THE GREEK OMBUDSMAN
INDEPENDENT AUTHORITY



## NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE AND ILL-TREATMENT

# OPCAT

## ANNUAL SPECIAL REPORT

## 2022-2023

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Annual Special Report 2022-2023 in accordance with Article 23 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of the General Assembly of the United Nations (OPCAT), ratified by Law 4228/2014.

This report presents the Greek Ombudsman's activities for years 2022-2023 within its mandate to act as the *National Torture Preventive Mechanism*, in accordance with article 2 of Law 4228/2014. The information presented herein is based on visits and on-site inspections of the Greek Ombudsman's senior investigators at detention facilities. The final editing was supervised by the Deputy Ombudsman responsible for the National Preventive Mechanism ("NPM"), Mr. Yannis Moschos.

NPM senior investigators team: **Kostas Antoniadis, Chrysoula Antoniou, Vicky Vasilantonopoulou, Nikos Vittis, Petroula Vorria, Maria Voutsinou, Dimitra Giazitzi, Nikos Douladiris, Kalliopi Zouvia, Evangelos Thomopoulos, Eleni Kalampakou, Maria Karavolou, Zoe Karamitrou, Ioanna Kouvaritaki, Eleni Koutroumpa, Maria Liadi, Olga Lyssandropoulou, Anna Lytra, Katerina Maleviti, Evaggelia Markaki, Katerina Marketaki, Elena Markou, Maria Mavrogeni, Alexandra Moschopoulou, Evanthia Benekou, Aimilia Panagou, Fotini Pantelidou, Maria Papadimitraki, Giannis Petsas, Stergios Preventis, Aggelina Sora, Kalliopi-Aikaterini Triantafyllou, Michalis Tsapogas, Katerina Fliatoura, Chrysa Chatzi, Dimitris Chormovitis.**


| | |
|---|---|
| NPM Secretariat: | **Ismini Michalopoulou** |
| Editing: | **Evanthia Benekou, Maria Papadimitraki, Michalis Tsapogas** |
| English language editing: | **LEXICON, www.Lexicon.com.gr** |
| Publication coordination: | **Library, Archive and Publication Department** |
| Artistic design and layout: | **KAMBILI SA, Nikoletta Michelaki, info@kambili.gr** |


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The Special Report was printed in 2024 by the National Printing Office in 1000 copies and is available online at **https://www.synigoros.gr**

ISSN: 2623-3703

© **The Greek Ombudsman**
17 Halkokondyli St., 104 32 Athens
213 1306 600
www.synigoros.gr
Synigoros tou Politi – THE GREEK OMBUDSMAN
@Synigoros

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# FOREWORD BY THE GREEK OMBUDSMAN



# FOREWORD BY THE GREEK OMBUDSMAN

The Optional Protocol to the UN Convention *"against torture and other cruel, inhuman or degrading treatment"* established a mechanism which allows international and independent national bodies to monitor the conditions of deprivation of liberty with a view to preventing acts of torture or cruel, inhuman or degrading treatment or punishment. Its ratification by the national delegation in 2014 has raised new challenges and created increased responsibilities for the Ombudsman: With many years of experience and broad expertise and know-how in the protection of fundamental human rights, the Greek Ombudsman has undertaken the role of the National Preventive Mechanism provided for in the Protocol, i.e. the role of an independent national body that monitors conditions at detention facilities.

Having now completed a decade as the National Preventive Mechanism, the Greek Ombudsman has expanded its expertise, enriched its experience and built stronger international synergies. Following an initial mapping and recording of the conditions at detention facilities across the Greek territory, the Greek Ombudsman continued to monitor the progress of identified problems and distortions and the Administration's response for their elimination, through systematic inspections at correctional facilities, police station cells and coast guard detention facilities, pre-removal detention centres for foreigners, involuntary hospitalisation facilities and welfare institutions. The Greek Ombudsman has highlighted constant, long-standing problems, such as overcrowding, inadequate or zero basic services and unsuitable spaces and infrastructures. The Greek Ombudsman has further contributed, through observations and recommendations, to a critical evaluation of the institutional framework that governs the national correctional and welfare policy.

This report, covering years 2022 and 2023, follows the same structure as the previous ones, thus aiming to help the reader draw conclusions on the progress of the situation relating to detention facilities. It presents the main findings

generated from the numerous on-site inspections that were carried out by the National Preventive Mechanism's teams over the past two years; presents the Greek Ombudsman's observations and remarks on the amendment of the framework governing correctional and welfare policy, and highlights the main findings of the investigations conducted by the Greek Ombudsman.

As regards the key findings of the Greek Ombudsman's on-site inspection, it is worth noting that the major issued identified at detention facilities still persist. Overcrowding is a constant situation, while it will be interesting to assess whether the recent establishment of a technical service in the General Secretariat for Anticrime Policy will contribute to the essential and urgent response to infrastructure issues. During the period covered by the report, the Greek Ombudsman, as the National Preventive Mechanism, conducted the first full inspection of the entire Korydallos prison complex. Its findings, as included in the relevant on-site inspection report, echo those of the Council of Europe's Committee for the Prevention of Torture (CPT), following a similar visit.

As regards the institutional framework, this report sets out the Greek Ombudsman's observations and assessments of the legislative amendments introduced to the Correctional Code. It highlights in particular the introduction of a special remedy available to detainees with regard to detention conditions, the creation of High Security Correctional Facilities, the introduction of stricter conditions for prison leaves and transfers to Rural Correctional Facilities and the mandatory operation of educational units. As regards the remedy provided for in Art. 6A of the Code, the Ombudsman pointed out that his contribution would be even more substantial if he gained knowledge not only of the rulings issued on prisoners' appeals, but also of the appeals themselves, so as to be able to inform the competent judicial council of any reports available on the conditions at the facilities concerned.

In terms of investigation findings, the level of health services and the coverage of health needs was the subject of a questionnaire that was prepared by the Ombudsman and distributed to correctional facilities across the country in 2022. The investigation confirmed the Ombudsman's basic observations on the long-standing deficiencies of health services offered to prisoners, in particular the deficiency in permanent medical and nursing staff, the poor mental health services provided and the problems identified in the provision of health services to uninsured prisoners.

The Greek Ombudsman continued to invest in strengthening its cooperation with international organisations and national counterparts. In fact, in 2023 the Ombudsman assumed the chairmanship of the South-Eastern Europe Network of National Preventive Mechanisms against Torture, organising two meetings of

representatives of the Network countries, in Thessaloniki and Athens, on the challenges of providing psychiatric care in prisons and policies and practices of prisoner education, vocational training and skills development, as a right and as a tool for their reintegration, respectively.

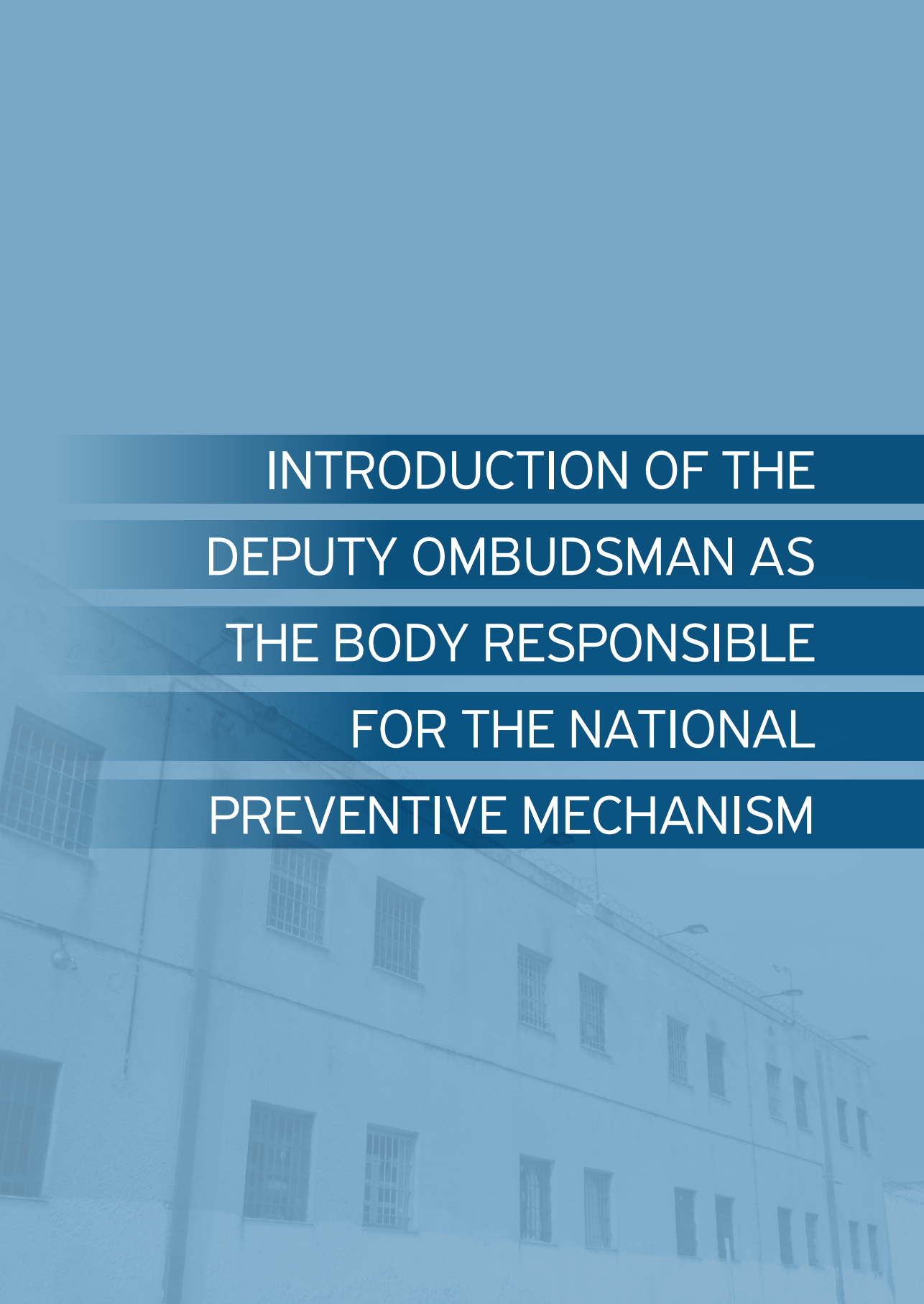
Entering its second decade, the Ombudsman's National Preventive Mechanism against Torture will continue, in a non-negotiable and consistent manner, to thoroughly and comprehensively record detention conditions across the country and to make appropriate recommendations with a view to ensuring that detention conditions meet the requirements of the rule of law and the requirements of the legal and political culture of the 21st century.

**Andreas I. Pottakis**

*The Greek Ombudsman*

*September 2024*

# INTRODUCTION OF THE DEPUTY OMBUDSMAN AS THE BODY RESPONSIBLE FOR THE NATIONAL PREVENTIVE MECHANISM



# INTRODUCTION OF THE DEPUTYOMBUDSMAN AS THE BODY RESPONSIBLE FOR THE NATIONAL PREVENTIVE MECHANISM

Ten years have passed since the Ombudsman took over as the National Preventive Mechanism against Torture and the readers of the respective annual reports promptly realise that the same observations are made over and over again. One reasonably wonders, what conclusions should be drawn from the fact that the reports mention the same issues again and again? The identified problems indeed seem to persist or even increase from one year to the next, but in the end, one inevitably concludes that they are attributable to inherent and structural deficiencies in our correctional mechanism. As invariably emphasised in each NPM report, these deficiencies cannot be addressed by simple ad hoc interventions or by implementing recommendations for specific measures. On this basis, the NPM will continue to make parallel interventions on specific and general issues, record its findings, submit its recommendations to the relevant national or international bodies and publish its findings following its mandate.

At the core of these structural deficiencies lie fundamental choices made by the legislators in their constant efforts to balance out security and human rights concerns. Matters of everyday prison life are addressed in the short term through legislative correctional planning. But in the long run, the mark left by the criminal legislative planning is more decisive, as it defines the prison population. This is a constant and difficult dilemma:

- Correctional legislation is governed by the fundamental principle that the

State's criminal authority is limited to imposing sentences and defining their duration,

- Criminal legislation often succumbs to the temptation to link prisoner rights with the nature of the offences committed in order to convince the public opinion of the effectiveness of general prevention.

Regardless of political or ideological choices, this major issue is subject to criticism in light of the legal framework in force, given that the law is quite clear:

- *"Any discriminatory treatment of prisoners is prohibited"* [Article 3(1) of the Correctional Code],
- *"Special treatment of prisoners is permitted... if it is favourable to the prisoner and intended to meet individual needs arising from the prisoner's situation"* [Article 3(2)],
- *"During the execution of the sentence, no other individual rights of the prisoners are restricted except their right to personal freedom. Prisoners are not prevented, by reason of their detention, from freely developing their personality and exercising the rights conferred on them by law"* [Article 4(1), (2)].

In practice, however, these declarations are inevitably limited, as the legislator:

- Links the exercise of prisoners' rights (e.g. the right to prison leaves or transfer to rural correctional facilities) with the nature of the crimes of which they were convicted,
- Constantly increases the duration of the sentences having little regard to the overcrowding of prisons and its effects on the living conditions of the prisoners.

As the National Preventive Mechanism, but also within our general power to intervene whenever personal complaints are filed, it is within our mandate to focus on the specific living conditions, e.g. compliance with legal standards at the accommodation areas, health coverage, food and cleanliness, as well as on social integration prospects, by addressing matters pertaining to prisoners' prison leaves, communication, education and vocational training. But recommendations on specific issues sometimes run up against not so much reluctance on the part of the Administration but rather, on systemic features of the national correctional system. To address this issue, the Ombudsman does not merely cite the problems identified through inspections or detainee complaints, but constantly seeks to draw conclusions from practice on the field. In this context, the Ombudsman among others:

- conducts its own investigations with the cooperation of the Correctional Facilities, like this year's health services survey,

- ensures the effective monitoring and analysis of all relevant institutional developments.

This practice, moreover, is dictated by the State's fundamental choice to accede to all international conventions that protect the rights of detainees, such as the Optional Protocol to the United Nations Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The existence and functioning of a special body, like the one provided for in the above Protocol, is justified not so much when it solves specific or individual cases, but rather, when it processes more general recommendations with a view to drawing attention. In this sense, the Ombudsman, as the National Preventive Mechanism, remains optimistic that its recommendations contribute to the long-term solution of structural problems, as it considers itself an ally, rather than an opponent, of the correctional administration authorities.

Apart from the Ombudsman's interventions on Correctional Facilities, the same rationale governs the Greek Ombudsman's involvement with all other places of detention, as most issues are consistently and invariably identified across all those places. In all these cases, just as in prisons, the specific problems identified in detention conditions stem from the general structural-systemic failure / inertia that characterises the entire sector. These are police station cells and coast guard detention facilities or administrative detention facilities for foreigners, as well as psychiatric detention facilities or even closed welfare facilities, which have up to this date not received the attention they deserve. All relevant material is thoroughly presented in the relevant section of this report.

**Yannis Moschos**

*Deputy Ombudsman for Human Rights*

*September 2024*

# INSTITUTIONAL FRAMEWORK AND 2022-2023 REVIEW



# 1. INSTITUTIONAL FRAMEWORK AND 2022-2023 REVIEW

## 1.1. Legal framework

The Optional Protocol of the Convention of United Nations against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is an international human rights treaty that was adopted in 2002 by the UN General Assembly and entered into force in 2006. It reflects the States parties' consensus and common belief for the need for a preventive approach against the ill-treatment of persons deprived of their liberty who are thus especially vulnerable. In that light, States parties have adopted a broad definition of "torture", which includes not only the systematic infliction of pain but also any inhumane and degrading treatment which undermines human dignity. The use of torture offends human dignity and aims at dehumanizing the victim. Apart from constituting a criminal act according to national and international legislation, torture is attacking the very core of human civilization. Detention facilities, such as prisons, detention facilities for migrants, psychiatric hospitals and police station cells, to name a few, pose potential threats to human dignity.

Greece ratified the aforementioned Optional Protocol with L.4228/2014, making it an integral part of its domestic law which prevails over any contrary provision of the law (Article 28, par.1 of the Greek Constitution). Article 2 of L.4228/2014 stipulates that the Ombudsman is designated as the National Preventive Mechanism against Torture and Ill-Treatment. Its mission includes the regular monitoring and inspection of the treatment of persons deprived of their freedom and the submission of recommendations and remarks regarding the legislation in force or the proposed legislation. By Article 4 of Law 4228/2014, the National Preventive Mechanism was authorised to conduct inspections in all public and private detention facilities with or without prior notification of the competent authorities. Such facilities may include prisons, police station cells, psychiatric hospitals, administrative detention facilities for foreigners, welfare institutions, etc. Moreover, in compliance with international practices, those visits may take

place in non-working days and even at night time. During the visits, the NPM may collect data using any available means, including inspection of all detention premises, interviews and photographs. Moreover, the Ombudsman has access to any archives, documents, evidence or files (Article 103(9) of the Greek Constitution and Law 3094/2003).

In that context, the NPM proceeds to the planning of its operations embarking from the solid conviction that, constituting the heaviest restriction against freedom, detention must be an exceptional measure and must be imposed only when it cannot be avoided and alternative measures cannot be implemented.

## 1.2. NPM operation in years 2022-2023

The years 2022 and 2023 were the ninth and tenth years, respectively, that the Ombudsman exercised its special powers as the National Preventive Mechanism (NPM) according to Law 4228/2014, by which Greece ratified the Optional Protocol to the UN Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

The extraordinary circumstances caused by the spread of the COVID-19 pandemic, in particular the restrictive measures imposed on both the general population and detention facilities, have created, in the immediately preceding years, unprecedented circumstances for NPM's operation, forcing NPM to seek alternative ways to carry out its mission. Thus, until 2021, the Greek Ombudsman largely suspended its main activities (on-site inspections at detention facilities) and focused primarily on the remote monitoring of living conditions of detainees, on safeguarding the rights of persons under deprivation or restriction of liberty, by engaging in correspondence with the Administration, investigating detainee complaints and having its members participate in international meetings with counterpart institutions for the exchange of experience and know-how based on recent developments. It was only around the end of year 2021 that the Greek Ombudsman resumed its regular functions, following an assessment of the latest data and after informing the competent authorities. This report therefore covers the first two years of the reboot period.

## 1.3. Cooperation and international networking

NPM delegations have participated in the operations of the South-East Europe NPM Network, focusing on the detention conditions of elderly and disabled persons (Vienna, June 2022) and the treatment of mentally ill minors and adolescents (Vienna, November 2022). The Network aims to help national mechanisms exchange know-how, cooperate and develop joint initiatives to meet effectively

the requirements of their specific duty to prevent torture. For 2023, the Ombudsman chaired the Network[1] and organized two members meetings, one in Thessaloniki (1-2.6.2023) and one in Athens (30.11-1.12.2023).



*Athens Conference SEE NPM*

The first meeting, held in Thessaloniki[2], focused on the challenges of providing psychiatric care in prisons. The main conclusions/recommendations[3] unanimously adopted by the members of the Network emphasize, among other things, that the therapeutic treatment of prisoners should not be qualitatively different from the mental health care provided to the general population. Therefore, despite the difficulties arising from the fact that prison psychiatric hospitals carry out among others prison functions, as detention facilities, the therapeutic purpose of individualised psychiatric care should not be undermined. The integration of therapeutic activities (psychotherapeutic programmes, occupational therapy programmes, exercise in prison yards) and the adequate staffing of the facilities with appro-

1. https://www.see-npm.net/2023/02/10/1st-meeting-of-2023-announcement/
2. https://www.synigoros.gr/api/files/download/472304
3. https://www.see-npm.net/wp-content/uploads/2023/06/1st-meeting-Conclusions-on-Monitoring-Mental-Health-Units-in-Correctional-Facilities.pdf

priately trained personnel of all necessary specialties (psychiatrists, psychologists, occupational therapists, social workers, nurses) are essential conditions for the improvement of the health services provided to mentally ill prisoners. Compliance with medical ethics and clear allocation of responsibilities among the medical/nursing staff and prison officers are critical in safeguarding the dignity of detainees/patients and their right to informed consent to treatment.



*Athens Conference SEE NPM*

The second meeting, held in Athens, focused on educational, vocational training and skills development policies and practices for prisoners as a right and as a tool for their reintegration. The key conclusions/recommendations[4] adopted unanimously highlight, among other things, the need to design a long-term strategy for prison education, focusing on early intervention and reintegration policies. Equal access to education should, in particular, be ensured for vulnerable groups, including young people, women and prisoners with cognitive or learning difficulties. In order for educational policy and practice to meet international standards, it is essential to provide the necessary means (infrastructure, staff, incentives)

4. https://www.see-npm.net/2023/12/19/announcement/

that reinforce the prisoners' right to education and training. As part of the overall public education policy, prisoner education should be designed and implemented with due regard to the specific educational needs of the population (with due regard to age, gender, nationality, literacy, etc.), while ensuring unhindered access of prisoners to education and training programmes and their participation throughout the programmes' duration.



*Thessaloniki Conference SEE NPM*




*Thessaloniki Conference SEE NPM*

Both meetings resulted in unanimous conclusions and recommendations on the challenges of providing psychiatric care in the context of prison custody[5], on the reinforcement of prisoners' rights to education and training and on the need to provide the necessary means which ensure that educational policy and practice meet international standards[6].

Lastly, the Ombudsman participated in the symposium *"Inter Dialogues: education in prisons"* organised by the University of Peloponnese in the context of the Postgraduate Programme *"Dramatic and performing arts in education and lifelong learning"* (Nafplio, 4.4.2022).

5. https://www.see-npm.net/download/conclusions-1st-meeting-2023/?wpdmdl=2416&refresh=658166e4579d11702979300
6. https://www.see-npm.net/download/conclusion-2nd-meeting-2023/?wpdmdl=2491&refresh=6581674e2435d1702979406

# INSTITUTIONAL DEVELOPMENTS



# 2. INSTITUTIONAL DEVELOPMENTS

## 2.1. National legislation

### 2.1.1. Correctional Code Reform (Law 4985/2022)

Law 4985/2022 *"Correctional Code Reform and Modernization - Amendments to Law 2776/1999"* has introduced radical amendments to the Correctional Code. It highlights in particular the introduction of a special remedy available to detainees with regard to detention conditions, the creation of High Security Correctional Facilities, the introduction of stricter conditions for prison leaves and transfers to Rural Correctional Facilities and the mandatory operation of educational units.

