

HELLENIC REPUBLIC
GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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<p>Comments on Draft Presidential Decree by the Ministry of Public Order titled ‘Code of Police Ethics’</p>
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The Commission has already translated into Greek, published and distributed to the Greek police force the Pocket Book on Human Rights for the Police entitled “International Human Rights Standards for Law Enforcement” (United Nations High Commissioner for Human Rights). This is why the Commission while examining the abovementioned draft expressed its concerns about its effectiveness, given that there would be two different manuals distributed, thus causing confusion as to the applicable standards and rules. Moreover, the Commission made a series of observations:

(a) in the draft there is no provision regarding the policeman’s obligation to be aware of and apply all international binding rules concerning human rights protection;

(b) the draft does not provide for the policeman’s criminal and disciplinary immunity in case of disobeying his/her superior’s order which is in breach of human rights law,

(c) there is no provision regarding the policeman’s obligation both to abstain from any act of corruption and to oppose it;

(d) there is no specific provision about the use of firearms, as provided for in the “Basic Principles on the Use of Firearms by Law Enforcement Officials” adopted by the UN High Commissioner for Human Rights;

(e) the Commission underlined the fact that there is no special provision addressing the special care to be given to vulnerable social

groups, such as asylum seekers, migrants, women, children, disabled, old or sick persons;

(f) the absence of stringent rules concerning the law enforcement officials' conduct during the investigation procedure, emphasizing the personal security of the detained persons, the prohibition of torture or any other cruel, inhuman or degrading treatment and some other procedural points;

(g) the right to personal security, to a fair trial and to privacy should be mentioned more explicitly.

The Minister of Public Order took into consideration the observations of the Commission, and the Presidential Decree No 254/2004 which was finally issued, encompassed almost the whole of the observations mentioned above, except for the one regarding policemen's immunity. Yet, the Commission continues to express its reservations as to the efficiency of this Code, and maintains that the Manual produced by itself was, probably, more consistent with international and European human rights law.

1 July 2004