Amygdaleza? In that connection, he drew attention to paragraph 62 of general comment No. 35 and to the need to comply with articles 20 and 37 of the Convention on the Rights of the Child. He wished to know what procedures were followed in order to determine the age of the minor; whether any draft legislation had been presented in Parliament on the matter; what happened to unaccompanied minors for whom the

prosecutor was unable to appoint a guardian; whether a child could be placed in a community-based or family setting; and whether guardianship could be assigned to a person such as a director of a reception centre for minors. He would welcome the delegation's comments on reports that serious gaps existed in the protection of unaccompanied children and that the lack of appropriate shelter or transit facilities on the islands meant that they remained in police custody until they could be transferred to the mainland.

23. He also requested the delegation to comment on the fact that the duration of civilian service by conscientious objectors was often 66 per cent longer than the average length of military service. He wished to know how many conscientious objectors performing civilian service were discharged before they had completed the full term and whether it was true that dual nationals were not exempt from performing national service in Greece, even if they had served in the armed forces of another country. Was Greece still not a party to the European Convention on Nationality? He noted that, in the absence of the three non-military members of the special committee examining applications for recognition as a conscientious objector, that committee could still deliberate, with the result that on many occasions the decision was adopted by the military members. He would therefore be grateful for any information on initiatives to bring that committee under the control of civilian authorities. He asked how many applications for the status of conscientious objector had been approved or rejected in recent years and requested more specific information on the outcome of cases where the legitimacy and composition of the special committee had been challenged before a judicial authority. He invited the delegation to confirm that, in the years 2008-2012, 99 per cent of the applicants who had cited religious grounds and 40 per cent who had cited ideological grounds were granted conscientious objector status. He also requested the corresponding data for 2013-2014. As the criminalization of conscientious objection was a matter of increasing concern, he wished to know on what basis the Supreme Court had found that the repeated punishment of conscientious objectors was not a violation of the principle of *ne bis in idem* and was compatible with article 14, paragraph 7, of the Covenant. He asked the delegation to comment on alleged episodes in which Syrian refugees who declared themselves conscientious objectors had been subject to refoulement.

24. Lastly, with respect to the issue raised in paragraph 27 of the list of issues, he would appreciate information on measures to prevent and suppress the use of excessive force against demonstrators by the Hellenic Police. He would welcome the delegation's comments on reports of police discrimination against migrants and members of minorities. He also wished to know whether police officers were required by law to display their identification number, what was stated by any regulations on that subject, whether any failures to comply with such a requirement had been reported and whether there were any specific measures in place to ensure that police officers could be identified during demonstrations.

25. **Ms. Waterval** asked what objective criteria were used for the official recognition of a minority group and whether article 59 of Act No. 4057/2012, concerning the detention of migrants and asylum seekers on public health grounds, had been revoked. She commended the authorities and people of Greece for having welcomed vast numbers of migrants into their country.

26. **Ms. Cleveland** said that she supported the State party's efforts to assist the migrants entering the country. She asked what was being done to dissuade migrants from making deals with smugglers and taking life-threatening transit routes. She wondered whether safe and legal alternatives for migrants were being established and whether entry and processing were being facilitated in order to prevent migrants from resorting to taking dangerous routes. In that respect, she asked whether the authorities

were considering facilitating entry into the country from its land border with Turkey. She asked whether it was true that unregistered migrants had been prohibited from using public transport to get to registration centres and that, following registration, many migrants lacked the financial means to continue their transit onwards from the islands. If so, what action was taken to ensure that migrants were expeditiously transferred to registration centres and, in turn, could leave the islands?

*The meeting was suspended at 11.25 a.m. and resumed at 11.45 a.m.*

27. **Mr. Papaioannou** (Greece) said that, since the submission of the report, the State party had received over 260,000 migrants. Huge numbers of migrants continued to be rescued at sea and many people, including children, were dying in their attempts to reach the country. His country was at crisis point and the present discussion should be held in that light. It was a situation for which no country could ever have been prepared. While the vast majority of migrants qualified as refugees, they were not seeking asylum and the asylum system was therefore not placed under any extra burden. Negotiations were being held with the European Union to garner further support and all efforts by the international community, NGOs and volunteers were welcome. The migration crisis was not a Greek but rather an international problem, and a test for the core values of a democratic society. Xenophobic reactions and pressure to guard the country's borders at all costs ran counter to European Union values. Greece was guarding its borders in full respect for its obligations under international treaties to provide protection for migrants. Furthermore, discussions were ongoing with the European Union and other third countries regarding safe entry points into the country.