In its detailed remarks[7], the Ombudsman identified the positive and negative aspects of the bill and reiterated his firm position on the need for a general review of the correctional system. The starting point of Greek Ombudsman's observations and recommendations was its consistent position that any initiative to amend the provisions governing the organisation and operation of criminal justice must be taken *"in the light of a 'holistic' reevaluation of the criminal justice system, covering its various aspects, namely, legislative (penalty system), judicial (sentencing) and punitive (detention conditions), as well as the interaction between them, all in the context of a cohesive medium-term criminal and penitentiary policy"*[8]. In this context and given that the bill introduces significant amendments to critical provisions of long-standing Correctional Code (Law 2776/1999), the Greek Om-

7. https://www.synigoros.gr/api/files/download/444548

8. Ombudsman, Special Reports of the National Preventive Mechanism 2014 https://old.synigoros.gr/resources/docs/eng_web.pdf (p. 159), 2015 https://old.synigoros.gr/resources/docs/npm_2015_en.pdf (p. 137), 2017 https://old.synigoros.gr/resources/opcat_2017_en.pdf (p. 24), 2018 https://old.synigoros.gr/resources/annual-special-report-2018-national-preventive-mechanism-against-torture-and-ill-treatment.pdf (p. 22) and 2019 https://old.synigoros.gr/resources/docs/eee_opcat_2019_en.pdf (p. 24).

budsman observes, in principle, that the national correctional system needs to be reviewed in all its individual elements with a comprehensive approach and a long-term perspective, rather than by means of short-term, individual and piecemeal interventions. In this context, a need arises for an overall reform of the Correctional Code, further to and in compliance with the recent reforms of other fundamental instruments of the penal law (Penal Code, Code of Penal Procedure), in order to incorporate the subsequent European and international developments[9] in the national legislation and draw from national and international experience. The Council of Europe's CPT Committee's recommendation points in the same direction[10].

***Chapter B: General Principles and Rights of Detainees***

Article 8 of the Bill has added Article 6A to the Code: according to the explanatory memorandum of the Bill's Impact Assessment Report, *"a special remedy for detention conditions at correctional facilities is introduced in order to fill a gap in the Greek legislation, which led the ECtHR to establish violations of Article 3 of the ECHR, due to the detention conditions prevailing in many correctional facilities"*. Indeed, this is a long-standing proposal of the Legal Council of the State, which had led to a proposal for a law that was submitted to the Greek Parliament[11] in July 2021, but was never discussed. During its visit to Greece in May 2022, the Department for the Execution of Judgments of the ECtHR had asked the Ombudsman specifically about this remedy[12]. The reduction of the number of unimplemented ECtHR judgments is a primary

9. See inter alia, the recent (2020) revision of the Council of Europe's *"European Prison Rules"* and the earlier (2015) revision of the UN's *"Minimum Basic Rules for the Treatment of Prisoners" ("Nelson Mandela Rules")*, as well as the contemporary trends of ECtHR judgments on issues of prison policy and prisoner treatment.
10. CPT Report 2.9.2022: https://rm.coe.int/1680a7ce96 (p. 45): *"to ensure that prisons move away from merely warehousing persons in overcrowded, dangerous and poor conditions with no purposeful activities to places which offer decent living conditions and prepare persons for reintegration back into the community upon their release ... This is not merely a problem to be resolved by the Ministry of Citizens Protection (which is currently responsible for prisons) but one that must be addressed by the Government, as a whole, together with the Hellenic Parliament and the judiciary. Reforming the prison system is a long-term project which must go hand-in-hand with urgently improving the daily life of prisoners"*
11. Proposal for a law https://www.hellenicparliament.gr/UserFiles/c8827c35-4399-4fbb-8ea6-aebdc768f4f7/11332797.pdf and explanatory memorandum https://www.hellenicparliament.gr/UserFiles/c8827c35-4399-4fbb-8ea6-aebdc768f4f7/11332795.pdf
12. https://www.coe.int/en/web/execution/-/greece-consultations-with-authorities-on-the-execution-of-echr-judgments

objective of the proposed regulation - a perfectly legitimate objective, which, however, should not be viewed as an end in itself.

The Ombudsman's key position with regard to the proposed prisoners' appeal is in principle that, from a fundamental rights perspective, it is a necessary yet inadequate measure for general improvement of detention conditions, which often fail to meet the statutory standards, raising issues of violation of Article 3 ECHR on decent living conditions, as the Ombudsman has found during his visits to Correctional Facilities in his capacity as the National Preventive Mechanism against Torture and Inhuman or Degrading Treatment. Over time, not only the Ombudsman, but also the Council of Europe [cf., *inter alia*, recent report of the Committee against Torture (CPT)], has made strong remarks about poor detention conditions. The main legal objective should not therefore be an effective domestic remedy for prisoners and the avoidance of convicting judgments against Greece, but rather, the continuous improvement of living conditions in all Correctional Facilities, in particular in those heavily overcrowded. Clearly, a potential reduction in the number of ECtHR convictions should not cause the slightest complacency with regard to the essential justificatory purpose of correctional policies.

In addition, the Ombudsman's primary objective is to be as efficient as possible as a National Preventive Mechanism against Torture and Inhuman or Degrading Treatment, in addition to its annual reporting to the Greek Parliament and the competent Ministries. In Article 8(6), the bill states that *"decisions rendered on the appeals referred to in this Article shall be notified to the Ombudsman by initiative of the Ministry of Citizen Protection"*. This is a positive step, as it ensures a constant flow of information from the competent Ministry to the National Mechanism in terms of decisions related to prisoner appeals. However, as a National Mechanism with a preventive function, the Ombudsman could possibly contribute even more to the effectiveness of this remedy, by being notified also of the prisoners' appeals, so as to bring to the attention of the Court which is responsible for the execution of the sentence any available reports on the conditions prevailing in the detention facilities concerned.

Specific issues are identified in the differences between the bill and the previous proposal of the Legal Council of the State, such as: (i) failure to meet the living standards prescribed in specific articles of the Correctional Code, in Article 3 of the ECHR and in other rules of international law on the treatment of prisoners is no longer solid grounds of appeal, as it must also have a (potentially) adverse effect on the physical or mental health of the prisoners [Article 8(1)]. This condition effectively limits the effectiveness of the rules. Will the justification referring to Article 3 in ECtHR judgments on the gravity of

the rule that is violated or the Council of Europe's Committee against Torture (CPT) treatment guidelines suffice to establish a potentially adverse effect on the physical or mental health of detainees, or will the detainees bear an additional burden of proof every time? (ii) The restoration of the appellant, in the judgment of the Court which is responsible for the execution of the sentence consists primarily, according to the draft law [Article 8(3)], in measures that ensure decent living conditions within the same detention facility or, failing that, in the transfer of the prisoner to the prison hospital or other public hospital or, lastly, in the transfer of the prisoner to another detention facility. In any case, the Court may award damages on ground of moral harm [Article 8(4)]. As an alternative to specific remedial measures (*"which ... are either impossible to implement or inadequate"*, Article 12(4) of the LCS proposal), the Legal Council of the State had also proposed to include an option for beneficial calculation of the appellant's sentence. This potential measure is not included in the proposed bill of law, despite the fact that favourable calculation of the sentence is believed to be associated with work / education incentives, etc., and may also be viewed as a compensatory measure against unequal treatment due to poor conditions while serving the sentence[13].

***Chapter C: Correctional Policy Implementation Bodies***

Article 10 of the Bill has added paras. 2A & 2B to Article 9 of the Code as follows: Given that *"in case a detainee's transfer request is rejected by the Central Committee for Prisoners Transfers ("KEM"), a new transfer request may be submitted after three months"*, we propose that KEM should adequately justify its dismissive decisions – an obligation that is provided for in the relevant provisions of the Code of Administrative Procedure but rather ignored in practice. Moreover, it could be further added that KEM may also hear the detainee's attorney, in addition to the detainee himself.

Article 10 of the Bill, amending Article 9(3) of the Code: In the same context, we propose to introduce a specific obligation for KEM to adequately justify all unfavorable transfers, not initiated by a detainee's request.

Article 11 of the Bill, amending Article 10(1) of the Code: the possibility of replacing the social worker in the Prison Board by a prison officer or an administrative official is problematic as their qualifications and duties vary significantly.

13. Supreme Court Prosecutor's Opinion 2/2019 on criminal detainees in police station cells.

***Chapter D: Prisoner Categories***

Article 12 of the Bill, amending Article 11(5) of the Code: the phrase *'seriously disrupting inmate living conditions'* as a reason for transfer is considered vague. The categories of problems should be specified in terms of content, even merely indicatively.

Article 13 of the Bill, amending Article 12 of the Code: the Ombudsman considers it necessary to supplement the proposed provisions with special regulations that focus on juvenile prisoners, taking into account the specific needs of minors, the objectives of the correctional system to the extent juveniles are involved in it, as well as the basic obligations arising from the Convention on the Rights of the Child (CRC, Law 2101/1992) and other international and European instruments.

Given the obligation to give priority to the best interests of the child (Article 3 CRC), it is considered appropriate that the Bill prescribes all measures necessary to mitigate the negative effects of detention, to the extent possible, and create the appropriate conditions for the smooth psychosocial and intellectual development of minors, with a view to ensuring their ability to assume a creative and participatory role in society[14].

Building on this objective[15], the Council of Europe rules on juvenile offenders subject to sanctions or measures provide detailed guidance on detention conditions. Among others, they stipulate that minors should not be detained in adult detention facilities, but rather, in spaces specifically designed for minors[16]. In the context of international law, the Convention on the Rights of the

14. United Nations Rules for the Protection of Juveniles Deprived of their Liberty, adopted by General Assembly resolution 45/113 of 14 December 1990.

15. European Parliament (2014-2019) P8_TA(2017)0385, European Parliament resolution of 5 October 2017 on prison systems and conditions (2015/2062(INI)): *"30. Reaffirms the importance of ensuring that children in prison are treated in a manner that takes into account their best interests, including being held separately from adults at all times, also during prison transfers, and having the right to maintain contact with their families unless a court rules otherwise; regrets that in some Member States juvenile offenders are detained in facilities together with adults and are thus exposed to risks of abuse and violence and deprived of the specific care that a vulnerable group needs; recalls that Directive (EU) 2016/800 on procedural safeguards for children states that alternative measures are preferable; calls on the Member States to establish attendance centres for adolescents"* https://www.europarl.europa.eu/doceo/document/TA-8-2017-0385_EN.pdf.

16. In the context of Council of Europe law, the ECtHR has ruled that the practice of having minors detained together with adults can lead to a violation of Article 3 or Article 5 of the ECHR. ECtHR, *Güveç v. Turkey, Nart v. Turkey.*

Child contains a separate provision on the deprivation of liberty of children, according to which children must be separated from adults unless this is contrary to the best interests of the child (Article 37(c) of the CRC) – a requirement that must be specifically substantiated following an individualised multidisciplinary assessment.

Based on the above, the enactment of a provision is proposed as follows: *"Prisoners over 15 years of age and younger than 18 years (adolescents) shall be held in detention facilities or sections of youth detention facilities reserved exclusively for them. Detainees over 18 years of age and younger than 21 years (young adults) shall be held in different detention facilities or in different spaces or sections from those dedicated to adolescents, having no contact with other adult detainees."*

Accordingly, it is considered imperative to introduce special regulations for juvenile prisoners with regard to other detention conditions (e.g. prohibition of solitary confinement in prison, prison leaves regime, provision of psychological support services and specialised counselling) including, in particular, with regard to education, vocational training of children (see below in the comments under Article 35 of the Bill) and social integration after release (post-prison care[17]).

Special matters:

Article 13 of the Bill, amending Article 12(2) of the Code: the conditions and terms of operation of independent facilities will hereafter be determined by a joint ministerial decision rather than by a presidential decree, as was done up to now. However, the requirement for a presidential decree provided stronger safeguards for the protection of the rights of minors.

Article 13 of the Bill, amending Article 12(3) of the Code: it is appropriate to provide that young (post-teenage) prisoners will only be transferred to Type A Correctional Facilities as described in the Bill.

Article 13 of the Bill, amending Article 12(5) of the Code: detention in police station cells is considered totally inappropriate for detainees of these ages and renders minors even more vulnerable, as they meet none of the conditions with regard to the needs of minors. This provision should be omitted, mainly because, in practice, judicial transfers can take a long time.

Article 14 of the Bill, amending Article 13(1) of the Code: separate reference could be made to transgender detainees.

17. Article 15(e) of Recommendation R(87)20 and para. 28.2 *"Beijing Rule"*.

Article 14 of the Bill, amending Article 13(3) of the Code: the Ombudsman has repeatedly pointed out that the best interests of children and their smooth social integration require their attendance in kindergartens outside the Correctional Facility, as in-prison kindergartens could lead to further institutionalisation and stronger stigmatisation. After all, the unhindered communication and continuation of the children's relationship with their parents, even when the latter are imprisoned, and their protection against discrimination, as well as the treatment/response to the serious trauma caused to children as a result of this development in their lives, are enshrined in the International Convention on the Rights of the Child, in particular in Article 2 (protection against discrimination), 3 (taking into account the best interests of the child in all decisions), 6 (protection of the life and development of the child), 9 (right of the child to his or her family) and 12 (expression of the child's views on any matters concerning the child). Broad reference to this issue, based on specific thematic axes, is also made in Recommendation CM/Rec (2018) of the Committee of Ministers of the Council of Europe to member states[18]. The Recommendation among others outlines the fundamental principles governing the protection of the rights of vulnerable children of imprisoned parents and the increased vigilance required in this regard. It also establishes an obligation to take into account the best interests of the child when imposing the sentence and designating the Detention Facility, as well as the principle of financial and psychosocial support for the family, the need to provide the staff with proper training/education to implement the above purpose and the obligation to collect data and ensure communication.

Article 14 of the Bill, adding (4) to Article 13 of the Code: the provision for establishment of a special psychiatric and hospital department for female prisoners at the Women's Correctional Facility of Eleonas in Thiva, in the hope that conditions at the Korydallos Psychiatric Hospital for prisoners will be simultaneously improved, is considered a positive development.

***Chapter E: Organisation and Operation of Correctional Facilities***

Article 20 of the Bill, amending Article 19(3) of the Code: the establishment of *"High Security Correctional Facilities"* functioning as disciplinary prisons and serving prisoner transfers based on the nature of the offence, should be accompanied by a basic outline of their specificities, especially with regard to

18. Available here: https://edoc.coe.int/en/children-s-rights/7802-recommendation-cm-rec20185-of-the-committee-of-ministers-to-member-states-concerning-children-with-imprisoned-parents.html.

any additional restrictions on the rights of prisoners, such as the right to communication. In this respect, the fact that legislator makes no reference in this regard could be interpreted by the Administration as a blanket authorisation.

Article 21 of the Bill, adding Article 19A(1) to the Code: the Ombudsman expresses his concern regarding the effective operation of Rural Correctional Facilities in the future. As it is commonly known, in order to be fully operational, these Facilities need people with special expertise in animal husbandry, cheese production, etc., and adequate staff to carry out the agricultural and animal husbandry operations (ploughing, sowing, flocking, etc.). Taking into account these particular characteristics and the introduction of stricter transfer conditions, questions inevitably arise as to the operation of these facilities in the future. In particular, the fact that the stricter conditions applied to prison leaves reduce the number of prisoners who are eligible for a leave, coupled with the fact that a transfer to a Rural Correctional Facility will only be available for prisoners who have been granted a prison leave at least once, could potentially weaken Rural Correctional Facilities - a development already visible following implementation of the provisions of Law 4760/2020, as was timely noted by the Ombudsman[19] and clearly follows from the current allocation of prisoners [20] (second half of September 2022: Agia of Chania: 77 prisoners in 178 available posts; Kassandra: 169 prisoners in 308 available posts; Tiryntha: 98 prisoners in 302 available posts; and Kassaveteia: 132 prisoners in 274 available posts, while the entirety of Correctional Facilities are seriously overcrowded, as the CPT Committee of the Council of Europe consistently points out in its recent report[21]). In light of this situation, prior to any legislative intervention on the conditions of transfer, it would be useful to carry out a study on the population of Correctional Facilities across the country in order to assess the number of prisoners that meet the formal conditions for transfer to Rural Correctional Facilities, so as to establish whether there are sufficient numbers of prisoners to keep these Facilities in fully operative status or whether there is a risk that these facilities will gradually die out. It is, after all, commonly accepted that Rural Correctional Facilities have a soothing effect on prisoners and at the same time offer professional training that is useful for their smooth social reintegration. In addition, the products produced in these

19. Comments on the Bill *"Correctional Law Regulations and other provisions of the Ministry of Citizen Protection"*: https://www.synigoros.gr/api/files/download/4.
20. Based on data originating from the competent General Secretariat: https://www.minocp.gov.gr/file/2022/10/03102022statistika.xls.
21. CPT Report 2.9.2022: https://rm.coe.int/1680a7ce96 (p. 9).

facilities cover the supply needs of other Facilities or are resold in the market, thus offering an important financial aid that cannot be disregarded.

Article 21 of the Bill, adding Article 19A(3) to the Code: High-risk factors, as a criterion for the transfer of prisoners to the newly-established High Security Correctional Facilities, is vaguely linked to the nature of the offence committed, without an individual assessment of each prisoner or any procedural guarantees, by derogation from the principle of proportionality.

Article 23 of the Bill, amending Article 21(5) of the Code: the vague provision that *'cells and wards need not essentially comprise a lavatory, provided that there is a sufficient number of separate common bathroom facilities'*, without defining a specific ratio, could create significant problems for the personal hygiene of prisoners, considering the overcrowded conditions currently prevailing.

***Chapter F: Admission and Stay of Prisoners in Correctional Facilities***

Article 28 of the Bill, adding para. 2A to Article 27 of the Code: the establishment of a surgical dental department at the Special Health Centre for Prisoners in Korydallos is considered a positive development.

Article 32 of the Bill, amending Article 32(1) of the Code: the requirement to employ professional cooks is understandably intended to improve and ensure a better quality of food, yet at the same time is bound to reduce - if not eliminate - the number of prisoners that currently work in prison kitchens. Given that several prisoners normally work in the kitchens, one reasonably wonders how prisoner wages will be affected and how the possible reduction of work posts will be counterbalanced.

Article 32 of the Bill, amending Article 32(5) of the Code: it appears that prisoners will no longer have a right to purchase additional food and fruit from the prison's associate supplier. Given that the food offered on the premises is often inadequate (as the Ombudsman consistently notes in the context of inspections), both in terms of quantity and nutritional value, the quality of food could change for the worse. It is also important to note that there is a several-hour gap between the last meal of the day and the next morning, during which prisoners can consume foods and fruit they have purchased privately.

***Chapter G: Educational Programmes and Free Time of Prisoners***

Article 35 of the Bill, amending Article 35(2) of the Code: in addition to what is noted above under the comments on Article 13 on juvenile prisoners, it is noted that, under the current legislation (Art. 2 of Law 1566/1985), pri-

mary and secondary education (including all high-school grades) is compulsory for prisoners under the age of 16. Moreover, as already noted, this obligation is borne by the students rather than by the State, which must in any case ensure unhindered and effective access to education for all eligible children. An explicit provision should therefore be added to Article 35 of the Code, requiring primary and secondary education schools to operate in all Juvenile Correctional Facilities and at the Volos Juvenile Correctional Facility, in accordance with the applicable European Prison Rules[22] (e.g.: *"All juvenile prisoners who have not completed compulsory schooling must have access to appropriate educational structures. All necessary primary and secondary education establishments shall operate in juvenile detention facilities"*). The wording of Article 35(2) of the Code, which applies to all correctional facilities, including the one in Volos: *"each Correctional Facility, including the Volos Juvenile Correctional Facility, may comprise primary and secondary education units, i.e. Primary Schools, High Schools or Second-Chance Schools, General or Vocational High Schools, Public Vocational Training Institutes, Vocational Training Schools, Public Lifelong Learning Centres and Greek Language Departments"*, appears to be problematic especially with regard to minors, based on what is stated above.

Moreover, according to the educational laws effective in Greece and what is mentioned above, a departure from the general rule of compulsory education (Article 2 of Law 1566/1985) for minors up to the age of 16 years, regardless of the educational grade, as stipulated in the proposed Article 35(5) of the Code ("primary education is compulsory for young prisoners") does not seem to be justified. This restrictive regulation is inconsistent with the above framework and with the relevant provision of Article 28 (1) CRC. The above provision should be therefore eliminated and replaced by a regulation dictating compulsory education at the Correctional Facilities and at the Volos Juvenile Correctional Facility.

***Chapter H: Prisoner Employment Status***

Article 45 of the Bill, amending Article 47 of the Code: the inclusion of working prisoners or prisoners attending vocational education and training programmes or Vocational Training Institutes, including interns and apprentices, in the insurance against accidents is considered a positive development.

22. Article 35.2. European Prison Rules, https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae

***Chapter I: Communication Rights***

Article 47 of the Bill, amending Article 52(3) of the Code: it is noted the Bill makes no specific reference to minors visitations rights. However, according to the Council of Europe's Recommendation CM/Rec(2018), every prison must comprise child-friendly waiting areas and visitation rooms, where the children feel welcome, safe and respected (e.g. with toys, books and equipment for all ages). Visiting spaces must be suitable for play and quality time, allowing for physical contact with the parent. The classification of minors based on age, and the requirement for children over 8 years old to meet with their parents in common visiting rooms, is considered extremely problematic and seems to lack any rational foundation. In accordance with Article 9 (3) of the Convention on the Rights of the Child: *"States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests."*

Article 50 of the Bill, amending Article 55(1) of the Code: Particularly strict conditions are established with regard to regular prison leaves, while the explanatory memorandum fails to mention the reasons for this change, such as, for example, failure to make proper use of a leave or increased criminality involving prisoners on leave. In any case, in a number of cases it has been ruled by the courts[23] that prison leaves, as an institution, imply the legislator's acceptance of the possibility that the leave may be violated - an option made in light of the beneficial effects of leaves on prisoners, e.g. maintaining family bonds, psychological relief, etc. Reducing the number of leaves granted is bound to lead to further overcrowding. Moreover, it appears that the punitive nature of the punishment is reinforced at the expense of the correctional objectives pursued by the Code, which aims at the smooth reintegration of prisoners in the community[24]. The sentence actually served increases to 12 years for prisoners sentenced to life imprisonment, again without justification, from 10 and 8 years in the previous years. The 22-year actual sentence for prisoners under multiple life imprisonment sentences is also considered to be excessively onerous. Twenty-two years is an extremely long period of time to exclude a prisoner from the society, without other reasons justifying

23. Cf. among others: Ruling no. 132/2001 of the Judicial Council at the Misdemeanours Court of Patras, *Armenopoulos* mag. 2001 p. 1412, and Order no. 71/2003 of the same Council, *Praxi & Logos toy Poinikou Dikaiou* mag. 2003 p. 116.

24. Cf. Ombudsman's Special Report *"Regular Prisoner Leaves"* (2008): https://old.synigoros.gr/resources/6982_5_1-.pdf

such exclusion. Moreover, during such long period of time, the prisoner may commit a disciplinary offence, which will only reduce further his/her eligibility to be granted a leave. For some offences, the time served and the gravity of the sentence is not a formal criterion for the granting of a leave, but rather, the offence itself (for which the prisoner has already been punished and seems to be punished again through the execution of the sentence imposed by the court). Indeed, in these situations the law fails to specify what the formal condition is for a prisoner's eligibility for a leave. Thus, one reasonably wonders whether leaves are abolished as a whole for prisoners convicted of these offences. Lastly, nothing in the explanatory memorandum indicates objectively how the increase in the number of years of actual service and the reduction in the number of days of leave are causally linked to crime prevention.

Article 51 of the Bill, amending Article 56(1) of the Code: the total leave is reduced from 45 days to 42 days without any explanation in the explanatory memorandum.



*Korydallos - teaching room*



*Korydallos - ward E*

Article 53 of the Bill, amending Article 58(1) and (2) of the Code: additional formal requirements are imposed for the granting of educational leaves, e.g. minimum time served, while stricter criteria for denial are introduced, blatantly inconsistent with the smooth reintegration objective.

***Chapter J: Alternative Forms of Execution of Sentences involving Deprivation of Liberty***

Article 55 of the Bill, amending Article 60 of the Code: disproportionate and unjustified restrictions are introduced in relation to semi-free living, again by derogation from the smooth reintegration objective.

***Chapter K: Prisoner Transfers***

Article 62 of the Bill, adding para. (5) to Article 75 of the Code: The introduction of restrictions on the amount of time spent by prisoners in Correctional Facilities for judicial purposes before and after the trial is considered a positive development.

Article 64 of the Bill, amending Article 77(2) of the Code: the requirement for a written justified briefing to be submitted whenever a transfer is postponed both to the authority that ordered the transfer and to that conducting it, and the obligation to inform the authority that conducts the transfer, of any high-risk factors, including infectious diseases, are considered positive developments.

***Chapter L: Transitory and Final Provisions***

Article 75(1) of the Bill: Requests for transfers on grounds of personal, family, educational or health reasons submitted and pending with KEM are collectively set aside without a right to prioritised review in case of resubmission. This way, however, the lack of action or procrastination of the Administration is eventually detrimental to the prisoners.

Article 76 of the Bill: Article 64 of the Correctional Code on community service is repealed (without replacement), as it is apparently considered as lying within the competence of the Ministry of Justice. This, however, dissociates the institution of community service from the general prison policy framework.

### 2.1.2. Community service for convicted persons (Joint Ministerial Decision no. 56169/17.11.2022)

The new Penal Code (Law 4619/2019) provides for the consideration of community service as time served (Article 81) and for the conversion of imprisonment into community service under certain conditions (Article 104A). However, for a long time the secondary regulatory framework specifying the conditions of community service was not enacted and the implementation of the above provisions was suspended indefinitely by article 98(1) of Law 4623/2019.

Already in 2019, in the observations submitted to the Ministry of Justice in the context of the partial revision of the new Penal Code and the Code of Penal Procedure (Law 4620/2019), the Ombudsman pointed out that the indefinite suspension of community service constitutes renunciation of an *acquis* generated by an institution that was effective in our country for thirty years and could lead to further decline of the national correctional system. The Ombudsman proposed to reinforce the existing community service bodies by upgrading their infrastructures, establishing new ones, providing them with appropriate human resources and adopting all necessary regulations for their effective operation[25]. The Om-

25. Ombudsman, Annual Report 2019 p. 179 https://old.synigoros.gr/?i=stp.en.annualreporten.683296 and National Preventive Mechanism against Torture and Ill-Treatment, OPCAT

budsman addressed the issue of community service once more in 2020, as part of the comments and observations submitted on the Bill *"Correctional Law Regulations, provisions for the Security Staff Pension Funds and other provisions of the Ministry of Citizen Protection"* (later Law 4760/2020), highlighting the need to strengthen the institutions and measures that serve the objective of social reintegration[26].

It was not until late 2022 that the Ministers of Finance, Labour and Social Affairs, Justice and Internal Affairs issued Joint Ministerial Decision No. 56169 (Government Gazette Series B, Issue no. 6259/12.12.2022), setting the regulatory framework of community service as a main or alternative sentence. According to the specific provisions of the JMD, the entities employing prisoners in community service are registered in a digital platform, which is created and operated by the Central Service of the Ministry of Justice for the purpose of providing a steady flow of information to sentence execution prosecutors and social assistance officers, with clear and thorough reference to each entity's details and a detailed description of the community service positions filled as well as of vacancies.

In particular, once the court order imposing community service is notified and forwarded by the public prosecutor to the competent Social Welfare Officers' Service ("YEKA") for execution, an assessment is carried out of the personal, financial and social characteristics of the convicted person and of his/her social background, for the purpose of placing him/her in the right position. A proposal is thereafter prepared and submitted to the competent sentence execution Prosecutor. If the proposal is authorised, the latter orders the local YEKA to execute the order, by designating the appropriate Body and the community service start date.

Throughout the time community service is offered, attendance records are kept and ad hoc checks are regularly carried out by the competent Social Assistance Supervisors, to ensure effective implementation. The JMD was to enter into effect three months after its publication in the Government Gazette, so as to allow time for carrying out the procedures necessary for the operation of the digital platform for registration of community service bodies. Its thorough implementation is now expected in order to assess and address any potential problems.

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Annual Special Report 2019 p. 23 https://old.synigoros.gr/?i=human-rights.en.recentinterventions.538227

26. National Preventive Mechanism against Torture and Ill-treatment, Annual Special Report 2020-2021 p. 35 https://www.synigoros.gr/api/files/download/435606

### 2.1.3. Administrative detention: Closed Controlled Facilities for asylum seekers and migrants

The migrants Reception and Identification Centres (RICs) operating in Greece (on 5 Aegean islands, i.e. Lesvos, Chios, Leros, Kos and Samos) and on the land borders with Turkey (Evros) have drawn the Ombudsman's attention and given rise to various proposals since their opening in 2016, in relation to various issues pertaining to organisation, living conditions, asylum procedures, geographical restrictions, treatment of persons belonging to vulnerable groups, etc.[27] Beyond the Greek Ombudsman's general duty to protect the fundamental rights, however, the Greek Ombudsman's special powers as a National Preventive Mechanism against Torture and Inhuman or Degrading Treatment (NPM) are gradually shifting from the reception of newcomers to their detention.



*Paranesti Pre-removal Detention Centre*

27. See Ombudsman's annual reports. See also special report *"Migration flows and refugee protection – administrative challenges and human rights"*, April 2017 https://old.synigoros.gr/?i=human-rights.en.recentinterventions.434107

Law 4636/2019 now expands and extends the measure of administrative detention by three main regulations: (i) the detention of all asylum seekers, in lieu of the option to keep in detention those who have submitted an asylum application; (ii) the establishment of Closed Reception Centres; and (iii) the independence of the administrative detention period from the administrative detention for return, for the purpose of avoiding the 18-month time limitation provided for in the Return Directive (2008/115/EU). In his critical remarks to the Greek Parliament, the Ombudsman commented that all provisions of this law raise issues of compliance with the principle of proportionality in relation to detention - i.e. in relation to what is the strictest restriction of freedom according to the Greek Constitution and Article 5 of the ECHR[28].



*Phylakio Pre-removal Detention Centre*

It was subsequently clarified that the introduction of Closed Reception Centres, which would be organised as Pre-Removal Centres (*"ProKeKA"*) by the Hellen-

28. https://old.synigoros.gr/resources/30102019-paratiriseis.pdf

ic Police, referred to the RICs as multi-purpose Reception Centres that would also comprise a closed detention wing. By Article 28 of Law 4825/2021, the term *"Closed Reception Centres"* was abolished and replaced by the term *"Closed Controlled Facilities"* (CCFs), which have the same responsibilities as the RICs and comprise separate temporary accommodation and detention facilities as per Article 31 of Law 3907/2011 (i.e. ProKeKA). CCFs are to be established on the five islands mentioned above and already operate in Samos, Leros and Kos. They were established by Article 12 of Presidential Decree 77/2022 as regional offices of the Reception and Identification Service of the Ministry of Immigration and Asylum. By virtue of Joint Ministerial Decision 82136/11-2-2022 special detention facilities as per Article 31 of Law 3907/2011 were established in the Closed Controlled Facilities (CCFs) of Samos, Leros and Kos, which currently operate as Hellenic Police services at police station level. The ProKeKA of Kos was transferred as a set of responsibilities, positions and staff to the CCF of Kos.

The term *"reception"* is not included in the CCF title – an omission which is not merely symbolic. Although asylum seekers are allowed to leave the Facility during the day, security remains in the focus of attention (private security companies, high-security double fencing, CCTV surveillance system, magnetic entry gates, turnstile doors etc.) A question arises as to the exact meaning of *"closed"* facilities in relation to minors and other vulnerable groups and whether the CCFs meet the needs and standards for the reception of asylum seekers. For this reason, on 4-5.7.2022 the NPM visited the first CCF (in Samos), which was inaugurated in September 2021 and was characterized as a model facility by European Commission officials.

### 2.1.4. Psychiatric detention: Transfer of mentally ill patients as part of the involuntary hospitalisation process (Law 4931/2022)

The correct interpretation and application of Article 96 § 5 of Law 2071/1992 on involuntary hospitalisation has long been of concern to the Ombudsman[29] in the exercise of his special responsibilities as a NPM and as an institution that promotes the implementation of the UN Convention on the Rights of Persons with Disabilities[30], and has triggered many interventions to the competent bodies.

In implementation of the above article, - which stipulates that mentally ill pris-

29. See inter alia: National Preventive Mechanism against Torture and Ill-treatment, Annual Report 2020-2021, p. 27 https://www.synigoros.gr/api/files/download/435606 and Rights of Persons with Disabilities, Annual Report 2020, p. 29 https://old.synigoros.gr/?i=equality.el.reports.835894

30. Article 72 of Law 4488/2017.

oners must be transferred to psychiatric hospitals under conditions that ensure respect for their personality and dignity- involuntarily committed patients should be transferred by ambulance or conventional car accompanied by nurses. Only in exceptional situations could police assistance be sought, for the safety of the patient or third parties involved in the transport.

However, the Greek Ombudsman's long experience shows that in practice the execution of the prosecutor's order is assigned to police officers, despite the fact that this is not explicitly included in their duties, and the allegedly mentally ill person is transferred by a police car, often in handcuffs. The Ombudsman has repeatedly pointed out that civilians transferred for examination should not be treated as arrested offenders, but rather, approached with decency, notified of the reasons for their transfer and the psychiatric clinic to which they will be taken, allowed to prepare themselves, and even accompanied by a family member. Under no circumstances may they be transferred in a manner that is brutally offensive to human dignity. In this context, handcuffs are considered a disproportionate measure of restraint. The Ombudsman even recommended to the Supreme Court Prosecutor to issue a circular indicating appropriate actions and giving instructions to the local prosecutor's offices and the Hellenic Police.

Following the above, the addition of Article 96A to Law 2071/1992 (by Article 59 of Law 4931/2022) and the subsequent issuance of Ministerial Decision No. oik72109/2022 (Government Gazette B, 6507), laying down conditions for the transfer of patients as part of the involuntary hospitalisation process, defining the individual stages of the procedure and establishing monitoring mechanisms, were viewed in principle as positive developments.

The new regulatory framework provides that allegedly mentally ill persons must be transferred to public or private Mental Health Facilities in the same manner as any other patient is carried to a hospital for examination or treatment, under safe conditions and with respect for their personality and dignity. In particular, it is specified that the allegedly mental patient must be initially visited at his/her place of residence/stay by a mixed team consisting of a psychiatrist, a nurse from the Community Mental Health Unit, a person licensed to drive a properly configured vehicle and a police officer. Right after this visit, the patient is transferred to the Mental Health Facility in a properly configured vehicle of the local Community Mental Health Unit, accompanied by the psychiatrist and the nurse. In exceptional situations, the transfer is carried out in the presence of police officers following a prosecutor's order, provided that the psychiatrist has attested in writing that the patient needs to be restrained in order to ensure his/her safety or the safety of third parties and prevent self-harm or harm to third parties, which cannot be prevented by appropriate soothing techniques.

As regards restraining measures, these may only be imposed by a police officer, during the visit or during the transport, and only as a last resort, i.e. when they are the only available means to prevent immediate or imminent harm to the patient or third parties. The transfer is completed upon arrival at the Mental Health Facility, where the psychiatrist, the nurse and the licensed driver involved in the transfer remain until the safe reception of the alleged mental patient is completed. The whole transfer process is coordinated by the Independent Health Operations Department of the National Emergency Aid Centre ("EKAB").

The Ombudsman is monitoring the issue and reserves the right to revert when he has more information on the practical implementation of this provision.

### 2.1.5. Treatment measures for persons exempted from punishment on grounds of mental or intellectual disorder

The Ombudsman has repeatedly noted the need to reassess the treatment measures provided for in the Penal Code for persons who are exempted from punishment due to mental or intellectual disorder, so that their therapeutic custody is not dictated by social security considerations but rather, aimed at ensuring quality psychiatric care and social reintegration.[31] Indeed, the amended Penal Code[32] provides for more therapeutic measures - apart from compulsory hospitalization in a psychiatric hospital - and more means to achieve individualized therapeutic treatment, among which the court is called upon to designate the most appropriate. The Code further provides that patients are essentially transferred in appropriately configured vehicles, in the presence of the attending physician[33], and that assistance may be sought by the Police in exceptional situations - which was common practice up until in relation to mentally ill offenders.

To assess the level of compliance of mental health facilities with the amended legislation, the Greek Ombudsman has visited the Department of Psychiatric Forensic Medicine of the Psychiatric Hospital of Thessaloniki *"G. Papanikolaou' (see "5.4.2. Psychiatric Hospital of Thessaloniki and 2nd Psychiatric Clinic of the Aristotle University of Thessaloniki"*). It was established that the hospitalisation conditions in that department included all necessary means of treatment (organised field trips, patient access to outdoor spaces, therapeutic leaves), in accordance with the key principles of implementation of treatment measures, and that pa-

31. See Ombudsman's Opinion on the *"Detention of Criminally Unaccountable Patients in Psychiatric Hospitals"* (2005), https://old.synigoros.gr/resources/docs/202659.pdf
32. Articles 69A and 70 PC, as replaced by Laws 4,509/2017 and 4,619/2019.
33. Article 13 of Law 4760/2020.

tients were generally transferred in hospital vehicles, in the presence of medical staff - with few exceptions. Lastly, it was noted that therapeutic measures were normally replaced or lifted when the relevant conditions were met, despite the objective difficulties involved in transferring chronically mentally ill patients to psycho-social rehabilitation facilities.

## 2.2. ECtHR case law on Greek cases

### 2.2.1. Tousios v. Greece

The applicant, accused of participation in a criminal organisation and illegal trafficking of migrants, was arrested and initially transferred to the police station cell of the Security Directorate of Thessaloniki, where he stayed for 15 days in total. He was then transferred for a short period to Diavata prison, and was then acquitted and released. Invoking Article 3 ECHR (prohibition of torture or inhuman or degrading treatment or punishment), he claimed that detention conditions were extremely poor throughout his fifteen-day stay at the detention facility: he shared a cell of three beds with ten - fifteen people and that prisoners with hepatitis were not held separately from others, running a high risk of infection. He also claimed that the sanitary conditions were poor; the cells were not cleaned; there was no natural light and sufficient ventilation and the food was of very poor quality. In the course of the case, the applicant further argued that he had no effective remedy available to complain about the detention conditions, thus raising the issue of violation of Article 13 ECHR (right to an effective remedy before the national authorities).

The Court pointed out that police station cells are only intended to hold detainees for as long as is essentially required before they are transferred to prison, which, according to the Council of Europe's Committee for the Prevention of Torture (CPT), may not exceed six days. The Court also noted that the Committee had carried out an inspection of the facility shortly after the applicant was transferred to the prison of Diavata and found that detention conditions were extremely poor and unsuitable for holding detainees for over 24 hours. The Court therefore ruled that, based on the fact that the applicant was detained there for fifteen days and based on the recorded findings on detention conditions, there was a violation of Article 3 ECHR.

The Court also held that there was a violation of Article 13 ECHR, noting that the remedy provided for in the ECHR must be "effective" both in fact and in law. Referring to other ECtHR judgments on similar cases, the Court pointed out that Article 105 of the Explanatory Memorandum of the Civil Code, as effective, (compensation by public authorities for unlawful acts or omissions of their bodies in the exercise of their powers) cannot be considered an effective remedy with regard to

detention conditions. The ECtHR therefore awarded the applicant EUR 5,000 on grounds of moral harm and dismissed his claim for costs and expenses[34].

### 2.2.2. G.T. v. Greece

The applicant, a prison inmate, applied for a leave to visit his mother who was in hospital. His request was denied by the Prosecutor of the Court of First Instance on grounds that his exit (with an escort) would exceed 24 hours in duration, which is longer than the maximum period allowed by the law. A few days later, the applicant's mother passed away and he submitted a new request for an emergency leave, in order to attend her funeral that was scheduled to take place five days later. Again, his request was rejected for the same reasons.

The Court held that denying a prisoner's request to visit an ill family member or attend their funeral constituted violation of the prisoner's right for respect of his private and family life (Article 8 ECHR).

In this case, national law provides that prisoners who have served one fifth of their sentence and have been detained for at least three months are eligible for a prison leave. If these conditions are not met, an emergency leave may be granted for up to 24 hours for urgent family or employment reasons or on grounds of exceptional, unforeseeable and extraordinary circumstances. In this case, the applicant did not qualify for a regular leave, but was eligible for an emergency leave. However, the Greek authorities rejected his requests on grounds that an escort was required and that the intended journeys could not be completed within the 24-hour time limit. They failed, however, to base their decisions on an individual assessment of the case and of the specific circumstances and assess the applicant's right for respect of his private and family life against the requirements for civil order and crime prevention. It was therefore not established that the violation *of the applicant's rights was* "imperative in the context of a democratic society".

It was also established that the applicant could only file a request for a leave by means of a form that only allowed for a very brief description of the reasons of the request. National law did not offer the applicant an option to challenge the rejection of his application and seek a review of the relevant decisions in light of Article 8 ECHR. The assessment of applications by the Public Prosecutor alone, without an option for review, cannot be considered sufficient and entails a violation of Article 13 ECHR (right to an effective remedy before the national authorities). Following the above, the Court awarded the applicant EUR 4,000 on grounds of moral harm[35].

34. https://hudoc.echr.coe.int/eng?i=001-215555

35. https://hudoc.echr.coe.int/eng?i=001-221475

## 2.3. Reports

### 2.3.1. CPT report on detention conditions

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out a visit[36] in Greece (22.11 - 1.12.2021) on grounds of lack of clear evidence and indications that detention conditions had improved. In particular, as the CPT points out, there appears to be no strategic plan to address the persistent deficiencies of the Greek prison system, e.g. chronic staff shortages, poor health care and invariably high levels of intimidation and violence among prisoners. These deficiencies are further intensified by the chronic problem of overcrowding.

During the visit, the CPT delegation visited the detention facilities of Chios, Corfu, Korydallos (men's ward) and the special health centre for inmates at Korydallos, Kos and Nigrita. They also visited the Athens Prisoner Transfer Centre and the Psychiatric Prisoner Unit of Korydallos. The delegation met, among others, with the Ombudsman in his capacity as National Preventive Mechanism (NPM) and with Greek Ombudsman officials. Following their visit, the CPT filed a special report[37] to the Greek authorities on 10.3.2022 with recommendations, observations and requests for supply of information. The [38] Greek Government replied to the comments on 14.6.2022.

Once again, the CPT focuses on the overcrowding of detention facilities. In particular, as CPT points out[39], it is a political choice of the Greek government to promote a penal policy which involves much stricter sentences than the European average, when release rates are lower than the European average. On the contrary, overall crime rates in Greece have decreased significantly over the last decade and are lower than the European average. The report concludes that *"the combination of relatively low crime rates and very long prison sentences clearly indicates that Greek prison overcrowding is in the first place the result of a very*

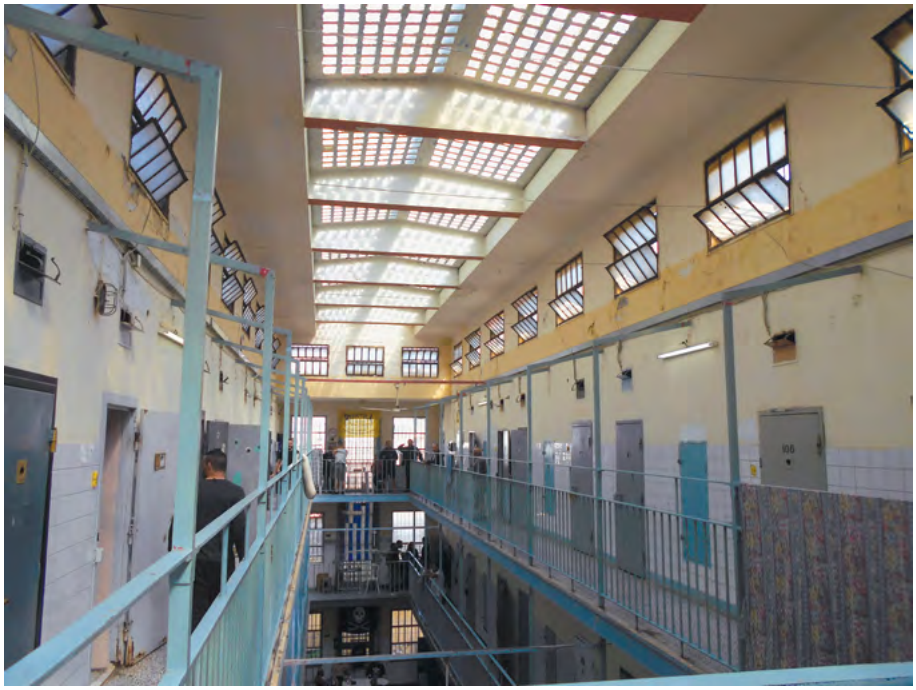
36. The possibility for a visit *"required in the circumstances"* is provided for in Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

37. The report is available here: https://rm.coe.int/1680a7ce96

38. The Greek Government's response is available here: https://rm.coe.int/1680a7ce98. The Greek government had responded to CPT's direct observations in writing on 7.1.2022.

39. Based on information originating from the Report on *"Reducing Prison Overcrowding in Greece"* (Action against Crime Department, Directorate General of Human Rights and Rule of Law, Council of Europe, March 2019).

*severe penal policy and legislation."* As CPT mentions[40], the amendments to the Penal Code[41] adopted in November 2021 were bound to lead to stricter sentences for certain crimes.



*Korydallos - ward A*

The CPT recommended *"that the Greek authorities urgently and vigorously pursue efforts to combat prison overcrowding, by investing and placing further emphasis on non-custodial measures in the period before the imposition of a sentence, increasing the use of alternatives to imprisonment and adopting measures to facilitate the reintegration into society of persons deprived of their liberty."*

40. Based on the conclusions of the updated Report on *"Reducing Prison Overcrowding in Greece"* (March 2021).
41. The Report makes reference to Law 4855/2021, which, inter alia, limited further the eligibility criteria for conditional release and the alternatives to imprisonment or non-custodial sanctions and measures (e.g. suspended sentences or electronic monitoring).



*Korydallos - ward E*

In their reply (14.6.2022), the Greek authorities focused on the legislative[42] option of transferring multiple prisoners (of mild criminality) to rural correctional facilities[43], creating new detention facilities, promoting alternative measures of serving a sentence (e.g. use of electronic surveillance to more Detention Facilities) as well as on the operation of a working group at the Ministry of Justice for the improvement of regulations concerning community service.

Furthermore, the CPT pointed out the need for a revised strategic plan to improve detention conditions[44] with specific objectives, implementation schedule and re-

42. Article 29 of Law 4937/2022 on the conditions for transfer of convicted prisoners to the Rural Correctional Facilities and the Central Prison Material Depot.
43. The authorities argued that about 600 prisoners were to be transferred from the closed Correctional Facilities to Rural Correctional Facilities.
44. Focusing on staff and prisoner security, reintegration, improved health and social services and clarifying the role of the relevant Ministries. The Greek government has requested a 6-month deadline to submit an updated plan.

sources. The CPT notes a steady deterioration in detention conditions over the last decade and points out that *"prisons [should] move away from merely warehousing persons in overcrowded, dangerous and poor conditions with no purposeful activities to places which offer decent living conditions and prepare persons for reintegration back into the community upon their release."* Lastly, the CPT concludes that the conditions in detention facilities are not in compliance with European norms and values, as enumerated in the revised European Prison Rules of 2020.