28. Members of the Appeals Committee were appointed not by the Government but by the Greek National Commission for Human Rights and the United Nations High Commissioner for Refugees Greece; and the related legislative reforms were not in response to any lack of independence on the part of the Committee. The allegations of violence against migrants committed by the Hellenic Police and Coast Guard dated back to 2012 and 2013 and, while it remained essential to conduct investigations into those offences, it should be recognized that they were not related to the current crisis.

29. **Ms. Koufopanteli** (Greece) said that Greek migration laws provided specific protection for vulnerable groups, particularly unaccompanied minors. The recently established First Reception Service currently operated from two reception centres and two mobile units, prioritizing support for third country nationals from vulnerable groups. Upon arrival at a centre, unaccompanied minors were identified, registered and informed of their rights in their mother tongue. They were provided with medical and psychosocial support and with all basic essentials. They were placed under the temporary guardianship of the public prosecutor and transferred to appropriate accommodation facilities. Where the age of a migrant could not be determined, the individual concerned was assumed to be a minor and treated as such while an assessment was carried out based on medical, cognitive and behavioural criteria, in line with guidelines of the United Nations High Commissioner for Refugees, to ascertain his or her age. Although inadequate human and financial resources put a strain on the service, it had nevertheless improved the conditions of reception on the outlying islands and would shortly be expanded through the construction of additional centres.

30. **Ms. Gavouchidou** (Greece) said that, even if unaccompanied minors crossed border areas where no reception facilities were in place, the standard procedures were followed. The police took measures to trace their families and they were placed under the temporary guardianship of the public prosecutor for minors or the competent local prosecutor. Return procedures were initiated in cases of unaccompanied minors who were not applying for international protection in accordance with the law. Return

procedures were subject to guarantees that the children were not at risk in their country of origin and took into account their best interests at every stage of the process. Data showed that some 1,255 migrant children had been detained in the first half of 2015 but did not distinguish between unaccompanied and other minors. Improvements were being made to the data-collection system in that regard.

31. **Mr. Papaioannou** (Greece) emphasized that the situation of unaccompanied minors remained a priority issue for the State party and required a holistic approach. Action in that area included the drafting of an action plan on children's rights, in cooperation with the Children's Ombudsman, with a focus on unaccompanied migrant children.

32. **Ms. Rossidi** (Greece) said that public prosecutors were not competent to provide permanent guardianship and childcare for unaccompanied minors, owing to limited resources and the low number of prosecutors with specialized training in that area. There was no care institution for the referral of such children and, since absconding rates among unaccompanied migrant children were high, individual guardians were reluctant to be assigned an unaccompanied child. The legal framework regulating the guardianship system was therefore under review. Provisional placements of unaccompanied minors with guardians were currently made on the basis of the Registry of Guardians and were closely monitored in accordance with the law.

33. **Ms. Gavouchidou** (Greece) said that Act No. 3907/2011, which governed the return and repatriation of migrants in an irregular situation, provided for detention for a period not exceeding six months, with the possibility of extension to up to 12 months in specific cases. Administrative detention was nevertheless considered a last resort and its enforcement fell under the jurisdiction of the Hellenic Police. Additionally, the National Action Plan on Asylum and Immigration had provided for the establishment of seven pre-removal detention centres, where migrants were guaranteed medical care and hygiene facilities. Migrants awaiting return to their country of origin were held in police stations only in exceptional cases, for a period not exceeding five days. Documents explaining migration-related procedures, from expulsion to guardianship of unaccompanied minors, had been translated into numerous languages and were accessible to the individuals concerned. Measures had been taken to improve the management of irregular migration and persons who had been detained for more than six months had been released. In addition, only 11 per cent of the capacity of pre-removal detention centres was currently filled, primarily by persons from Pakistan, Bangladesh and Iraq. Less restrictive alternatives to detention included voluntary departure, regular reporting to police authorities and the obligation to remain on specific premises.

34. **Ms. Rossidi** (Greece) said that, with the implementation of Act No. 4322/2015 on prison reform, the prison population had fallen significantly, thereby easing the problem of overcrowding. Criminal convicts were segregated from pretrial detainees and irregular migrants under administrative detention. Migrants with irregular status were not held in prison facilities or detained in police stations for extended periods of time.

35. **Ms. Gavouchidou** (Greece) said that all allegations of illegal push-backs of migrants were investigated and sanctions were imposed on any officials found guilty of such practice. The evidence necessary for the prompt and effective investigation of such offences was often scant, owing to the anonymity of complainants and the time lapse before submission of complaints.