### 2.3.2. Court of Auditors' report on social reintegration

In their report[45] on the social reintegration of prisoners (12/2021), the Court of Auditors found the strategic planning of prison policy to be deficient in terms of specific indicators, targets and implementation timetables.

In particular, the Court identified deficiencies in the preparation of the *"Strategic Plan for the Correctional System 2018 - 2020"*, noting a lack of specific objectives, implementation timetables and quantitative indicators to assess the level of achievement of the desired results. The reintegration actions were not selected on the basis of a statistical mapping of the prisoners' profiles and clear selection criteria based on their needs. At the same time, equal participation of prisoners in vocational education / training programmes was not ensured, as prisoners were not thoroughly informed about the programmes that were implemented in each Detention Centre.

Moreover, general education is not provided in all existing facilities, while with regard to other activities, emphasis was placed on recreation and creative activities for prisoners. The vocational training actions that could lead to certified qualifications were very limited. Lastly, the Ministry of Citizen Protection has no available information on the resources required and allocated for training needs and is therefore unable to document and evaluate the adequacy and utilisation of the allocated resources.

## 2.4. Detainees complaints about detention conditions

According to Article 6A of the Correctional Code, as added by Article 8 of Law 4985/2022, *"If the poor living conditions of detainees, pre-trial detainees or oth-*

45. In the context of respecting human dignity and social reintegration, the Greek prison system organises actions that promote education, recreation and vocational training of prisoners. As part of the audit conducted for the three-year period 2018-2020, the Court assessed the organisation, planning, implementation and monitoring of these actions. The report is available here: https://www.elsyn.gr/el/node/1513

*erwise, in Correctional Facilities or police station cells, ..., are detrimental to human dignity, the detainees may appeal to the Court which is responsible for the execution of the sentence .... If the appeal is granted, the Court which is responsible for the execution of the sentence shall order any appropriate measure to ensure decent living conditions within the same Correctional Facility or Police station cell, ... e.g. alterations of the place of detention. If the implementation of such measures is not feasible, the Court shall order the appellant's transfer to the prison hospital or to another public hospital or his/her priority transfer to another detention facility .... In any case, the Court which is responsible for the execution of the sentence may, at the appellant's request, award damages for moral harm.... The decisions rendered on the appeals referred to in this Article shall be notified to the Ombudsman by initiative of the Ministry of Citizen Protection".*

In line with this provision, decisions on appeals are now being notified to the Ombudsman along with copies of the entire case file, following consultation with the Ministry of Citizen Protection. The Greek Ombudsman, however, has no further powers in this regard, while the legislator fails to indicate an effective way of utilising the Ombudsman's substantial contribution to improve the effectiveness of the legal remedy.

On 27.11.2023, the Deputy Ombudsman and Head of the National Preventive Mechanism against Torture participated as rapporteur in a closed working meeting organised by the Ministry of Justice with representatives of the same Ministry and the Ministry of Citizen Protection, as well as judges, members of the Legal Council of the State, representatives of the Council of Europe and the European Court of Human Rights (ECtHR) and members of the scientific community. Referring to the new wording of Article 6A of the Correctional Code, the Deputy Ombudsman presented the Ombudsman's concerns and observations with regard to the enactment of the provision in Greece and the implementation of the relevant legal remedy by the competent judicial councils.

Shortly after, by letter dated 1.12.2023, the ECtHR formally requested the Ombudsman to intervene by filing a memorandum as *"amicus curiae"* in the case *"Stamelos and others v. Greece"*, applying article 36(2) of the ECtHR Rules of Procedure. This is the second case where the Court makes a direct request to the Ombudsman on its own motion, requesting him to submit a memorandum[46]. In response, the Ombudsman initially presented in detail his standard views about

46. The first such case was *Stavropoulos v. Greece:* https://www.synigoros.gr/api/files/download/207



*Korydallos - ward B*

the Greek correctional system, focusing in particular on the problem of over-crowding, which is expected to intensify in light of the stricter penal regulations that came into force by Law 4855/2021 and subsequent laws, as well as on the phenomenon of irrational distribution of prisoners due to the stricter conditions of transfer to rural correctional facilities introduced by Law 4760/2020, despite




*Korydallos - ward E*

the efforts to limit these conditions[47] on the basis of Article 29 of Law 4937/2022.

In particular, in relation to the implementation of Article 6A of the Correctional Code, the Ombudsman pointed out that the requirement to notify judicial council rulings to the Greek Ombudsman was undoubtedly a positive step, as it ensured a steady flow of information about prisoner appeal success rates. However, as a National Mechanism with a preventive function, the Ombudsman could possibly contribute even more to the effectiveness of the legal remedy, by being notified also of the prisoners' appeals, so as to bring to the attention of the competent ju-

47. Limiting the conditions for transfer to rural correctional facilities appears to be inadequate, as it only applies to prisoners serving prison sentences. The vast majority of inmates, however, do not serve prison sentences. As at 1 January 2023, out of a total of 10,526 inmates, 1,754 served prison sentences, 5,392 served temporary imprisonment and 797 served life imprisonment, while 2,545 were pre-trial detainees.

dicial councils any available reports on the conditions prevailing in the detention facilities concerned. The introduction of Article 6A was viewed from the outset as a promising step towards two different directions: preventing future convictions by the European Court of Human Rights by providing an effective remedy and promoting a substantial improvement of detention conditions, not only for the appellants but for detainees as a whole. Based on the exact same rationale, the explanatory memorandum[48] of Law 4985/2022 notes, with extensive case law references, the following: "In some of its judgments the ECtHR observes that the current legislative framework, namely the complaint procedure provided for in Section 567 of the Code of Penal Procedure and Article 6 of Law 2776/1999, affords adequate and effective protection against ECHR violations concerning individual detainees. It does not, however, allow for an assessment of the general conditions of detention and an improvement of detention conditions where departures from the ECHR are identified.... The proposed regulation, ... introduces a special remedy which ensures effective enforcement of the rights of prisoners and confirms the rule of law and the liberal character of the Hellenic Republic". Accordingly, as the legislator expressly states, the effectiveness of this regulation must be assessed by reference to the extent to which it is capable of causing general improvements, rather than merely restoring individual infringements.

Based on the judicial council rulings rendered so far, the Ombudsman is not in a position to confirm the success of the regulation based on the above criterion. Without expressing a view about any specific court judgments (given in particular that an evaluation of the judiciary is not included in Greek Ombudsman's powers and duties[49]), the Ombudsman draws an initial conclusion based on the available judicial council rulings. This finding is not limited to statistical data on rejection rulings, as rejection may be attributable to procedural obstacles such as conditions of admissibility or jurisdiction/venue issues, which seem to raise concerns. Such obstacles could be attributed to reasonable shortcomings or malfunctions during the initial adaptation period, and could therefore be gradually eliminated by internal circulars[50] intended to harmonise case law or keep legal practitioners thoroughly informed.

As far as the complaint procedure is concerned, the discovery process appears to be the most crucial and difficult matter to handle, as the appellants' allegations are normally considered vague due to lack of supporting evidence, while

48. https://www.hellenicparliament.gr/UserFiles/2f026f42-950c-4efc-b950-340c4fb76a24/12104891.pdf

49. Article 3(2) of Law 3094/2003.

50. e.g. Supreme Court Prosecutor's Order 3/2023 https://eisap.gr/εγκυκλιοσ-3-2023/

the Administration's allegations are considered true by default without further investigation (e.g. expert opinions). As a result, the Court merely relies on the evidence presented by the Administration, having little regard for the inherent power relations between the Administration and the appellant. Under these circumstances, the Administration's reliance upon an inherent weakness of the correctional system may be legitimate in certain cases, yet should not turn out to be detrimental to the prisoner - as is the case when the Administration invokes the appellant's inability to prove the exact amount of time he/she was detained in a particular facility.

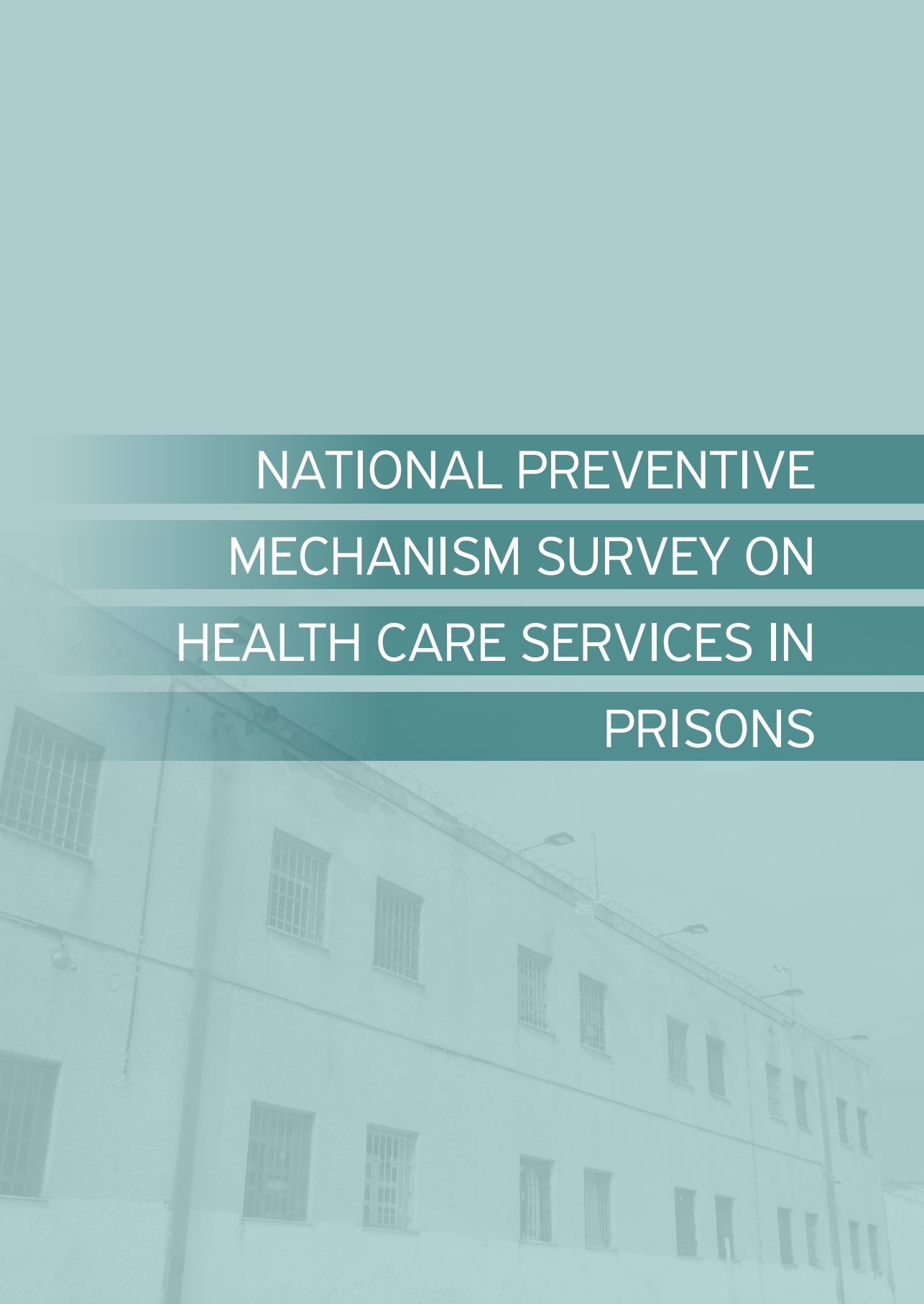
In conclusion, it can be argued that the evidence presented is in most cases deficient and evaluated on a selective and never comparative basis. For documentation purposes, the Ombudsman's reports can be included in the material to be evaluated by the Court, provided of course that the relevant provision is amended accordingly and this competency is explicitly granted. As regards overcrowding and accommodation capacity, it has been argued that the relevant Table of the General Secretariat for Anticrime Policy, which is updated every 15 days by the relevant Ministry, can be a valuable tool for the judge, yet seems to be disregarded.

The first conclusions drawn from the assessment of these substantive issues are even more alarming. By way of indication, based on the judicial council rulings officially communicated to the Ombudsman, reference should be made to numerous cases where the complaint was rejected on grounds that no specific harm or even risk was proven - which was indeed a prerequisite based on the original wording of the Bill (*"If the Administration's failure to meet the living standards of prisoners ... has or may have an adverse effect on their physical or mental health"*), but is no longer required based on the text that was eventually enacted ("If the poor living conditions of detainees, ...are detrimental to human dignity..."). In the same direction, in numerous cases the limited duration of poor detention conditions (which is nowhere in the law determined as a valid criterion) was taken into account in rejecting a complaint, while in other cases the reported facts were assessed solely on the basis of national legislation, without regard to the relevant European or international legislation. Without commenting on specific case law, the Ombudsman remarks that rulings are excessively strict and numerous times grounded on purely arithmetic criteria such as the size of prison cells, while failing to consider other factors for the assessment of the prison detention conditions, such as the detainees' out-of-cell time, hygiene conditions, participation in education and training programmes, etc.

To conclude, we argue that the effectiveness and the prospects of the implementation of article 6A of the Greek Correctional Code can only be assessed considering the Greek correctional context and the penal treatment of offenders in a broad

sense. Our view is that this domestic remedy is a necessary but not adequate measure to improve detention conditions in general, which often do not fulfil the requirements set out by the law and thus raise concerns regarding the violation of Article 3 of the European Convention on Human Rights on detention conditions.

# NATIONAL PREVENTIVE MECHANISM SURVEY ON HEALTH CARE SERVICES IN PRISONS



# 3. NATIONAL PREVENTIVE MECHANISM SURVEY ON HEALTH CARE SERVICES IN PRISONS

In early 2022, the Ombudsman conducted a survey on the rights of prisoners to health care services under the relevant provisions (Sections 27-30) of the Correctional Code (Law 2776/2019). The Ombudsman prepared and sent a questionnaire consisting of 28 questions to all Correctional Facilities across the country, aiming to obtain information about the health care services that were provided to prisoners until 31.12.2021. The Ombudsman received responses from 21 out of a total of 34 Facilities.

## 3.1. Findings- Conclusions

The survey confirmed the Ombudsman's observations on the long-standing deficiencies of health care services offered to prisoners, in particular the deficiency in permanent medical and nursing staff and the substitution of the nursing staff by prison staff lacking the necessary skills. At the same time, telemedicine and telepsychiatry programmes are scarce. The available mental health services do not meet the increased needs of the detainees, which have increased even more during the pandemic, as most drug rehab programmes were discontinued and significant restrictions were introduced to visiting arrangements and recreational / educational opportunities. Lastly, the evidence highlights the significant issue related to the provision of health care services to uninsured prisoners, particularly in the case of diseases such as Hepatitis C, which involves high-cost treatment (see below).

In particular:

- 62% of the correctional facilities have no resident physician.

- 14% have zero nursing staff and 23% have only one nurse, while 52% use prison staff as nurses.
- A telemedicine programme operates in merely one correctional facility (Chios), but according to the administration it fails to meet prisoners' needs.
- Only 14% of the correctional facilities have telepsychiatry programmes in place, and only one of those claim adequate response to prisoners' requests.
- 50% of the facilities have no resident psychologist or psychiatrist, while 90% report having prisoners in need of psychiatric/psychological support. Only 47% have a special room for psychiatrist/psychologist sessions which guarantees adequate privacy.
- No facility offers interpretation/translation services as part of the medical services offered and the deficiency is filled by the inmate's fellow prisoners.
- In the vast majority of cases (95%) there is a special room for the provision of medical services and sufficient equipment.
- 23% of the correctional facilities have no drug rehab programme in place. During the pandemic, in 72% of the correctional facilities the programmes were discontinued and resumed after the end of the pandemic.
- 67% of the correctional facilities have reported prisoner deaths in the last 5 years, amounting to 108 in total.



*Korydallos - ward C*



*Korydallos - ward D*



*Korydallos - ward E*

- In the period 2020-2021, positive cases were detected in 99% of the correctional facilities (1771 persons in total). All correctional facilities reported positive cases among their staff (520 in total). 10 inmate deaths due to COVID-19 were reported in 34% of the correctional facilities and 4 deaths of prison staff due to COVID-19 were reported in 19% of the facilities.
- 99% of the correctional facilities reported vaccination refusal (by prison staff and inmates), which was addressed through thorough awareness raising by the medical and nursing staff.
- 99% of the correctional facilities had a dedicated quarantine and isolation area for suspected cases, while all facilities considered they had sufficient sanitary material to deal with the pandemic.
- In the vast majority of cases, during the pandemic visitation, communication with lawyers and educational programmes were conducted via video conference and telephone communication.
- Based on the responses, 99% of the correctional facilities identified prisoners with no Social Security/Temporary Social Security Number in the last two years (2406 persons in total). 33% of the facilities accommodated prisoners

with Hepatitis C (104 persons in total). According to the responses, these persons were deprived of the required treatment due to the deficiencies of the existing legal framework. To handle the matter, the Ombudsman contacted the competent Ministries (Citizen Protection, Health and Labour), requesting permission for issuance of electronic prescriptions and disability certificates by the Disability Certification Centres ("KEPA") without completion of the relevant field. Alternatively, the Greek Ombudsman proposed to use the Temporary Social Security Numbers to administer the necessary medication, by adjusting the electronic prescription system accordingly - a solution that was successfully applied to vaccinate prisoners with no Social Security/Temporary Social Security Number in order to combat COVID-19.[51] It is noted that the solution adopted by the General Secretariat for Anticrime Policy moves in this direction, as it is now possible to prescribe medicines to these prisoners by issuing a Temporary Prisoner Health Care Number ("PAYPEK")[52].



*Correctional Facility of Grevena - distribution of medicines*

51. See Ombudsman's relevant remarks in the OPCAT Annual Special Report 2020-2021 (pp.64-67), available here: https://www.synigoros.gr/api/files/download/435606

52. https://www.sofron.gov.gr/ekdosi-koinis-ypourgikis-apofasis-gia-ti-chorigisi-prosorinou-arithmou-ygeionomikis-perithalpsis-kratoumenou-p-a-y-pe-k/

## 3.2. Recommendations

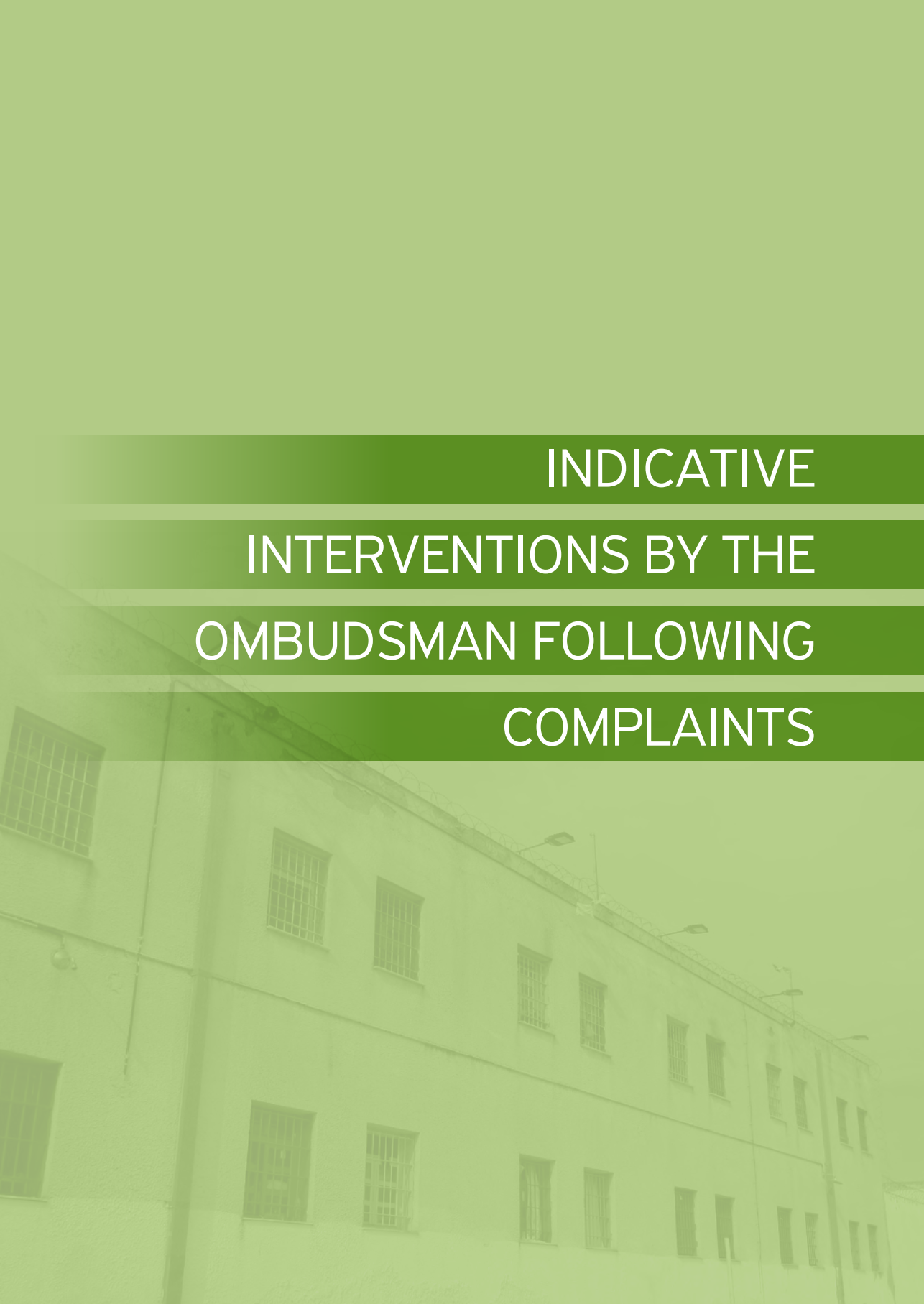
The prison administration is liable to ensure that prisoners receive medical and pharmaceutical care equivalent to that available to the general population. The provision of quality and adequate health services to prisoners requires strategic planning that will help clarify the role and responsibilities of the Ministry of Health, focusing on staffing prison health care unit with permanent staff. Mental health services need to be upgraded due to the increased needs and vulnerability of the persons in detention.

Telemedicine and telepsychiatry should be exploited and the causes for low efficiency rates must be explored.

Adequate interpretation and translation services must be ensured, considering that detainees belong to many different nationalities.

It is important to carry out systematic, long-term surveys on the provision of health care services to prisoners so as to evaluate and review the effectiveness of the measures applied.

# INDICATIVE INTERVENTIONS BY THE OMBUDSMAN FOLLOWING COMPLAINTS



# 4. INDICATIVE INTERVENTIONS BY THE OMBUDSMAN FOLLOWING COMPLAINTS

## 4.1. Certification of a prisoner's disability

The Ombudsman intervened following a complaint by a prisoner who was initially assigned a much lower disability rate due to seropositivity. Following his transfer to another Facility, the assessment of his appeal by the competent committee was substantially delayed. The detainee held Disability Certificates since 2012. In all of Certificates, 50% of his total disability rate was attributed to seropositivity. The prisoner had been receiving a monthly welfare benefit until May 2020. In the same month, upon expiry of the last decision, his record was forwarded to the Disability Certification Centre ("KEPA") of Patras, as he was still being held in the Correctional Facility of Patras. In the meantime, however, he was transferred to the Korydallos Psychiatric Hospital for prisoners, which means his record should have been transferred from the KEPA Patras to the KEPA of Nikaia. However, he was informed by the KEPA of Nikaia that his record would only be transferred if he filed a request to that effect in person. Thus, his record was eventually transferred in July 2021 and his application was reviewed in May 2022. But even then, the appeals committee considered that a recent certificate of seropositivity was required.

The Ombudsman addressed the Appeals Committee, pointing out that the delay, as well as the detainee's inability to monitor the administrative procedure closely and ensure the completeness of his record, due to poor detention conditions, should have been taken into account by the Committee in their decision. Indeed, the application was reviewed in November 2022 and the prisoner's disability rate was corrected from 20% to 50%. The Ombudsman further advised the detainee's father how to carry out administrative formalities to continue to receive the welfare benefit.

## 4.2. Justification of decisions denying leave requests

The Ombudsman received a complaint from a prisoner in Korydallos, whose request for a regular leave had been rejected by decision of the competent council (Section 55 para. 2 of the Correctional Code). The issues that had to be addressed in this case were (i) the completeness and legality of the justification and (ii) the excessive amount of time (two full years) that elapsed after the request was filed until a decision was rendered - a practice that was allegedly followed also in previous requests of the same person, all of which were rejected.

The Ombudsman pointed out that, according to section 54(5) of the Correctional Code, *"A request for leave is denied by means of a justified decision"*. Moreover, it is consistently accepted[53] that the involvement of a public prosecutor does not howsoever impair the nature of his/her powers as administrative and the nature of his/her decisions as administrative acts. Furthermore, according to Section 55 of the Correctional Code, prisoner leaves are granted following an assessment of both formal and substantive conditions on a case-by-case basis.



Korydallos - ward E

53. Special Report "*Regular Prisoner Leaves*" (2008), https://old.synigoros.gr/resources/6982_5_1-.pdf

In this context, the Council's assessment that, based on the prisoner's past interviews and letters, *'it is rather doubtful that he has been corrected'*, does not appear eligible of objective assessment, insofar as it is not supported by factual evidence, namely by references to preparatory actions or even secondary information, speculations or other well-founded suspicions. Furthermore, the Council's conclusion that *"there are ... no sufficient indications pointing directly and beyond reasonable doubt ... to the conclusion that the applicant will not commit more crimes or ... to a reasonable expectation that he will not misuse his leave'*, seems to distort the meaning of the terms 'conclusion' and 'expectation' which, by definition, do not express certainty and assurance, but rather, probability and, by extension, an acceptable degree of doubt. The law requires a reasonable expectation that the prisoner will make good use of his leave, rather than certainty - which is either way impossible to exist in relation to future events. The legislator opted to offer prisoners an opportunity to return to legitimate living, being fully aware of and accepting the risk of possible derogations - an assumption also supported by case law[54]. Thus, by reversing the burden of proof set by the law, the Council seems to require a solid conviction that the prisoner will not commit new crimes or misuse his/her leave (which is by definition impossible), thus rendering the slightest doubt detrimental to the applicant/prisoner. Moreover, the same provision, which lays down the essential conditions for granting a leave, does not require the undoubted correction of the prisoner or any other correctional indication, but rather, is limited to a factual investigation of the risk that the prisoner may commit new offences. Furthermore, as far as good conduct during detention is concerned, the decision considers the prisoner's good conduct to be merely ostensible, as it states that *"the prisoner's docile adaptation to the daily prison routine is not a solid indication that the offender is not inclined to recidivism, as such conduct... may be merely pretentious"*.

The Correctional Facility failed to respond to the above observations of the Ombudsman; however, a subsequent request by the same prisoner for a regular leave was eventually granted.

## 4.3. Violence against prisoners

Prisoners in various Correctional Facilities across the country have occasionally submitted complaints to the Ombudsman, reporting violence by correctional staff. The Ombudsman reviews these complaints utilising the tools available to

54. Rulings no. 132/2001 and 71/2003 of the Judicial Council at the Misdemeanours Court of Patras.

him as part of his special powers as the National Mechanism for the Investigation of Arbitrary Incidents[55], which enables him to intervene in cases involving misconduct by prison staff [Article 1(1) of Law 3938/2011, as amended by Article 188 of Law 4662/2020). These cases often relate, among others, to torture and other violations of human dignity within the meaning of Section 137A of the Penal Code; unlawful intentional violations of the physical integrity / health / personal or sexual freedom of prisoners; unlawful conduct potentially attributable to racist motive or discriminatory treatment on grounds of race, colour, national or ethnic origin, etc. The Ombudsman either investigates the cases himself or monitors the investigations conducted by the competent disciplinary bodies. In cases involving Correctional Facilities, the Ombudsman normally forwards the complaint to the competent bodies and monitors the investigation, reserving the right to carry out his own investigation. Once the administrative investigation is complete, he is forwarded the case file in order to exercise his powers.



Korydallos - ward E

55. https://www.synigoros.gr/en/category/e8nikos-mhxanismos-diereynhshs-peristatikwn-ay8airesias

In particular, in cases involving prison staff violence against prisoners, the Ombudsman among other things establishes whether a CCTV system is in place on site, which spaces are monitored and how long the footage is kept, and requests to include in the case file a copy of such footage, starting essentially as of the date the reported incident occurred. In addition, the Ombudsman recommends to include in the administrative case file any documents relevant to transfers of the complainant, as well as copies of the Daily Log Book indicating the shifts of the security staff, and copies of the Staff Presence Log, including any reports made by the sergeant or by other employees on the critical dates [Articles 57(6) and 58(7) of Ministerial Decision 88741/22.12.2014), noting that, according to Article 3(4) of Law 3094/2003, as replaced by Article 188 of Law 4662/2020, *"The investigation carried out by the Ombudsman as the National Mechanism for the Investigation of Arbitrary Incidents is conducted independently of any criminal or other proceedings that may be taking place at the same time"*.

Needless to say, in the relevant documents the Ombudsman cites the settled ECtHR case law, according to which, persons in detention are in a vulnerable position and the Authorities are therefore liable to protect them (*Salman v. Turkey*); physical violence against a person deprived of his or her liberty is only justified if it is strictly necessary as a result of the person's own conduct (*Assenov v. Bulgaria, D.Z. v. Greece*); in cases involving allegedly ill-treatment by state bodies, the Administration is liable to carry out an independent and effective investigation, in order to identify the offenders, impute liability (*Konstantinopoulos v. Greece*, in relation to an incident that took place in the Correctional Facility of Grevena), collect all evidence available in relation to the incident, including eyewitness testimonies and forensic material (*Nachova v. Bulgaria*), and to make proper assessment of the evidence (*Milić-Nikezi v. Montenegro*).

## 4.4. Conditions of detention of foreigners in Greek prisons

After pre-trial detention was ordered against approximately one hundred civilians of Croatian origin for the incidents that took place on 7.8.2023, and following reports from their relatives and a request from the Croatian Ombudsman, the Greek Ombudsman addressed the General Secretariat for Anticrime Policy with queries and recommendations as to the detention conditions, in particular the security of detainees - who had been distributed in 16 correctional facilities. In response, the General Secretariat assured the Ombudsman that (i) due care was taken to place the detainees in spaces where they could have no suspicious contact with other detainees and facilitate their communication with the diplomatic authorities; and (iii) additional surveillance and readiness measures were applied.

As part of the on-site inspection conducted at the Correctional Facility of Grevena, the NPM team investigated the detention conditions of three Croats who were in the prison and met and talked with them in a closed office without CCTV equipment and without the presence of prison officers. The detainees, aged 25-26 years, confirmed that they were satisfied with the conditions of detention and the behaviour of prison officers; that they had no fear for or felt threatened with regard to their physical integrity; and only expressed dissatisfaction with regard to the prolonged duration of their pre-trial detention.



*Correctional Facility of Grevena*

# ON-SITE INSPECTIONS



# 5. ON-SITE INSPECTIONS

## 5.1. Correctional Facilities

### 5.1.1. Inspection methodology and general findings

The inspection methodology[56] is completed, revised and enriched every year based on an internal evaluation of the effectiveness of past practices and the knowledge gained from staff training, exchange of know-how at international events and from the monitoring of internationally applied standards. In the years 2022-2023 the inspection methodology was not substantially different from that of previous years, save for the implementation of preventive measures to protect the prisoners and the prison staff from the risk of spread of the pandemic.

In 2022, the NPM carried out inspections at the Correctional Facilities of Chios (29-30.6.2022), Komotini (2-3.11.2022), Ioannina (7-8.12.2022), Korydallos I - (men's ward) (12-14.10.2022), Korydallos II - (women's ward) (12.10.2022), at the Special Rural Youth Correctional Facility of Kassaveteia (1.9.2022), at the Volos Juvenile Correctional Facility (31.8.2022) and at the Korydallos Psychiatric Hospital for prisoners (13.10.2022). In 2023, the NPM carried out inspections at the Rural Correctional Facilities of Kassandra, Chalkidiki (30-31.5.2023) and Agia, Chania (4-5.12.2023), at the Correctional Facilities of Diavata, Thessaloniki (28-29.3.2023), Grevena (21-22.9.2023), Nigrita, Serres (3.5.2023), Corinth (9.2.2023) and at the Women's Correctional Facility of Eleonas, Thiva (24.10.2023).

Apart from the indigenous phenomenon of overcrowding, which has been highlighted on many occasions and is not expected to be effectively eliminated any time soon, poor coordination and supervision also appear to be major issues. Prison wardens indeed enjoy an impressive level of discretion, not only on mat-

56. Ombudsman, *NPM Annual Special Report 2017*, pp. 15-16 https://old.synigoros.gr/resources/opcat_2017_en.pdf, *NPM Annual Special Report 2018*, pp. 15-17 https://old.synigoros.gr/resources/annual-special-report-2018-national-preventive-mechanism-against-torture-and-ill-treatment.pdf and *NPM Annual Special Report 2019*, pp. 26-28 https://old.synigoros.gr/resources/docs/eee_opcat_2019_en.pdf

ters where flexibility could be considered reasonable and constructive, but also on matters where basic uniformity is required. Issues related to fundamental rights of prisoners, e.g. the conditions and circumstances of yard time and the use of disciplinary cells, as well as issues concerning the daily life and health of the prisoners, such as food quality, quantity, variety, special diet needs of patients etc., seem to be handled at the free discretion of unsupervised wardens and officers or following the practices traditionally applied in each Facility. It appears that wardens, social workers, doctors and even sergeants have no one to turn to in order to obtain valid and institutionally responsible answers at the central service and solve their problems by consulting others or even by improvising. A positive development, which, however, has not yet produced tangible results, was the recent establishment of a technical service at the General Secretariat for Anticrime Policy - an essential step in light of the increasingly grave problems in infrastructures.

On the other hand, prison education has seen positive developments in the recent years, as Second-Chance Schools have been steadily increasing, attracting passionate teachers who are willing to offer their services to prisoners even beyond their personal limitations. Of course, there are situations where the establishment of a Second-Chance School is impossible due to spatial deficiencies, e.g. in the Correctional Facility of Chios. In any case, both in the educational field and in other fields where willing and enlightened collaborators are difficult to find, the Administration should understand that it has to offer tangible and substantial incentives in order to staff facilities like medical clinics or social services within Correctional Facilities, otherwise the relevant Calls for Interest will remain unfruitful, forcing wardens to play the role of social workers - if not physicians.

### *2022*

In October 2022, a 16 member NPM team carried out a thorough three-day inspection in all spaces of the Korydallos Prison Complex. CPT's recent negative findings[57], in particular with regard to the Greek Administration's complete failure to address the adverse effects of overcrowding at prison facilities, are sadly confirmed. The relevant deficiencies are visible both in the poor state of infrastructures and in the absence of basic conditions for decent living (food, hygiene, cleanliness, privacy, recreation). Under these circumstances, unless decongestion measures are promptly applied, the situation at the Korydallos Correctional Facilities appears to be irreversible.

57. September 2022, https://rm.coe.int/1680a7ce96

On the contrary, it is worth noting that in three Correctional Facilities of relatively smaller size, which were among those that underwent an on-site inspection in 2022, namely in Chios, Komotini and Ioannina, the overcrowding issue is still significant and visible, yet effective efforts are being made to mitigate its effects to the extent possible.

The Special Rural Youth Correctional Facility of Nea Kassaveteia underwent an on-site inspection after the mass transfer of prisoners from the Special Rural Correctional Facility of Corinth. The wards and the yard appeared to be relatively adequate, yet there is a clear shortage of study, recreation and activity spaces. However, it appears that certain initiatives are taken to improve the Facility's function. In this context, a recommendation was made to reinforce the educational structures in particular.



*Rural Correctional Facility of Kassandra*

### *2023*

In 2023, special care was taken to systematically investigate the effects of the implementation of Law 4760/2020, whereby drastically stricter conditions were introduced for prisoner transfers to rural correctional facilities. The findings dra-

matically confirm the concerns expressed by the Ombudsman in his commendation of the Bill[58], i.e. that while *"rural correctional facilities are a relief to prisoners and provide them with useful training for their smooth reintegration into the community, ... there is a risk that these facilities could be reduced and eventually abandoned due to lack of eligible prisoners"* - a bizarre situation, considering that almost all other correctional facilities are heavily overcrowded. In both rural correctional facilities (Kassandra and Agia) that were inspected by the NPM, relatively satisfactory detention conditions were identified, yet at the same time a rapid abandonment of basic activities, not only due to low inmate numbers but also due to poor maintenance of the outdated infrastructures.

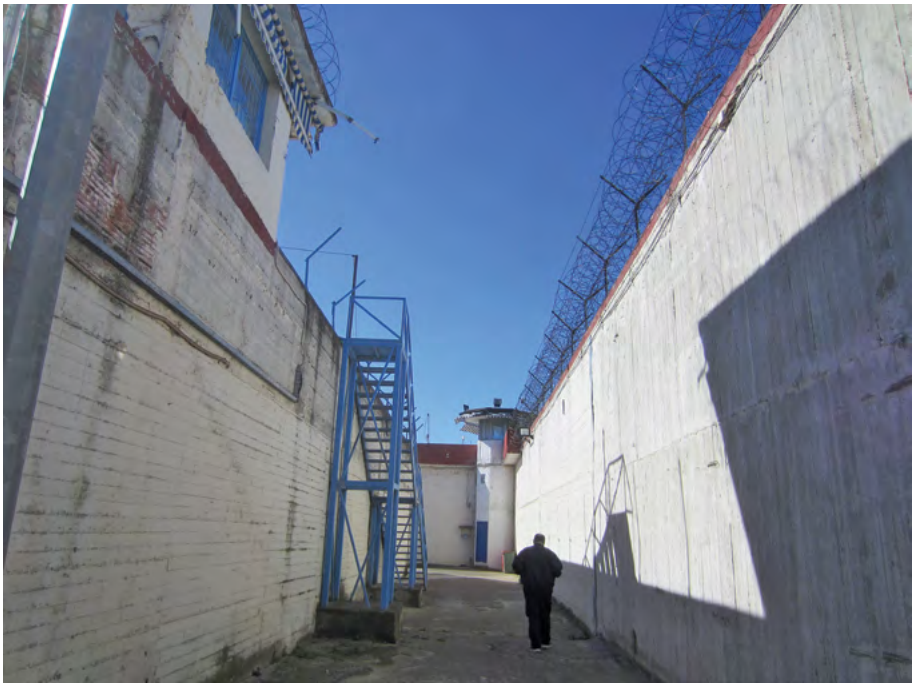


*Rural Correctional Facility of Kassandra*

The state of the infrastructures appears to be the biggest issue in the Correctional Facility of Diavata, which is also heavily overcrowded and suffocating detention conditions prevail in all areas - a situation that is known to the Ombudsman from

58. https://www.synigoros.gr/api/files/download/4

previous inspections and ECHR judgments. The administration has repeatedly addressed the competent General Secretariat requesting prompt interventions in the outdated electrical installations for reasons of basic safety of the prisoners and staff, as well as a pre-seismic inspection and a fire safety certification. The Therapy Centre for Dependent Individuals ("KETHEA"), however, seems to operate constructively.



*Correctional Facility of Diavata*

Detention conditions appear to be better in the Correctional Facility of Grevena, where the visiting area is renovated, with clearly positive effects. Healthcare, however, is inadequate, while there is an extremely high rate of poorly justified decisions denying prisoner leave requests. Lastly, in both facilities, the Second-chance School appears to be beneficial on many levels and quite efficient.

The Correctional Facility of Nigrita also appears to be invariably overcrowded. Despite the generally good state of infrastructures, the overcrowding undermines decent living conditions. In addition, the absence of a resident doctor and adequate nurses is a major issue, given the large number of inmates. Temporary relief, yet not a permanent solution, is obtained from telepsychiatry, which is car-

ried out on a weekly basis but also in emergency situations, with the voluntary assistance of a psychiatrist from the General Hospital of Serres. Serious deficiencies were also identified in security and administrative staff, which generally aggravates the working conditions on-site, the effective operation of the facility and, inevitably, the inmate living conditions.



*Correctional Facility of Diavata - teaching room*

The situation appears to be improved in a much smaller facility, i.e. that of Corinth. Detention conditions were found to be relatively satisfactory in two wards, yet deficiencies were recorded in two other wards due to significant deficiencies in infrastructure maintenance and heating. Significant developments were the recruitment of a resident nurse and the medical supervision of mentally ill inmates by a psychiatrist, the employment of prisoners and the restoration of heating and hot water problems and damages to facilities and infrastructures. Lastly, the reinforcement of security staff is key for the smooth function of the Facility.

The conditions at the Women's Correctional Facilities of Eleonas were also found to be satisfactory in terms of infrastructure and inmate population. This excludes the ward accommodating mothers with children up to 3 years of age, where infrastructures are sub-standard, and no socialising or creative activities are of-

fered to the infants and toddlers within the Facility. Another major issue is the absence of a psychiatric department for women detainees. Seriously mentally ill inmates are therefore held in the same wards as other inmates, while there is no resident psychiatrist. Reinforcing the Facility's human resources in all sectors, especially in medical/nursing, security and administrative staff and the prompt staffing of the Second-Chance School ("S.D.E") are imperative to improve the Facility's function.

### 5.1.2. Specific observations

#### *5.1.2.1. Korydallos Correctional Facility I*

***Overcrowding and general problems***

A description of the Korydallos Men's Correctional Facility was recently included in CPT's Report (March 2022). As at the date the Facility was inspected by the Ombudsman's team (12-14 October 2022), 1,794 pre-trial detainees and convicts were accommodated in the facility (not separated), while the Facility has an official capacity of 1,200 inmates (150% occupancy rate). At the same time, inmates were found to be sleeping on makeshift mattresses made of cassocks, due to overcrowding.



*Korydallos - kitchen*



*Korydallos - ward A*



*Korydallos - ward B*

Talking to detainees in all wards, the inspection team identified as a main cause of friction and complaints the deficiencies in medical care, the long delays in booking appointments with doctors outside the facility or in hospitals, as well as the delays in the approval and administration of medication. At the same time, there appears psychotropic drugs appear to be administered in excessive quantities. The general infrastructure conditions, in particular the fact that inmates with hepatitis and tuberculosis are held together with other inmates, facilitate the spread of diseases.

Moreover, it was generally acknowledged that food is offered in small quantities and is of poor quality. The kitchens need renovation and utensils and materials need to be replaced. The weekly meals programme includes no special dishes for inmates with health problems while fruit is missing from the meals altogether - allegedly for the purpose of preventing improvised alcohol production. There were strong protests about the overpricing of personal hygiene items and other products that prisoners are forced to purchase, as well as for the delays by the Secretariat in processing requests addressed to the judicial authorities.

### *Prisoner Training*

The ground floor of the Facility accommodates a primary school (which entered operation in 2021-2022), a Second-Chance School (operating since 2005 and granting high-school diplomas) and a Public Vocational Training Institute



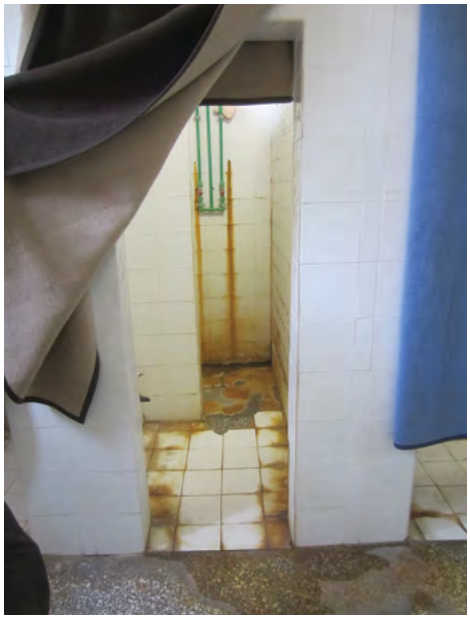
*Korydallos - ward C*



*Korydallos - ward C*



*Korydallos - ward D*



*Korydallos - ward D*



*Korydallos - ward E*



*Korydallos - ward F*



*Korydallos - ward F*

("D.I.E.K.") offering training on three disciplines (Cooking, Graphic Design and Sketching/Iconography/Graphic Design). Moreover, eligible prisoners can enrol in the General High School as home-schooled students, while Greek and English language courses are also available. After interviewing the school teachers, the inspection team identified problems arising from deficiencies in permanent teaching staff, underfunding, logistical shortages, poor access to education (enrolment issues and dropouts), understaffing and operational issues. In this regard, the inspection team prepared and submitted the following recommendations to the Administration and the competent ministries:

- Provision should be made for permanent teaching posts, i.e. recruitment of permanent teaching staff at the school and incentives should be offered to teachers (e.g. credits, benefits, reduced working hours).
- The curriculum should be practically adapted by the teachers to the needs of the prisoners and a more flexible curriculum should be created to meet the training needs of inmates, considering that they are adult students of different ethnic origin.
- A post-secondary vocational training school should be established for high-school graduates, as enrolment in Vocational Training Institutes ("IEK") requires a Senior High School diploma.
- The Secretariat staff should be promptly reinforced. It is important that there are no delays in the approval of detainees' applications by the Secretariat and the Council, as such delays have a significant impact on the smooth running of the curriculum. The same applies to delays in the approval of applications for Greek language courses.
- The functioning of the Council should be improved; more students should be admitted and decisions denying detainee applications for enrolment should be thoroughly justified.
- Prisoners attending educational programmes should not be transferred, as Public Vocational Training Institutes ("DIEK") only operate in Korydallos and primary schools only in Korydallos and Larissa.
- In any case, whenever a transfer is absolutely necessary, the relevant decision must be thoroughly justified, rather than vaguely based on reasons of general security, public interest or criminal profile. Moreover, the inmates concerned should be transferred to facilities with educational structures, so that they can continue their studies.
- The curriculum should be generally revised to meet the needs of adult students and intercultural education.