36. With regard to the question concerning incidents in Praggi village in Evros, a criminal investigation had been conducted by the Director of the Security Subdivision of Orestiada at the request of the Public Prosecutor. It had concluded that the case



should be closed, since there was no proof that any offences had been committed. A preliminary administrative inquiry had also been conducted. It had not revealed any racially motivated acts by police officers that would have warranted disciplinary proceedings. The criminal investigation into the Farmakonisi case had been closed but the disciplinary investigation was continuing. A case was also pending before the European Court of Human Rights.

37. **Mr. Xintaropoulos** (Greece) said that the non-recognition of minority associations was not discriminatory. Greece intended to implement the judgements of the European Court of Human Rights by amending the Code of Civil Procedure to provide a legal remedy.

38. **Mr. Kastanas** (Greece) said that the general Greek approach to policies concerning the Muslim minority in Thrace was based on the 1923 Treaty of Lausanne, international human rights treaties and an assessment of objective facts and criteria pertaining to the composition of the minority.

39. The principle of self-identification was respected. The country's inhabitants were completely free to declare their origins, to speak their language, to practise their religion and to preserve their customs and traditions. However, the State's decision to recognize a group as a minority and to grant it rights supplementing those enshrined in human rights treaties must be based not only on subjective claims but also on objective facts and on legal, cultural, linguistic, historical and ethnological criteria. Some members of the Muslim minority spoke Turkish; others spoke Romani or Pomak.

40. More than 2.5 million people lived in the northern region of Macedonia. They did not consider that their ethnic identity was distinct from that of the rest of the Greek population. The political group calling for recognition of a separate Macedonian minority had obtained just 0.1 per cent of the vote in recent elections to the European Parliament. Moreover, the European Court of Human Rights had dismissed the claim by the Home of Macedonian Civilization that it was a victim of violations of the principle of non-discrimination.

41. The Committee's general comment No. 23 on article 27 of the Covenant stated that the existence of a minority should be established by objective criteria. The judgement of the European Court of Human Rights in the case of *Gorzelik and others v. Poland* concluded that Contracting States were not obliged by international law to adopt a particular concept of "national minority" in their legislation or to introduce a procedure for the specific recognition of minority groups. He agreed, however, that a State which relied solely on objective grounds for refusing to recognize a group as a minority should ensure that the persons claiming to belong to the minority enjoyed all human rights.

42. With regard to follow-up to the Committee's Views, the Optional Protocol to the Covenant contained no provision granting just satisfaction and the Committee's Views could not be invoked to quash judgements by the domestic courts or acts by the domestic authorities. A procedure for incorporating Views into the Greek legal order was therefore required.

43. **Mr. Xintaropoulos** (Greece) said that litigation fees were deemed to constitute a proportional preventive measure against abuses of legal remedies. They were not imposed in cases of ex officio prosecution or in legal proceedings instituted by victims of domestic violence or sexual exploitation.

44. Act No. 4055/2012 concerning the administration of justice would be amended over the next few years on the basis of a holistic approach. The Ministry of Justice would focus on ensuring unimpeded access to justice for socially vulnerable groups.

Action would also be taken to harmonize judicial practice with the case law of the European Court of Human Rights.

45. With regard to imprisonment for debt, according to the Supreme Court's interpretation of article 1047 of the Code of Civil Procedure, detention was barred in cases where a debtor's non-fulfilment of a contractual obligation was due to his or her financial inability to pay the debt. That interpretation was reflected in the amended version of the Code.

46. With regard to conscientious objectors, according to a recent decision by the European Committee of Social Rights, the legal framework of alternative service was in conformity with the European Social Charter. It had a purely social dimension, involving employment in hospitals or in support of other public services. With regard to persons who objected to both military service and alternative service, insubordination was characterized in criminal law as a continuous offence. Insubordinates were therefore liable to face multiple charges. As every refusal to report to the military authorities was viewed as a separate offence, the Supreme Court had concluded that multiple convictions did not breach the principle of double jeopardy or *ne bis in idem*. Military service obligations were not applicable to persons over the age of 45.

47. **Ms. Kourti** (Greece) said that difficult living conditions and the rise in criminality were key problems for Greek society. The mission of the Hellenic Police was to ensure peace, public order and social development, to prevent and suppress crime and to protect the State and democracy within the framework of the constitutional order. The Hellenic Police Chief's Circular Orders provided for cooperation between the police and representatives of the media in order to defend freedom of the press.

48. Police officers were required to wear a uniform, the badge of the Hellenic Police, the badge of their unit and rank, and an identification number. The officers of the Order Maintenance Unit bore a distinctive number on their helmets. When public order was disturbed and citizens were involved in unlawful incidents, police officers intervened in accordance with the applicable law and regulations. Police operations were not conducted against Roma or other vulnerable groups.