- Birth certificates should be abolished as a requirement of enrolment, by legislative amendments if necessary. The existing legislation allowing for the enrolment of refugees lacking these documents should be also applied to persons who are unable to obtain them. Account should be taken of the fact that many foreigners and Roma persons are unable to provide these documents, either because this is objectively impossible (e.g. asylum seekers) or because there is no supporting network to help them obtain the necessary documentation, given the understaffing of the relevant social service.
- Arrangements should be made to provide official translation services free of charge to any prisoners who cannot afford it. The Ministry of Foreign Affairs (which keeps a register of certified translators), the Minister of Justice (which should perhaps supplement the provision on free legal assistance) and the Ministry of Education (which should review the effective "myschool" requirements) should all work together in that direction.
- The School should be able to operate independently from the Facility's Administration and the Ministry of Citizen Protection. The provision of educational services to prisoners requires coordination between two Ministries. It is therefore difficult to address issues of competence, coordination and dispute resolution. In fact, it appears that the space owned by the Ministry of Citizen Protection is decisive in the operation of the school and that this has an adverse effect on education as a priority in the detention areas. Care should be taken to ensure that the Ministry of Citizen Protection grants appropriate spaces to the Ministry of Education, so that the school can have its own facilities.
- The operation of the school is also limited by the prison timetable. It is therefore necessary to extend the school hours until 13.15, as in all regular schools, as now inmates are required to return to their cells at 12 noon to be counted. Prisoners who work can get an extension when they are justifiably absent.
- Moreover, the primary school has two teachers and two classes, the first running 08:15 - 10:00 and the second 10:15 - 12:00. School operation could be extended by adding afternoon classes.
- Without diminishing the role and value of other activities, it must be ensured that those are not carried out at the expense of the school's operation.
- Lastly, the findings point out the risks arising from the absence of a qualified printer in a profession as demanding as this, as well as the need to comply with health and safety regulations (e.g. hearing aids, special masks). It is important that Article 47 of the new Correctional Code on prisoner insurance

against workplace accidents is promptly put into effect. Given that the provision requires the issuance of a Joint Ministerial Decision, it may not enter into effect for a while or may even remain inactive.

***Prison leaves - Disciplinary matters - Employment***

Leave request dossiers are relatively complete and rejection decisions are generally justified. The most common grounds for rejection, usually accompanied by convincing justification, are recent disciplinary misconduct and the absence of a family environment or previous visits by family members. On the other hand, deficient assessment of the detainee's conduct due to his/her short detainment period is a problematic ground of rejection, which however is counterbalanced by the fact that, in most cases, the next application of the same detainee is normally approved. In one case, the leave request was denied because the inmate had withdrawn from a KETHEA programme - which, too, is problematic in terms of justification.

The disciplinary decisions record is impeccable in terms of order, organisation, clarity and procedural completeness. It does indicate, however, that there is intense disciplinary activity, which was never identified (proportionately, based on inmate numbers) in other Facilities (based on the conclusions drawn by the Ombudsman from a series of similar inspections) and is clearly disproportionate to the recorded offences. To wit, it appears that there is a rigid mechanism of incessant referrals and proceedings, which is often triggered by minor offences, generating heavy workloads for the members of the competent council and potentially causing constant fear and anxiety among the prisoners. This conclusion is not undermined by the finding that most decisions are, inevitably, acquittals. In numbers, every week approx. 35 - 50 disciplinary cases are brought before the council, most of which involve prisoners in wards B and C. About 30% of cases result in a disciplinary conviction, while all other decisions are acquittals. The rate of convictions may appear to be small, but in absolute terms it is so high (due to the huge number of referrals) that results to vacant job posts. In cases of conviction, where normally the defendant has confessed the offence, the most common offences are violence against a fellow prisoners or prison officers, creation of makeshift sharp objects, possession of a mobile phone and damage to infrastructures. Less common offences are intentional self-harm as a means to file a specific request (e.g. transfer to a different ward), drug possession and alcohol manufacturing. The most common grounds for referral that result in acquittal - and justifies the excessive number of referrals mentioned above - are situations where the inmate may have simply been a few minutes' late in getting up or coming to work, or reacted with intransigence to the instructions of prison officers. Less frequent are acquittals where multiple prisoners were referred from one or

multiple cells and it is impossible to identify the actual offender (e.g. in case of violent altercation or discovered drugs); cases involving violence against a prisoner where the victim covers for the offender and refuses to disclose information; and cases of self-harm due to bad psychological condition rather than extortion. In general, one could even argue that the Council is quite lenient when imposing disciplinary sanctions, as certain sanctions are disproportionately severe (e.g. 100 "penalty points" for possessing a mobile phone, a far stricter sentence than that imposed for violence) probably due to rigid legislative practices (Section 69 of the Correctional Code).

As far as distribution and coverage of job posts are concerned, the high rate of vacancies (146 out of 624) should probably be attributed to the high number of disciplinary sanctions imposed, as the most common sanction is deprivation of employment. With regard to assignment criteria, it should be noted that addicted prisoners under medication are excluded from the outset, without an individual assessment of their suitability for one job or another. This often forces drug addicts to discontinue their medication in order to become eligible for a job and benefit from the beneficial measurement of the time served.

***Findings and Recommendations***

- In the relevant inspection report, that was filed to the competent General Secretariat and forwarded to the prison administration, the Ombudsman summarised his findings and recommendations in relation to short-term feasible measures as follows:
- A grocery store should be established, selling products at affordable prices, following an annual tender procedure. This would enable more prisoners to gain access to products they need. In this respect, it is noted that similar grocery stores operate successfully in many other Facilities inspected by the NPM.
- Detainees should not be involved in the provision of health care services and may under no circumstances administer medicines and/or have access to medical records.
- Convicts should be transferred so that only pre-trial detainees remain on site, with a view to reducing overcrowding.
- All staff should undergo training on prisoners rights, good practices of effective conduct and dealing effectively with problems commonly arising in prisons, such as hygiene issues.
- Recruitment of guards who have certifiably undergone adequate initial training.
- Regular fumigations.

- Prisoner training on how to improve hygiene conditions and systematic vocational training and counselling of prisoners with the aim of social reintegration.
- Increase of food portions or their calculation method and supply of vitamins to counterbalance the lack of fresh fruit.
- Immediate improvement of building infrastructures, to the extent possible.
- Addressing pending requests for effective control and security (body scanners, detection dogs, etc.).
- Better access to doctors and access to Special Health Centres, in case of delays.

### *5.1.2.2. Korydallos Correctional Facility II*

***Findings and Recommendations:***

- The building is clearly unsuitable to continue to operate as a correctional facility, as it is outdated and poorly maintained. It is further noted that ground-floor wards are in much worse condition than those on the first floor. Accordingly, ground-floor inmates were in a worse financial situation than those on the first floor. The only exception to this finding is two ground-floor wards.



*Korydallos Women's Correctional Facility - visiting room*

- The operation of the facility is seriously impaired as a result of understaffing and underfunding. Indicatively, there is one social worker for about 70

inmates. It is necessary to reinforce the staff and set up a technical maintenance unit comprising all necessary specialties.



*Korydallos Women's Correctional Facility - cell*

- A special nursing unit must be promptly created in both Facilities for the easier and safer treatment of prisoners. The absence of a Health Centre and a mental health unit for female prisoners puts their health at risk, considering that there is not even a referral hospital available.
- A school for female prisoners must be promptly established, at least for primary education, and all relevant bureaucracy must be urgently addressed, considering that there is instantly available space for this purpose.
- Given that pre-trial detainees may stay on the premises for months, it is crucial that they can work just like any other prisoner.
- Quarantine procedures must be reviewed and tests must be carried out so that healthy detainees are not restrained during transfer.
- Immediate action is needed to eliminate bureaucracy with regard to children's visits.
- Immediate action is needed to improve the quality and quantity of food.
- Proper toilets and showers must be constructed.
- It is necessary to purchase washing machines that meet the needs of the prisoners, as well as wardrobes / storage furniture.



*Correctional Facility of Ioannina - ward*

- Due to underfunding, the needs of the prisoners are mainly covered by their own funds or by donations. A significant increase in funding is urgently required to provide prisoners with personal hygiene items, clothing and bedding.
- Action should be taken to reduce the cost of goods purchased from external suppliers through the store.

### *5.1.2.3. Correctional Facility of Ioannina*

***Infrastructure***

The Correctional Facility of Ioannina has an official capacity of 66 inmates, yet as at date of the inspection there were 110 inmates (168% occupancy rate), fifty-eight (58) of whom were convicts and fifty-two (52) pre-trial detainees.

There is a classroom, which is used for inmate training, following an initiative of the Vocational Training Centre of Ioannina/OAED in cooperation with the General Secretariat for Anticrime Policy. The dining room is quite spacious, and there is a fully equipped library and a recreation area. The yard is small considering the

number of inmates and commonly used by all inmates. The kitchen is in very good condition in terms of cleanliness and has relatively new equipment. The food seems good in quality and sufficient in quantity and no complaints were made by the prisoners interviewed. In addition to the regular food programme, a diet for Muslims and inmates with health problems is available. The visitation area is in good condition. It is right after the main building entrance and provides relative privacy. This, however, does not apply to the meeting room with lawyers.



*Correctional Facility of Ioannina - cell*

### *Healthcare - Social Service*

The infirmary comprises one rural doctor, one doctor visiting twice a week (coming from the 6th Health District), one male nurse and two female nurses, who, among other duties, distribute and administer medicines to the inmates. They also keep individual health records and handle disability certification procedures. There is no psychiatrist on site and psychiatric issues are addressed at the psychiatric clinic of the University General Hospital of Ioannina. There is a dental clinic on site with all necessary equipment, which shares premises with the infirmary and operates with a dentist who is paid per visit.



*Correctional Facility of Ioannina - kitchen*

The Social Service comprises one social worker (who is about to retire) and one psychologist.

***Findings***

- It is imperative to provide the Social Service with a social worker.
- An important problem is the absence of a resident doctor and a psychiatrist.
- The yard is not properly landscaped and lacks certain features like shelters, benches, trees, which would create a more humane environment. As there are no shelters, the yard is not used whenever it rains or there is strong sunshine.
- The external guards have undergone only basic training, which creates reasonable doubts as to their ability to use their weapons properly, in accordance with the provisions of Article 50 of Law 2721/1999.
- The Facility remains overcrowded, despite the significant improvements, and continues to fall short of the requirements of national and international legislation as to minimum space per prisoner. Overcrowding is primarily the

result of consecutive transfers of criminal prisoners from the Correctional Facility of Corfu to the Asylum Service.

- There is no prayer space for Christians nor for Muslims.



*Correctional Facility of Komotini - visiting room*

***Conclusions - Recommendations***

- Despite their relatively satisfactory image, the infrastructures are outdated and there is no technical staff on site to handle technical problems (electricity, sewage and water networks) and serious emergencies.
- It is imperative to speed up the process of recruiting a social worker, as this deficiency will be immediately visible.

To limit overcrowding, prisoners coming from the Correctional Facility of Corfu should be transferred on the same day or held at the Police Station of Ioannina. Alternatively, an Asylum Service should be established in Corfu or staff from the Asylum Service of Ioannina should be transferred to Corfu.

### *5.1.2.4. Correctional Facility of Komotini*

The facility has a total capacity of 162 inmates. As at 3.11.2022, it had an occupancy rate of 206% as it accommodated 335 prisoners, 80% of whom were pre-trial detainees (269) and 70% were foreigners (235). The Facility comprises a significant number (18%) of young adult prisoners (18-25 years old). From 1.9.2022 to 2.11.2022 the Facility received 136 new inmates, 80% of whom were pre-trial detainees. The Facility's overall status is generally satisfactory, as arduous efforts are clearly made to mitigate daily living problems, to the extent possible, e.g. rearrangement of the use of available spaces (creation of new cells or wards), efforts to create a pleasant and clean environment.



*Correctional Facility of Komotini - kitchen*

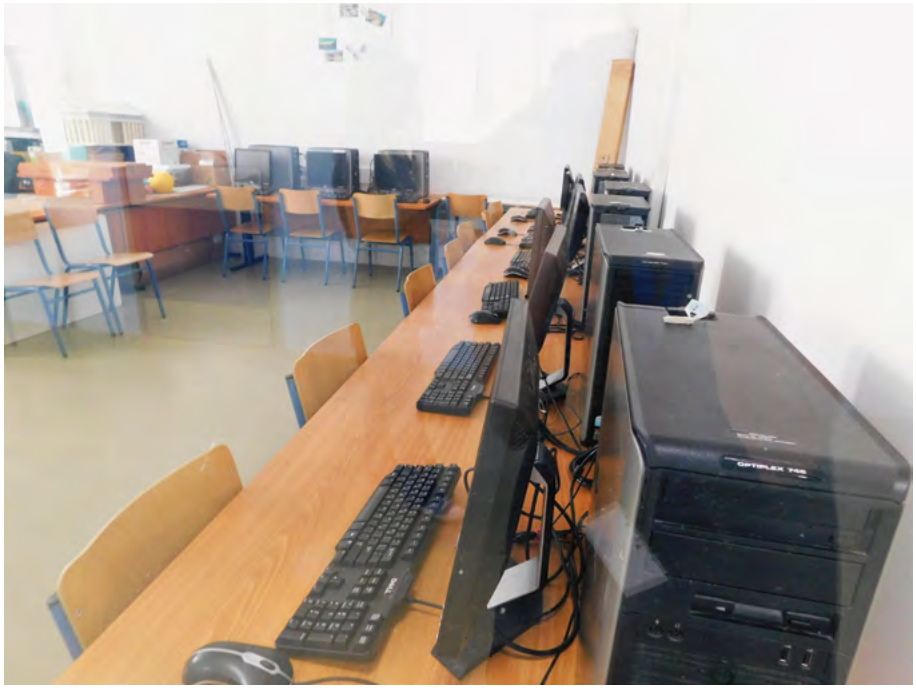
However, the Facility is consistently overcrowded which heavily impairs detention conditions and the proper functioning of the establishment, in light also of the fact that inmates are often granted exit leaves very often, mainly due to the composition of the inmate population (the vast majority are foreigners and pre-trial detainees). Based on data invoked by the ECtHR in Alexopoulos v. Greece, in 2013 the Facility had an occupancy rate of 354%. It is worth noting that the recorded decrease in the overcrowding rate (from 354% to 206%) is not due to a reduction



*Correctional Facility of Komotini*

in the number of inmates (on the day of the inspection there were 335 inmates compared to 340 in 2013). Such decrease is rather due to the increase in the declared capacity (162 from 96). The number of inmates almost doubled not as a result of an expansion of the facilities, but rather, by adding beds (bunk beds) to existing cells and wards or changing the use of common spaces. According to Document no. 16472/3.11.2022 of the prison administration addressed to the General Secretariat for Anticrime Policy, which was brought to the attention of the Greek Ombudsman, there has been extensive correspondence on the problem of overcrowding. In this context, the prison administration recently noted, among other things, that from 4 to 24.11.2022, i.e. over a period of merely twenty days, 108 inmates were expected to arrive at the Facility for judicial purposes. To prevent further deterioration of the existing conditions, the prison administration requested the Prosecutor at the Thrace Court of Appeal to instruct that the detainees transferred for judicial purposes be held at common police station cells, as the city of Komotini is the only Court of Appeal district that lacks a Detainee Transfer Department. His request was explicitly rejected in writing, following a negative opinion of the Hellenic Police Headquarters and the General Regional Police Headquarters of Eastern Macedonia & Thrace[59].

59. It should be noted, however, that the Ombudsman has questioned the legitimacy of holding



*Correctional Facility of Grevena - computer room*

Detention conditions are further exacerbated by the inadequate medical and nursing services (especially mental health care services), the absence of information material in a language understandable to detainees on a number of important issues (health care, access to services, free legal aid), and the absence of recreational and educational programmes - with the exception of a non-formal primary school.

***Recommendations***

- Due to the large number of foreign detainees, a cooperation with certified interpreters is recommended or the use of information material in a language they can understand[60].

criminal detainees in police station cells, as they are clearly unsuitable for this purpose: Cf. related findings at https://old.synigoros.gr/resources/docs/201700.pdf (May 2007) on the detention of 'criminal' prisoners in police station cells.

60. Cf. for thorough information, the revised European Prison Rules https://search.coe.int/



*Correctional Facility of Grevena - children's visiting room*

- An increase of the medical and nursing staff is recommended, as whenever one nurse is on a regular or sickness leave another nurse has to cover both shifts. Moreover, a second physician must be recruited, given the large number of inmates.
- Despite the positive initiatives of the psychologist (information of newcomers and screening), the mental health services available to prisoners are not systematic and complete and should be reinforced by the presence of a psychiatrist. A good solution would be to expand pilot telepsychiatry programmes that are available in other correctional facilities.
- HIV-positive inmates must have unhindered access to appropriate health care. Delays in receiving appropriate treatment, which leads to HIV-positive inmates being held in separate spaces, violates their privacy and patient con-

cm#{"CoEIdentifier":["09000016809ee581"],"sort":["CoEValidationDate Descending"]}, in particular, the rules on foreign detainees (37.1 - 38.3).

fidentiality and leads to stronger stigma. Prison staff and inmates should be regularly informed/trained on hygiene issues and preventive measures against HIV and other infectious diseases, as well as on the fight against marginalisation and stigma.

- General implementation of an electronic prisoner record system is proposed, which will ensure unhindered access to healthcare for prisoners, especially in cases of transfer or release, and better protection of medical secrecy and personal data. It is further recommended to speed up the process of assigning Temporary Prisoner Health Care Numbers ("PAYPEK") to any prisoners who do not meet the requirements for a Social Security Number, in order to give them access to health care, following the issuance of a Joint Ministerial Decision as per Section 84 of the new Correctional Code.
- Provision must be made for a special diet for inmates with health problems.
- The administration's request for installation of an electronic lock system in the cells and wards should be granted.
- The formal establishment and staffing of the primary school is recommended, to meet the increased needs of the prisoners. The urgent need for decongestion is once again highlighted, so that the training workshops that were discontinued due to lack of space can be resumed.

### *5.1.2.5. Correctional Facility of Grevena*

***Findings***

The Correctional Facility of Grevena is located about 19 km south west of the city of Grevena. On the day of the inspection, it held 540 male inmates. However, taking into account those in hospitals, etc., this number exceeds 600. The Facility, however, is not overcrowded based on planned capacity. There are two disciplinary isolation cells (including use of the yard) or special-purpose cells. There is a special cell for prisoners with disabilities, which has a larger bathroom, a low washbasin and a shower on the floor. At the date of the inspection the cell was used as an ordinary cell accommodating three inmates, as there were no inmates with mobility issues.

The building is generally in good condition. It is heated with oil, 4 hours in the morning, 2 at noon and 2 at night. Each cell has an auxiliary air heater. 70 prisoners have access to the internet for educational purposes (Hellenic Open University students, postgraduate students, etc.). There are 2 social workers among the staff. There is no resident doctor on-site, while the Health Region sends a GP, a dentist, a psychiatrist and a general practitioner on specific days. There are 3

resident nurses and 2 resident assistant nurses. Medication is administered to the inmates by the nurses and swallowed in the presence of a guard. The nearest hospital is the one in Grevena, yet it is rather small and has deficiencies. If that hospital is unable to admit a patient, the patient is transferred to a public health facility of another District.

The Correctional Facility of Grevena is the first one to support visitation via Skype. The system has been in place since 2016. The session lasts 20-25 minutes and takes place once a month (or twice a month for children). There is a room for conjugal visits, yet very strict conditions apply, which are hardly ever met by the inmates. There is a dedicated space for family/children's visits. The Facility is regularly visited by KETHEA staff and there is care for addicted prisoners.

Meals are provided for diabetics and for inmates with special medical conditions. Rations are distributed at the end of the corridor of each ward and inmates have their meals in the cells.

Prison leaves are granted to convicts of sex crimes, but rather rarely and under certain conditions. For mentally ill prisoners, the administration suggests they should be supervised by a ward attendant during their exit leave.

In each ward, the sports area comprises various indoor athletic equipment (table tennis, punching bag, gymnastic equipment - some makeshift). In each ward the yard comprises basketballs and soccer goals. There is also an 8x8 soccer field that serves the entire facility. There is a church on the premises and a priest comes over once a week to hold services. Muslims pray in their cells and meals are adjusted on religious holidays (e.g. during the Ramadan). There is a prayer space which is used by the inmates under supervision. The prisoners' work areas have windows and natural light. There is a lending library and PCs available for use. The classrooms, the kitchen and the common areas in general are in good condition and very clean.

Social workers meet with the prisoners upon their entry and communicate with their families. However, they do not have access to the social services records of any other facilities that hosted the inmates in the past. Inmates ask to see the social workers mainly to complain about shortages in supplies and basic necessities, to request the appointment of a lawyer, to report school attendance matters, complaint about working hours, etc.

The school comprises a primary and a secondary school; grants a graduation certificate and employs one primary school teacher and about 20 high-school teachers. Inmates in college (about 10-12 enrolled with the Hellenic Open University) are generally placed in the same ward, to facilitate their movements. Admissions are determined by the Education Coordinator and the Director of Educational

Structures (primary school, secondary school). The Primary School has a sole teacher and can have up to 15 pupils. The high school hosts about 50 prisoners. There are variations in these numbers during the year due to transfers/releases. A Greek language diploma is granted as well as primary / high-school graduation certificates.

Ordinary matters are handled by the external guards, in particular the fact that there are no clear instructions on the use of weapons or clear tasks. There is a staff shortage; poor training; and the guards are self-trained on the use of weapons by joining shooting clubs. Salaries are low and responsibilities rather vaguely defined, yet clearly different from those of police or military officers.

***Recommendations***

- The Facility's remote location (too far from the nearest towns) creates problems in the daily movement of workers; discourages visits by family members and turns out costly for inmates on leave. A connection with the regular transportation network is imperative, as currently there is no public transportation serving the Facility.
- Although the current arrangements appear to meet primary health care needs, a resident doctor and a psychologist are required.

### *5.1.2.6. Correctional Facility of Nigrita*



*Correctional Facility of Nigrita - cell*

***Findings***

The Facility comprises five independent wards, each with a capacity of 120 inmates, while the total capacity of the Facility is 600 prisoners. On the day of the inspection, 703 out of a total of 730 detainees were present, those absent being in court.

Each cell has a toilet with a shower and three beds. However, due to overcrowding, some cells comprise a fourth bed (i.e. mattress on a table or on the floor). In this context, out of a total of 730 prisoners, 600 sleep in a bed and 130 on a mattress on the floor or on a makeshift bed. The cells have heating and hot water 6-8 hours a day. There are no lockers, while in some cells - mainly disciplinary cells – there is no toilet door and the toilet is separated from the room by a curtain.

Although there are two organic posts for doctors (General Practitioner and Pathologist), they are both currently vacant. A doctor from the Nigrita Health Centre visits the Facility once a week to examine inmates. If case of an emergency, the patient is transferred to the Health Centre, to the General Hospital of Serres or to on-call hospitals in Thessaloniki.



*Correctional Facility of Nigrita - yard*

Although the Ministry has made a financial provision for visits by a psychiatrist, there has been no interest for the job due the low wage offered. Inmates on psychiatric treatment can only communicate with a psychiatrist via Skype every Friday. Serious psychiatric cases are referred to the Psychiatric Clinic of the General Hospital of Serres.

The two psychiatrists *"attending"* the inmates are volunteers offering services in an understanding with the Director of the Serres Psychiatric Hospital. Due to the large number of patients, *"sessions"* are merely typical and only limited to medicine prescriptions. The Social Service comprises two social workers and two psychologists.

2-3 inmate deaths are recorded every year from pathological causes or from combined consumption of alcohol and psychotropic drugs. The injuries log for January to April 2023 records 360 cases, as a result of which inmates were transferred to the Serres General Hospital, to the Medical Centre of Nigrita, to the Serres Health Centre, and to psychiatric hospitals and clinics.