49. **Mr. Papaioannou** (Greece) said that pressure was brought to bear on police officers by the police hierarchy to wear identification numbers.

50. The previous Minister of Public Order and Citizen Protection had met with journalists who had been victims of excessive police force and had expressed his solidarity and willingness to introduce more safeguards. In addition, a bill to be introduced by the Ministry of Justice provided for the removal of an article permitting lawsuits and heavy fines against the press.

51. **Ms. Rossidi** (Greece) said that measures had been taken to improve health-care services in all prisons and correctional facilities. Although efforts had been made to recruit a considerable number of medical staff in recent years, only a few positions had been filled. Following the recent reform of the primary health-care system, 25 local prisons had been officially designated as special referral centres in the national primary health-care network. However, problems persisted on account of the acute shortage of nursing staff. High priority was therefore being given to close cooperation with the Ministry of Health and the directors of the competent health districts. A committee at the Ministry of Justice had submitted a proposal to integrate Korydallos Prison Hospital into the national health system.

52. With a view to lifting the ban on recruitment due to austerity measures, all prison staff, including medical and nursing staff, were included in a public-sector programme

that would enter into effect in November 2015. A proposal for the recruitment of at least 500 employees for detention facilities would be submitted to the Government for approval.

53. **Ms. Papageorgiou** (Greece) said that the Secretary-General for Gender Equality had established a working group to draft a bill on ratification of the Istanbul Convention that would be submitted to the Greek Parliament.

54. **Ms. Rossidi** (Greece), replying to a question regarding the principle of non-refoulement, said that the Hellenic Police Headquarters had appointed national trainers among the Hellenic Police and Hellenic Coast Guards to provide courses in the protection of fundamental rights. A national focal point for fundamental human rights in the context of border management had also been appointed and the Frontex fundamental rights training manual for border guards had been translated into Greek. A network of regional focal point officers had been established to monitor fundamental rights. Fifty police officers in 25 police directorates provided for exchanges of information and best practices on incidents involving violations of fundamental rights by police authorities.

55. **Mr. Shany** said that there were persistent allegations of push-backs of refugees, at both land and sea borders, during 2015. He acknowledged that they were not all substantiated and that even those that were substantiated should not necessarily entail criminal proceedings. However, the fact that very few legal proceedings had been instituted, allegedly owing to lack of political will, could give rise to a culture of impunity. The Committee would appreciate receiving statistics regarding investigations of push-backs leading to criminal or disciplinary proceedings and convictions. If no such figures were available, the State party should report on how it proposed to increase accountability.

56. The hotspot approach might be an effective means of regionalizing or internationalizing efforts to deal with the massive inflow of refugees. Provision should be made, however, for adequate safeguards to prevent the generation of an accountability gap. The State party remained responsible for ensuring that reception and processing facilities complied with its obligations under the Covenant.

57. **Sir Nigel Rodley** said that the Covenant did not require recognition of minorities as such. It simply stipulated that persons belonging to an ethnic, religious or linguistic minority should have the right to enjoy their own culture, to profess and practise their own religion and to use their own language. As the provision was not confined to ethnic groups, he queried the State party's tendency to focus on whether the Macedonian group was a separate ethnos. He also failed to understand why a group wishing to assert its identity as a minority was denied the right to register as an association. It was essential to respect the right to freedom of association enshrined in article 22 of the Covenant.

58. **Mr. Politi** noted that the State party intended to set up a mechanism that would be used to appoint provisional guardians for unaccompanied minors. He asked whether community-based or family-type settings would be taken into account in making such decisions and whether the assistance of qualified professionals would be sought.

59. **Mr. Kastanas** (Greece) said he agreed that the right to freedom of association must be respected and could be restricted only under the conditions laid down in relevant articles of the Covenant.

60. **Mr. Papaioannou** (Greece) said that the Greek authorities would be adopting a set of proactive policies within the next few months to promote equal treatment and non-discrimination and to expedite the elimination of long-standing social prejudices and stereotypes, particularly vis-à-vis vulnerable groups.

61. A legislative initiative would address issues of concern to the lesbian, gay, bisexual and transgender (LGBT) community. The civil partnership option would be extended to same-sex couples and provision would be made for legal recognition of gender identity.

62. The Criminal Code would be amended to reflect new categories of crime, such as globalized terrorism, cybercrime and inter-State offences, and to address hate speech and hate crimes. Outdated provisions, such as article 347 on unnatural indecency and articles 198 and 199 on blasphemy, would be repealed.

*The meeting rose at 1 p.m.*