The kitchen is spacious and clean, generally in very god condition and has relatively new equipment. The inmates complained that the diet plan does not include enough meat. The diet programme showed that meat dishes are only offered at lunch and only twice a week.

***Recommendations***

- The following matters need to be assessed: ensuring privacy by placing toilet doors in all cells, available ventilation, access to natural light and air, quality of heating and compliance with minimum sanitary requirements.
- Job vacancies and related information should be drafted in a language understandable to and posted at a place accessible by all prisoners, to encourage inmate participation and ensure procedural transparency. Moreover, dismissive decisions must be clearly and thoroughly justified and detainees should receive understandable information about appeal procedures and bodies. In addition, given the large number of foreign detainees, certified interpreters should be recruited, otherwise the information material should be available in a language understandable to the detainees.
- All vacancies in doctor and nurse posts must be promptly filled. It is noted that the absence of a resident doctor was also noted in the findings of the inspection that took place in 2017.[61] Given that the Facility is heavily overcrowded, this deficiency is of vital importance.
- A serious problem was identified in relation to the access of inmates without a Social Security Number to pharmaceutical products.[62] After an inmate re-

61. See also OPCAT Annual Special Report 2017 https://old.synigoros.gr/?i=human-rights.en.recentinterventions.538227

62. On 17.5.2023, only a few days following the inspection, the General Secretariat for Anticrime Policy took the initiative to issue a joint Ministerial Decision providing for the Tempo-

ported that he was an HIV patient but received no special care, a recommendation was made to offer HIV-positive inmates access to appropriate medical care and to raise inmate awareness on hygiene and preventive measures for the treatment of HIV and other infectious diseases.

- Lastly, as far as mental health services are concerned, the fact that a Skype telepsychiatry programme is in place is definitely a step in the right direction. However, given the significant number of prisoners using psychotropic drugs and the fact that inmates have died due to combined use of psychotropic drugs and alcohol, the staff should be reinforced by creating an organic position for a psychiatrist, who will be on the premises on a daily basis taking care of mentally ill prisoners.

### *5.1.2.7. Correctional Facility of Corinth*

***Findings and Recommendations***




*Correctional Facility of Corinth - classroom*

rary Prisoner Health Care Number ("PAYPEK").

- Inmate Communication/Awareness: According to the inspection findings, inmates not speaking Greek are assisted in communications by fellow inmates. Moreover, all announcements concerning prisoner rights are in Greek. Failure to inform detainees of their rights in a language they can understand constitutes a violation of their fundamental rights under both national and international law. Therefore, detainees must be given the opportunity to be informed in a language they speak or provably understand. To this end, written announcements of detainee rights must be posted and other services must be available in different languages, while assistance from interpreters must be sought whenever necessary. The space where prisoners can communicate with family members via Skype is currently vacant and out of use and may be relocated in the school. Electronic communication seems to be immediately restorable and should be a priority for the prison administration, especially for prisoners whose families live far away or abroad. Such relocation, however, should not howsoever disrupt the operation of the School.



*Correctional Facility of Corinth*

- Hot water: After several complaints from inmates for lack of hot water - which are clearly inconsistent with the Administration's assurances that the issue has been resolved, it is necessary to ensure the availability of hot water for more hours every day, to ensure unfailing compliance with hygiene rules.

- Meals: Inappropriate food supply to detainees is degrading treatment and amounts to malnutrition[63]. Prompt measures should therefore be taken to increase the quantity of portions and introduce special diet plans for inmates with specific health problems (e.g. diabetes). The operation of a canteen is also imperative. Until then, measures must be taken to eliminate the phenomena of profiteering and overcharging reported by inmates. This can be done by monitoring procurement procedures and adopting "good practices" applied in other Facilities, such as bulk orders to gain discounts, seeking bids from suppliers, etc.
- Medical and Pharmaceutical Care: Essential medicines must be timely administered by a nurse. In particular, inmates receiving psychiatric treatment should be regularly re-examined by a psychiatrist to readjust their treatment as per their needs. In this context, it is recommended that the offer of the Medical Association of Corinth should be provisionally accepted and a volunteer psychiatrist should be allowed to attend patients.
- Heating: Radiator malfunctions and damages leading to heat losses (e.g. broken glasses) must be restored. According to ECtHR case law, heating deficiencies in detention facilities constitute degrading treatment[64].
- Training: The Ombudsman considers imperative to reopen the Primary School on the premises and initiate training programmes; however, in the relevant discussions the Administration did not seem ready to takes steps in that direction.
- Prison Employment: Prison employment is extremely important, as, among other things, leads to a reduction of prisoners' sentences.
- Repairs: Pay phones and other damaged equipment must be promptly restored and tool shortages promptly addressed, to prevent further disruption to inmate daily routines.
- Bureaucracy: According to the inmates, it takes too long for the prison council to decide on inmate requests, often causing inmates to remain in detention for several months after completing their sentence or being released. Similarly, transfer requests are reviewed with substantial delays.
- Disciplinary cells: On the day of the inspection all disciplinary cells were empty. The space, however, is totally inappropriate for use even for short periods of time and must be renovated to meet international standards. It

63. ECtHR, *Hermann and Cerazadishvili v. Greece*

64. ECtHR, *Adiele and others v. Greece, Filippopoulos v. Greece, Nisiotis v. Greece*

is noted that the special juvenile department of the Correctional Facility of Corinth was recently relocated. This was the result of the severe tension that was created in June 2022, which led to extensive damages to building infrastructure and serious disruption to the operation of the juvenile ward (school operation, educational activities, etc.). The Ombudsman acknowledges that the inspection was carried out shortly after this development. We therefore consider that the new administration should be given time not only to restore the damage, but also to adapt to the new role of the facility as an adults-only prison. We therefore consider it imperative to schedule a new inspection in the next months in order to monitor the action taken for such transformation and the implementation of the plan that was presented by the administration. In any case, the above observations can contribute to this end.

### *5.1.2.8. Women's Correctional Facility of Eleonas, Thiva*

***Findings***



*Correctional Facility of Eleonas - laboratory*

On the day of the inspection, the Facility accommodated 319 convicts and pre-trial detainees. The Facility's official capacity is 625 inmates (51% occupancy rate).

The inmates are mainly convicts and secondarily pre-trial detainees, coming from the Korydallos Correctional Facility II, who have been transferred to another facility following disciplinary sanctions. Inmates also include minors and mothers of children up to three years old with their children. About 1/3 of the population are foreigners and 1/3 Roma people.

The prisoners, except for minors and mothers with children, are distributed in five wards, each having twelve bunk beds. If necessary, space is available to place additional folding beds. Each ward has a bathroom with a toilet. The Facility has a central heating/cooling system, which, however, is out of order due to malfunction. Heating is supplied by radiators and oil purchases are paid for by donations. Portable radiators are also frequently used. In the summer, fans are used as cooling equipment. In 2022, air conditioners were installed only in staff offices. The wards have windows and sufficient natural light and ventilation.

There are seven special detention cells for disciplinary confinement. They are intended for inmates who have been imposed a disciplinary sanction of confinement in a special detention cell, inmates in quarantine and new inmates charged with drug-related offences.



*Correctional Facility of Eleonas - ward*

A special diet is provided for the children of detained mothers and for health or religious reasons (e.g. during the Ramadan), yet not for juvenile detainees. During the inspection, the kitchen was found to be in generally good status in terms of cleanliness and hygiene. However, only fifteen inmates are employed there, although there are fifty work posts available. The Administration considers it necessary for the legislator to provide incentives for the recruitment of prisoners, as there is shortage in human resources due to the demanding and heavy nature of this work.

There is a resident doctor (gynecologist), a dentist and a nurse on site, whereas the remaining shift positions are covered by security guards. A pulmonologist, a psychiatrist, a pathologist and a volunteer pediatrician make visits. There is also a rural doctor. The medication is administered by the resident nurse. Patients requiring hospital care are referred to the General Hospital of Thiva, which has no paediatric clinic. Infants and toddlers are therefore transferred to the pediatric hospitals of Attica. Transfers for medical reasons are quite frequent, which puts extra workload on the (already inadequate) staff. The Administration has proposed that some patients be referred to the Hospital of Chalkida, which is located closer, so that they receive instant treatment and valuable human resources are saved.



*Correctional Facility of Eleonas*

The high number of psychiatric patients was also noted. In case of emergency, the detainees are transferred to the Attica Psychiatric Hospital in Haidari or to the Attica Psychiatric Hospital "Dromokaiteio". These hospitals, however, are unable to provide long-term hospitalisation, while there is no psychiatric hospital for female prisoners; as a result, seriously ill prisoners stay in the same wards with all others. Their cohabitation with healthy prisoners ensures their supervision by the latter, especially when patients exhibit suicidal ideation or self-destructive behaviour.

On the day of the inspection, there were approximately sixty to seventy drug-dependent inmates on site. Nine of those participated in the KETHEA Therapeutic Rehabilitation Program *"En Drasei"*. Incentives, such as conditional release, are provided for inmates participating in rehabilitation programmes.



*Rural Correctional Facility of Agia, Chania - ward*

The main treatment takes place in special premises with three psychologists. The premises are in very good condition and totally independent as they are located in a separate spacious building. They are equipped with bunk beds, a bathroom, a fully equipped kitchen and dining area, a laundry, a common-use TV set and a video surveillance system. They also have storage spaces, a living room, a courtyard with outdoor furniture and a canopy.

Mothers with children up to three years old are detained in a separate section (Mothers - Minors Building) and live in cells. Each cell is used by one or two mothers. In the building there is a common play area, with appropriate decoration and some toys to cultivate the infants' gross motor skills. The courtyard has a small playground. The walls have paintings, but the general condition is not satisfactory and significantly inferior to the remaining areas and premises of the Facility.

The Facility comprises a Primary School with three teachers and a Second-Chance School ("S.D.E."). Among the detainees are female senior high school students, students at the Hellenic Open University and students at other higher education institutions, who attend courses remotely. Juvenile prisoners are encouraged to complete compulsory education.




*Rural Correctional Facility of Agia, Chania - products*

In cooperation with the Vocational Training Centre "Apopsi", inmates are given an opportunity to obtain certification in computer use and vocational training in various disciplines. Theatre, handicraft and collage classes are provided by the NGO "Arsis" and dance classes are expected to take place in cooperation with the National Opera.

Once a month the Social Service provides needy inmates with necessary personal hygiene and cleaning items (toilet paper, sanitary napkins, shampoo, shower gel, etc.). In addition, financial aid of ten Euros is granted on a case-by-case basis for the purchase of basic goods, while underwear, clothing and footwear, towels, etc. are systematically distributed. All provisions come from volunteers and private donors.

Detainees having no Social Security Number ("AMKA") are assigned a temporary AMKA ("PAMKA") for medical care purposes, which is essential for the prescription of medicines and the supply of medical equipment, such as oxygen devices. For inmates with no AMKA or PAMKA, medical expenses are covered by the Facility's Charity Fund, which, however only receives limited donations.

On the day of the inspection, only three detainees were held in the Rural Section of the Facility. The reduced occupancy of the Rural Section is due to the strict conditions for the transfer of prisoners to rural correctional facilities following the amendment of the Correctional Code. The inmates are staying in independent,

spacious houses, furnished and equipped with all necessary electrical appliances. They have a kitchen, a bathroom with shower and radiators. The surrounding outdoor space is well-maintained and comprises a poultry farm and a vegetables garden. The relevant products are used in the kitchen.

***Recommendations***

The inspection has shown satisfactory detention conditions, infrastructures in fairly good condition and compliance with basic decent living standards. With the exception of the infirmary and a light well which was littered, the premises were clean and adequately maintained, and the rooms had fresh air and sunlight.



*Rural Correctional Facility of Agia, Chania - library*

By contrast, the conditions in the ward where mothers with their children are detained are considered rather poor. The infrastructure is visibly inferior, outdated and poorly maintained. Another major issue is the social isolation of the infants and toddlers that live on the premises.

The shortages in medical and nursing staff are alarming, in particular the absence of a psychiatric hospital for female inmates combined with the absence of

a resident psychiatrist. At the same time, all Facility staff need to be reinforced, so that guards are not forced to perform other tasks.

***The Ombudsman suggests the following:***

- Repair of the central cooling and heating system or installation of air conditioners in the wards and cells to protect the inmates mainly from summer heatwaves.
- Installation of shades and gym equipment in the courtyards.
- Establishment of a psychiatric department or ward for female prisoners; reinforcement of the Facility staff with permanent medical and nursing staff and re-launch of the telepsychiatry programme.
- Rationalisation of the system of prisoner referral to hospitals, including the option of referral to the nearest hospital in Chalkida.
- Relocation of mothers with children to a suitable space that meets the needs of infants and children, possibly to the Rural Section. More toys with games and activities designed to foster fine motor skills.
- Measures for the social integration and socio-emotional development of children and attendance at external nurseries and kindergartens. If this is not possible for children under two and a half years old: recruitment of a nursery teacher and reopening of the creative activities room on the premises.
- Transportation of mothers with children in simple service vehicles of the Hellenic Police, without contact with other detainees.
- Timely staffing and opening of the Second-Chance School ("S.D.E.") and appropriate study spaces for prisoners attending all educational levels.
- Re-launching of programmes that were successfully implemented in the past (e.g. painting workshop, volleyball lessons, etc.).
- Reinforcing the Social Service in terms of human and material resources.

### *5.1.2.9. Rural Correctional Facility of Agia, Chania*

***Inmates - Premises***

The Facility has a capacity of 178 inmates (according to the list posted by the General Secretariat for Anticrime Policy) or 172 inmates (according to warden's oral representations), and accommodated 82 inmates on the day of the inspection.

Inmates have drastically decreased after Law 4760/2020 was enacted introducing stricter conditions for inmate transfers to Rural Correctional Facilities. Prisoners now come only to serve a short part of their sentence, while lifers are

only eligible after serving twelve years. From 150 inmates in 2020, the average number of inmates dropped to 80 in 2023.

The building infrastructure dates back to 1928. As a result of its age and poor maintenance, it has extensive damages and substantial moisture. Unused building areas are poorly maintained because there are no inmates skilled for the job.

Agricultural equipment is also heavily outdated and malfunction, as repairs are costly and therefore scarce.

***Work***

Detainees are offered the possibility of offering remunerated work in the various production units of the Facility. The most operational and profitable unit is the bakery-pastry shop, which supplies high-quality products to various structures of the city of Chania (Hospital, municipal structures, etc.).

On average 10 prisoners with experience in livestock farming are employed in agricultural work, under the supervision of 3 prison officers. These inmates are selected by the Labour Council on the basis of strict criteria, as they practically live outside the prison and it is imperative to ensure lawful conduct, to the extent possible.

The reduction in the number of inmates has led to a corresponding reduction in agricultural activities in recent years, as priority is given to activities under contract (bakery-confectionery), while other activities risk to be abandoned. Some gaps are filled by the personal work of prison officers.

Moreover, prisoners are normally transferred to this Facility shortly before their release and their poor work experience aggravates the Facility's lack of efficiency and unstable production.

Moreover, it seems that the reduction in the number of inmates is a counter-incentive for the inmates, as they are unwilling to undertake heavy work, given the small number of inmates working. An even greater counterincentive for undertaking heavy work seems to be the fact that the beneficial calculation of the sentence is the same (one day of prison work deducts two days from the prisoner's sentence), for any type of work, main or auxiliary.

***Meals:***

Meals are prepared in the kitchen, which is well-maintained, tidy and clean, with relatively new equipment which seems to ensure that the meals are of sufficient quality, quantity and variety. The meals include some of the products produced on the premises. Based on the Ombudsman's findings so far, this is probably the only facility where milk is offered every day at breakfast.

There seems to be no special provision for diabetics or inmates with other medical conditions, while the doctor assured the inspection team that he provides instructions to the patients whenever necessary. Inmates can cook for themselves, using products bought from the grocery store or produced on-site.

***Healthcare - Social Service***

An NHS doctor (GP) offers medical services. He is assisted by a nurse, who is in charge of all matters related to the clinic, including bureaucratic and procedural issues. The Facility is visited by a dentist under an annual contract, once a week. There is no psychologist on-site and no severe drug addicts have been recorded recently. There is a budget for medicines and a contract with a nearby pharmacy.

The social service comprises two social workers who are responsible, among other things, for the accommodation and transportation of prisoners on leave, their financial support, the procedure before the Disability Certification Centres ("KEPA"), the search for sponsors and donations, the library and the online communication of inmates with family members.

***Treatment Centre for Addicted Persons***

The KETHEA team covers, apart from the Rural Correctional Facility, the adjacent Correctional Facility *"Crete I"*, and operates as a purely advisory structure.

Once a week the Centre's specialists carry out sessions with prisoners in rehabilitation, implementing a two-phase rolling programme (four-month and seven-month programme). The sessions are intended to inform prisoners, integrate them into groups, encourage wilful abstinence and session attendance, while efforts are made to stay in contact with the inmates after their release.

During the relevant discussion, the KETHEA staff pointed out, among other things, that proposals should be made to expand rehabilitation actions. Such proposals could include the establishment of a therapeutic structure (such as *"Prometheus"*, at the Correctional Facility of Diavata) in the adjacent Facility (*"Crete I"*), which could also serve the inmates of the Rural Correctional Facility, and the establishment of released prisoner communities with a view to monitoring and supporting the rehabilitation process both materially and psychologically.

***Education***

There is no Second-Chance School, but agricultural training and skill certification programmes are carried out occasionally, depending on availability. Certifications are issued even when there is no certification programme under way. Due to the short duration of the detention, it has not been possible to implement any OAED programmes.

***Recommendations***

- Appropriate selection of the prison population based on the criteria applicable to the Facility as a rural correctional facility (number of inmates, work experience, skills),
- Efforts to reinforce the Rural Correctional Facilities in cooperation with the Central Transfers Committee, by exhausting all lawful means for more prisoner transfers to these premises, taking into account the specific needs of each facility for certain specialties,
- Recruitment of a psychologist and/or psychiatrist, under employment contracts of definite or indefinite term for visitation services,
- Repair of building infrastructure,
- Carrying out building legalisation and licensing formalities, so that the product certification process can be carried out directly on-site,
- Exploring possibilities for product packaging and marketing,
- Replacement of agricultural equipment and tools,
- Installation of a permanent supervisor in the confectionery/bakery,
- Proper livestock maintenance,
- Institutional coordination of Rural Correctional Facilities for exchange of information, know-how and proposals,
- Training of executives in productive areas useful for the operation of the Facility,
- Associating released prisoners with current inmates, e.g. by setting up a store in the city market.

### *5.1.2.10. Special Rural Youth Correctional Facility of Kassaveteia*

***Inmates and Inmate Segregation***

At the time of the inspection, twenty-one minors were detained, fifteen of whom were Greek (Roma) citizens. The majority of the inmates (14) were seventeen years old. One had just reached adulthood, one was fifteen years old and the remaining five were sixteen years old. Pre-trial detainees were held together with the other juvenile detainees. Inmates were allocated to the cells seemingly with a view to preventing tensions. On the day of the inspection, a group of minors (6 people) had been temporarily transferred to an adult ward, in a separate wing, which, however, shared a common yard. The transfer had been decided due to previous clashes. According to the security officers and the juveniles themselves,

the juveniles were only allowed to use the yard at noon, when the adult wards were closed for midday bedtime, to avoid interaction with adult inmates.

***Premises***

The prison infrastructures are generally well maintained. The wards are in relatively good condition, recently painted. Almost all toilets have doors and (at least) one has a curtain instead of a door. There is a large wall-mounted fan in operation in every ward. All spaces have good natural lighting and ventilation from the windows. Each ward has a plastic table, chairs, beds, a wall-mounted TV and a refrigerator.

The wards lack an indoor common-use space where inmates can exercise, study or carry out recreational activities during the hours they are allowed to stay in the wards. This is expected to create problems especially during the winter months, due to the low temperatures and the early sunset. There is no outdoor or indoor work out space (gym) in the building for individual or group workout.

***Medical services - Social Service***

There is one resident doctor and one resident nurse on the premises, while a request has been made to fill the vacancies that arose from the departure of two nurses. In case of an emergency or serious incident the minors are taken to Volos Hospital. There is no psychiatrist, child psychiatrist or psychologist on the premises. KETHEA is active on the premises. There are three social workers, whose contact with the minors seems to be effective.

***Education - Vocational Training - Entertainment***

A school (primary and secondary school) for adult prisoners operates on the premises, while there is also a cooperation in place with the General Senior High School of Nea Anchialos for the provision of private tutoring.

Given that, up until the last academic year, these establishments were addressed exclusively to adult inmates and that the latter were not allowed to mingle with minor inmates, the administration had requested approval for the installation of a 60 sq.m. structure in the yard of the juvenile detainees ward. It is noted that the majority of the inmates are primary school students; some of them have insufficient knowledge of the Greek language; most of them are Roma citizens; and there is one deaf juvenile among the inmates. There seems to be no planning for vocational training.

Entertainment options appear to be limited at present. The absence of an indoor common space [in case the multi-purpose space is not dedicated to the needs of minors] is expected to prevent substantially the implementation of group recreational activities.

***Recommendations***

- As regards in particular the juvenile prisoners who were recently transferred from the Correctional Facility of Corinth, the following recommendations are made:
- Speeding up classroom reconfiguration works to resume school operations as soon as possible.
- Reinforcing the school by establishing reception classes in the primary school and/or high school.
- Offering more workout and sporting opportunities through regular access to the gym; availability of all necessary equipment (insofar as permitted); installation of safe workout equipment in the yard and regular sessions with a trainer as frequently as possible, in order to help juveniles to blow off steam and prevent tensions.
- Creating a juvenile-friendly public space that encourages recreation and study.
- Recruitment of additional security staff to meet the increased escort and supervision requirements.
- Systematic training of all staff, especially of the security staff, on how to establish effective communication with minors and handle tensions. In this direction, a potential cooperation with KETHEA could be considered, as KETHEA has carried out similar trainings in the past, or with the Training Institute ("INEP") of the National School of Public Administration and Self- Government.
- Addressing the Facility's reported need for regular support by a psychologist and recruiting additional nursing staff. As a transitional measure: cooperation with a mental health institution / service; alternatively, temporary (even partial) staff lending from another service, in order to ensure proper assessment and systematic support of mentally ill inmates.
- In addition, implementing programmes and actions aimed not only at the entertainment or employment of inmates, but also at smoothing out the relations between them.
- Utilising the remote interpretation services offered by the Greek Red Cross for the communication of social workers and administration officers with juvenile prisoners who do not speak Greek.
- Reinforcing / establishing regular recreational activities; introducing vocational training programmes; and promoting cooperation with "Epanodos" for effective reintegration in the community.
- Exploring the possibility of using the internet (skype, etc.) for communications with family members under supervision, as an equivalent to live visits.

### *5.1.2.11. Volos Juvenile Correctional Facility*

***Findings***

The facility's operation generally raises concern, considering the number of inmates leaving and inmate mobility in general. In this context, one aggravating factor is the fact that the period of time each detainee will stay on premises is not clear from the beginning. This leaves inmates with no time horizon as to their return to the community. In fact, this has triggered complaints also from adult detainees, who protested about their placement on this facility rather than in prison.

As was reported by the staff and young inmates, the inmates have no reason or expectation to leave, as there is no effective supportive framework to ensure their smooth reintegration in the community. Moreover, no programmes are in place in the facility that could contribute to this objective by providing young inmates with knowledge and/or skills useful for their professional rehabilitation (e.g. motorcycle and bicycle repair workshops, hairdressing workshops, computer lab).

The fact that juveniles are held together with adults - a practice long abandoned in prisons - and the admission of inmates from prison facilities also appears to be problematic.

The facility has no operating regulations, which creates ambiguity and confusion as to basic aspects of the organisation and daily life on the premises (e.g. compulsory attendance, roles of security officers, exits and escort procedures).

The medical services provided do not seem to include preventive health care (in the context of social and preventive medicine, with a focus on hygiene, infectious diseases, suicide prevention, etc.), which is particularly important for juvenile and young inmates.

***Recommendations***

- Reviewing the overall operation and nature of the Facility, taking into account the serious issues identified and the fact that, at the time of the inspection, there were only five persons on the premises, some of whom were adults, and most of the rest had left. It is therefore necessary to explore alternative facilities to place detainees, having due regard to the best interest of the minors; apply different measures and explore the option of placing juvenile detainees in open semi-free living or closed facilities, depending on their needs, with a clear framework, a small number of detainees, systematic and adequate support by specialised staff and emphasis on social rehabilitation, treatment and/or reintegration.
- Review of the provision (Section 130 of the Penal Code in force) which allows

for the admission of adult detainees in the facility, as this leads to coexistence of adults and minors on the premises and sometimes (including the day of the inspection) coexistence with children of young inmates previously detained in prison for a long period of time.

- Drafting and enacting operating regulations, to the extent the Facility continues to operate as a juvenile detention facility, as this is considered imperative for self-evident reasons.
- Systematic training of all staff, especially of the security staff, on how to establish effective communication with minors and handle tensions. In this direction, a potential cooperation with KETHEA could be considered, as KETHEA has carried out similar trainings in the past, or with the Training Institute ("INEP") of the National School of Public Administration and Self- Government[65].
- Holding regular meetings with staff and inmates to discuss problems that arise and build trust.
- Offering more workout and sporting opportunities by providing all necessary equipment (balls etc.); installing safe workout equipment in the yard and holding regular sessions with a trainer as frequently as possible, in order to help juveniles to blow off steam and prevent tensions.
- Using the internet (skype, etc.) for supervised communication with family members, subject to all necessary conditions, as an equivalent to live visits, given the remote location of the Facility and the fact that some inmates may be unable to communicate with their families by phone (e.g. children whose families are abroad).
- Renewing the Library by adding youth-oriented content, in languages understandable to the inmates, and keeping the books in a place easily accessible or regularly visited by the inmates. Encouraging inmates to use the Library. Exploring the possibility of borrowing books from the local Library of Volos or local schools (collection of books by students, etc.).
- Introduction of vocational training programmes, which could improve the daily life of prisoners and facilitate their reintegration after release. In the same context, it would be particularly helpful to add activities, such as IT or language courses, which seem to be of interest to young people.

65. The following INEP programmes are indicatively mentioned: *"Mental health and crisis management in prisons"*, *"The role of prison staff in the treatment and reintegration of prisoners"*), while a request could be also filed for the development of an even more specialised programme, given the special nature of the Facility.

- Implementation of a preventive medicine programme for the inmates.
- Promoting cooperation with "Epanodos", which is expected to contribute substantially to inmate reintegration.
- Creating collaboration networks with the community to provide reintegrated youths and children with job opportunities, social support, etc.

## 5.2. Police station cells

### 5.2.1. General findings

During our visits to adult and juvenile detention facilities of the Attica Police Headquarters relatively decent conditions were established, along with a need for further improvement of hygiene conditions and compliance with capacity limits. In the absence of sufficient yard time and entertainment / activity options, it was suggested that the prisoners should move freely in the common corridor and all available opportunities should be offered for outdoor time. The inspectors pointed out the need to obtain video footage in order to effectively investigate injuries and violence reports. It was recommended that a special space should be created for physical examinations, meeting privacy and dignity standards.



*Igoumenitsa Port Authority Detention Facility*

A relatively small number of detainees were found on the premises of the main building of the Police Headquarters in Thessaloniki (1.6.2023). Detainees are frequently renewed with due regard to time restrictions, which contributes to the satisfactory status of the recently renovated detention facilities.



*Igoumenitsa Port Authority Detention Facility*

The Ombudsman carried out inspections at Immigration Management Departments (IMD) and at the Police Station of Kypseli, as part of the external monitoring of the administrative detention of foreigners[66], on the basis of relevant reports. An NPM team also conducted inspections to identify unaccompanied minors in the context of the National Emergency Response Mechanism ("EMEA")[67].

In particular, significant deficiencies were identified in basic services, such as, for example, cleaning, interpretation, unhindered medical care and food. The premises were found to be unsuitable for use for more than a few hours, among others

66. Article 23(6) of Law 3907/2011

67. https://migration.gov.gr/tilefoniki-grammi-toy-ethnikoy-michanismoy-epeigoysas-antapokrisis/

because no yard time is available. In this context, the Ombudsman repeated his firm position that the administrative detention[68] of aliens in police stations should be avoided as the facilities are presumed to be unsuitable due to the prevailing conditions.

At the same time, whenever foreigners are detained in police stations awaiting return, even temporarily, the Ombudsman consistently recommends that all possible efforts must be made for their separate detention from criminal detainees. In addition, special care must be taken to avoid unaccompanied minors being held in police station cells, even for one night.

Inspections were also carried out at the detention facilities of the Aliens Directorate of Thessaloniki, at the Immigration Management Departments (IMD) of Agios Athanasios and Thermi, as well as at the Police Station of Tychero, Evros, in the context of administrative detention of foreigners. The Ombudsman repeated the view that the cells of police stations should not be used for detainees awaiting return, and further found that the facilities are considerably damaged. He also noted that meals offered at IMDs are insufficient to meet the needs of adults; that there are shortages in personal hygiene items and clothing and that the unavailability of interpretation and medical care services remains an issue.

Lastly, as regards Coast Guard detention facilities, an inspection was only carried out at the detention facility of the Port Authority of Igoumenitsa (6.12.2022). It is worth noting that the facility was found to be in the exact same condition as five years ago, despite the administration's assurances that there would be improvement.

### 5.2.2. Specific observation

#### *5.2.2.1. Attica Police Headquarters*

The Attica Police Headquarters (19.5.2022) were chosen for inspection on the basis of past reports that were filed with the Ombudsman, regarding detention conditions, as well as numerous reports for multiple violations of the rights of detainees who were arrested during demonstrations, as well as on the basis of a review of the disciplinary records handled by the National Mechanism for the Investigation of Arbitrary Incidents.

***7th floor***

The Attica Police Headquarters comprise an adult detention area with a capacity

68. Article 31(1)(b) of Law 3907/2011 and Article 16(1) of the Returns Directive (2008/115/EC).

of 72 persons (36 men and 36 women) on the 7th floor, where detainees of the Attica Security Directorate and the Athens Security Departments are held. The adult detention area on the 7th floor consists of 18 cells (9 for men - 9 for women) each accommodating 2 persons, while there are also cells that are used as storage rooms. In each cell there is a built-in bench on which two single mattresses are placed one next to the other. If more than two people need to be accommodated in a cell, the mattresses are placed on the floor. The cells are rectangular, about 2m wide and 5m long. Considering that the relevant CPT4 reports mention that cells have a surface area of approx. 12 square meters, the available space is clearly inadequate to accommodate more than two persons. Detainees sleep on mattresses, without sheets, and are covered with blankets, which, according to staff, are washed and disinfected regularly. During the inspection, however, some detainees asked for clean blankets, complaining that the existing ones are unclean and give off a urine smell. In the absence of sheets, the detainees place the blankets on the mattresses to lie down. The blankets looked new, but indeed visibly unclean, and there were older blankets in the clean blanket storage area. In the storage areas there were also new, unused mattresses in cellophane and others with an external waterproof cover, which, according to the staff, was requested by the manufacturer in order to facilitate cleaning.

There is no doctor's office or examination room on the premises and detainees are not examined by a doctor on a regular basis. In case a need for medical care arises during morning - midday hours, a doctor from the Health Directorate of the Athens Police Headquarters Medical Centre visits the premises upon request, based on the medical services programme drawn up by the Service for each day. Available specialties include, among others, a psychiatrist. In case a need for medical care arises at a time doctors are off duty or if an emergency transfer is required to an on-call hospital, the EKAB is notified, otherwise (if no ambulance is required) the Arrest Service is notified to carry out the transfer.

***3rd floor - Cells of the Sub-Directorate for the Protection of Minors***

The lobby is decorated with posters and paintings. The main area comprises 3 cells, 1 for girls and 2 for boys. They accommodated strictly minors up to the age of 18 years. The facility has a total capacity of 6 people; was renovated four years ago (painted, tile replacement, etc.) and each cell has two built-in beds, with a mattress, a blanket and a pillow. There are 2 squat toilets and 1 shower, which are common for boys and girls. There is a central heating and cooling system. Meals are offered three times a day, while extra meals are provided by the Police Officers Club. Juvenile detainees are not allowed to stay on the common corridor when out of their cells.

***6th floor***

The 6th floor is use to accommodate persons brought in by the Police. In case of mass arrests, where many people are brought in at the same time, they are divided into groups supervised by police officers and remain in the corridors. The existence of a detention area on this floor was not confirmed.

***11th floor - Sub-Directorate for Crimes against Life and Property***

The inspection team toured the renovated premises on the left corridor of the 11th floor, which accommodates the offices of the Sub-Directorate for Crimes against Life and Property. When asked about CPT reports regarding the cells on the 11th and 12th floors, the officials clarified that there were no longer cells there.

***Findings and Recommendations***

Given that no out-of-cell time or any entertainment / activity options are available and that access to toilets and showers requires the prior opening of the cell doors, cell doors must remain open for the biggest part of the day, unless they have to remain closed for a specific reason.

The bed structure does not allow for more than two persons per cell at a time. Capacity limits must be strictly observed at all times and the practice of placing mattresses on the floor should be avoided. To this end, it is necessary to use all available cells as per their intended use and use other spaces to store blankets and records. As the windows can be opened despite the handrails, they should be opened to ensure natural ventilation throughout the year, especially at times of a pandemic or when detainees are held on the premises in large numbers.

Whenever a detainee is injured or legitimate and necessary force is used by the staff, a copy of the relevant video footage must be preserved, in accordance with the provisions of Directive no. 1/2011 of the Data Protection Authority - a need also highlighted in the annual reports of the National Mechanism for the Investigation of Arbitrary Incidents, where recommendations are also made to that effect.

Whenever detainees are held in custody in large numbers, a special space must be set up with due regard to all applicable privacy and human dignity requirements, where detainees will undergo physical checks before they enter the detention area.

Lastly, given that there are no special interrogation rooms and taking into account the information contained in the recommendations of the Council of Europe's Committee for the Prevention of Torture (CPT) for the 11th and 12th floors,

the renovation of the 11th floor and the use of old cells as office spaces are steps in the right direction. However, the Ombudsman notes that in any future inspections, the members of the inspection team must have unhindered access to all office spaces on these floors.

#### *5.2.2.2. Police Station of Kypseli*

A NPM team carried out an inspection (1.3.2023) at the Police Station of Kypseli/ Athens Security Sub-Directorate to assess detention conditions and procedures, following a complaint concerning the administrative detention of a foreign national, his access to medical care and the conditions of his detention.

The Police Station of Kypseli has two different detention areas: the basement cells and a pre-trial detention area on the ground floor. On the day of the inspection, there was only one man held in the cells, while three detainees were being transferred at the time the inspectors arrived on the premises. The Ombudsman was assured that criminal and administrative detainees are held separately, as the Police Station only accepts criminal detainees. Administrative detainees rarely stay overnight and are held on the third floor, in the pre-trial detention area of the Athens Security Sub-Directorate.

According to the information provided by the Athens Security Sub-Directorate, foreign administrative detainees are only held on the premises for a few hours for identification purposes. Normally they do not stay overnight and may rarely stay for 3 or 4 days. However, the Detainees Log indicated that the complainant had been held in the pre-trial administrative detention area on the third floor for 5 nights.

On the day of the inspection, unlike the other detention areas, the pre-trial detention area on the third floor (about 10 square meters) was in good condition, clean, but completely empty, with no beds or mattresses. The toilets are outside the detention area, on the same floor (also clean on the day of the inspection) but the detainees have to call the officer on duty to escort them there. This is a problem during night hours, when the Security Sub-Division is closed. The basement comprises three cells, the largest one having a capacity of ten people and the other two four people each. They all face a common corridor. There is a payphone on the ground floor, which is used by detainees upon request. There is also a heating system, operating on gas and solar heating, as well as hot water. The common area at the guard's office is surveilled by a security camera on a 24/7 basis.

The walls were dirty and there was dampness. Detainees sleep on mattresses, without sheets, on built-in benches covered with blankets, which, according to the Police Station commander, are not washed but regularly replaced. If the cells are full, the requirement for a minimum space of 4 $m^2$ per person per cell is not

met. The basement comprises a closed visiting room for 2-3 persons. The room is divided into two very narrow sections; has no natural lighting and there are no chairs or benches to sit on.

The common corridor of the cells leads to 2 shower/toilet rooms. On the day of the inspection, both the corridors and the sanitary areas were very dirty. However, the inspection team was informed that the common areas are cleaned early in the morning by the cleaner contractually appointed to clean the entire building. Moreover, detainees are given small quantities of detergents to clean their own cells. Disinfection is carried out regularly. The detention area has limited natural light and low-voltage electricity is provided.

The cells are lightly ventilated through the windows overlooking a courtyard at the rear side of the building. There is no air conditioning system installed. The detainees can freely move between their cells and the common corridor, as the cells are most often left unlocked. As far as detainee hygiene is concerned, detainees are reportedly supplied with personal hygiene products in sufficient quantities; however, hygiene standards are rather low detainees are mainly drug addicts or mentally ill persons. Detainees are not allowed to be in the yard because this is not considered safe nor may engage in any recreational or other activities.

***Conclusions - Recommendations***

The detention conditions in the basement cells of the Police Station of Kypseli could be described as relatively good, provided that criminal detainees are not held for longer than 2-3 days. However, common areas are rather sub-standard in terms of cleanliness, while detainees are also deprived of yard time. The issue of poor cleanliness and the general condition of the cells in the Police Station of Kypseli were included in the remarks of the Council of Europe's Committee for the Prevention of Torture during their 2019 visit to Greece[69].

Cleanliness must be promptly improved by contracting at least 2 cleaners specifically for the cells, working in morning and afternoon shifts. Another good practice and a standard recommendation of the Ombudsman for all police stations is to ensure that all cells are individually cleaned by adequate cleaning staff, rather than leaving it up to the detainees to clean their own cells.

In addition to zero yard time, the administrative detention area on the third floor of the Athens Security Sub-Directorate in Kypseli is totally unsuitable for accommodating detainees overnight, as it has no beds or even mattresses, and detainees need to notify the officer on duty to use the toilets.

69. https://rm.coe.int/16809e2058 pp. 63-64

The Ombudsman repeated his firm position that the administrative detention[70] of foreigners in police stations should be avoided due to substandard conditions. At the same time, whenever foreigners are detained in police stations awaiting return, even temporarily, the Ombudsman consistently recommends that all possible efforts must be made for their separate detention from criminal detainees.

#### *5.2.2.3. Immigration Management Departments of the Directorate of Aliens of Thessaloniki*

***Thermi***

The detention facilities at the Aliens Directorate of Thessaloniki in Thermi are accommodated at the Hellenic Police maintenance and repair facilities. On the day of the inspection (11.4.2023) there were three detainees on the premises. Detainees stay on the premises for a few days (Albanian citizens usually one or two weeks. Citizens of other countries registered and awaiting a decision as to their transfer or release on a deadline to exit the country, 3-4 days).

The police station comprises two detention areas with a combined capacity of 12 persons (one with a capacity for five persons and one for seven). Each detention space has a toilet and a shower. These two areas, including toilets and showers, need better cleaning as well as repairs to restore damages mainly in the showers and toilets. On the day of the inspection, the smaller detention space was vacant and the aliens were held in the larger space.

The beds are built-in and each one has a foam mattress on top. The mattresses look rather old. The bed linen consists only of blankets supplied by the service. The blankets are sent for washing to the prison facility of Diavata. No sheets or pillows are available.

The Police Station is cleaned by one cleaner on a daily basis and detainees are supplied with cleaning materials upon request. There is hot water from a solar water heater and an air conditioning system used for cooling in the summer and heating in the winter. There is also a boiler for heating.

There is no yard time available, which renders these facilities completely unsuitable for accommodating detainees for multiple days. The cells have adequate natural light from the windows. Outside the cells there is a pay phone and a TV set. Detainees have no access to their mobile phones except to find contacts and always under supervision. The police station has no pharmacy or nurse on site.

70. Cf. Article 31(1)(b) of Law 3907/2011 and Article 16(1) of the Returns Directive (2008/115/EC)

Detainees in need for medical care are transferred to the local health centre or to an on-call hospital.

The inspection team observed that the mosquito problem has not been resolved and that there are no insect repellents available, as was noted in the previous inspection. The commander said that action would be taken to place insect repellent devices on the electrical outlets of the corridor behind one of the cells and that it may be necessary to install a power line to cover the second cell.

In conclusion, there are still problems despite the improvements in detention conditions. Such problems consist primarily in the absence of interpretation services, the building infrastructure which is totally unsuitable for long-term detention, and the deficient operational framework, which among others includes insufficient food portions, even though the catering services were assigned to private providers, and shortages in bed linen and personal hygiene products. In this particular facility, there was also a mosquito problem identified, as well as a need for better cleanliness in the toilets, a need for repairs and a need for a canteen operating on a regular basis at low prices, to enable inmates to procure additional food products, given the size of the food portions.

### *Agios Athanassios*

The Police Station of Agios Athanassios comprises two cells, each with a capacity of nine persons (combined capacity: 18 persons) and a corridor. Each cell has a toilet and a shower. There is no yard time available. On the day of the inspection (27.6.2023) nine aliens were detained, all adult men. Detainees are normally held on the premises for 1 or 2 days. Most aliens are then transferred to the Asylum Service and, if necessary, to the central detention facilities in Menemeni. Responsible for allocating detainees to the Police Stations across the region is the central service in Thessaloniki and the Police Stations merely execute orders.

There are air conditioners, central heating, natural light and ventilation. In order to prevent the pandemic, efforts are made to keep all new entrants in a separate cell.

### *Mygdonia*

An NPM team conducted an inspection (20.3.2023) to identify unaccompanied minors in the context of the National Emergency Response Mechanism ("EMEA")[71]. There were no detainees in the Police Station on the day of the inspection.

71. https://migration.gov.gr/tilefoniki-grammi-toy-ethnikoy-michanismoy-epeigoysas-antapokrisis/

- Based on the inspection findings and the information supplied, the following basic conclusions were drawn:
- The Police Station staff fail to apply uniform and clear procedures
- Clearly poor detention conditions due to poor cleaning and maintenance of the premises and the linen
- Unaccompanied minors are normally recorded in the Police Station within a few hours and need to stay overnight very rarely. However, in some situations (especially in situations where the detainees were brought in late at night) unaccompanied minors have stayed overnight or even remained on the premises in the weekend. According to the officers' representations, this is due to the fact that the central EMEA services are not available on a 24/7 basis and the fact that emergency accommodation facilities for unaccompanied minors do not accept minors during the night hours.[72]
- Deficient food supply to unaccompanied minors when they stay overnight, as no provision is made for food and water. Minors are afforded a daily allowance, which, however is insufficient to meet their needs.

Based on these findings, recommendations were made for:

- Better coordination of the parties involved in the emergency response process, in order to speed up the individual stages of the process and prevent unaccompanied minors from staying in detention even for one night or two days (weekend).[73] In this direction, it was considered appropriate to ensure immediate escorted transfer to an emergency accommodation facility for unaccompanied children, including during the non-operating hours of the National Emergency Response Mechanism
- Regular cleaning of the Police Station cells, replacement of worn mattresses, better maintenance of the premises, systematic care for sanitary conditions.
- Drafting of a protocol thoroughly laying down the legal actions of Police officers throughout the time they are in contact with unaccompanied minors, from identification or appearance at the police station to escorting them to the accommodation facility, and briefing of all police stations in this regard.

72. This was not confirmed by the emergency accommodation facility that was visited by the inspection team on 21.6.2023, while the team was also informed by other EMEA sources in Thessaloniki that there were delays in the screening procedure (fingerprinting).
73. This proposal is also intended to eliminate the problematic practice of placing unaccompanied minors in protective custody due to lack of secure accommodation, even though this measure was explicitly abolished.

- Issuance of certificates containing all necessary detention information by the General Secretariat for Vulnerable Citizens and Institutional Protection or by the emergency accommodation facilities to each unaccompanied minor under NERM attendance.

***Kordelio***

The Police Station comprises two detention cells, one with a capacity of 5 persons and a larger one with a capacity of 10 persons, and a corridor/hallway with a bench between the two cells. On the day of the inspection 4 women and 2 men, all adults, including a couple, were detained on the premises. On the day of the inspection (9.11.2022), most detainees were scheduled to leave the Police Station within the day, either to be released or to be transferred to other pre-trial detention facilities. One detention cell is reserved exclusively for women. Both cells are intended for short stays. As the commander explained, the Police Station of Kordelio is used as short-term detention facility, until the overall process is completed and a decision is made to either keep the detainee in custody elsewhere or release them. The procedures are usually completed on the same day and may take up to 2 extra days if a weekend intervenes.



*CCF of Samos*

Detainees remain locked in the detention area (where there are toilets and showers) without sufficient natural lighting or yard time. There is a TV set and a payphone. Upon requested, detainees have access to their mobile phones, but only to find contacts.

Air conditioners are used for cooling in the summer and radiators and air conditioners for heating in the winter. There is hot water 24 hours a day. The premises are cleaned three days a week and disinfected three times a month. Detainees sleep on mattresses on built-in beds and are supplied with blankets. The blankets are washed regularly in a household-type washer and dryer supplied available on the premises.

Detainees are supplied with basic personal hygiene products such as shampoo, soap and toilet paper. Other hygiene products are provided by NGOs and the UNHCR.



*Xanthi Pre-removal Detention Centre*

There is no medical staff on site. Detainees in need for medical care are transferred to the local Health Centre for to on-call hospitals. There is no nurse on site to administer medication on a regular basis. Medication is normally provided by the local community pharmacy. The relevant COVID protocol is applied; full body suits, thermometers and tests are available and a rapid test is performed before each transfer. There is no social worker/psychologist on the premises. There is no interpreter on the premises and police officers try to communicate with foreigners through other detainees who speak Greek or English, whenever possible. Legal aid is provided by organisations.

In conclusion, the premises, the detention conditions and the means provided by the Service render the facility unsuitable for detention beyond a few hours. Other major issues relate to deficient organisation, e.g. deficient basic services such as cleaning, interpretation, unhindered access to medical care, etc. These problems are consistently identified, often on a larger scale, in other detention facilities and must be promptly addressed at a central level, in order to protect the fundamental rights of detainees and create appropriate working conditions for the police officers.

#### *5.2.2.4. Police Station of Tychero, Evros*

On the day of the inspection (3.11.2022), the detention area was empty. However, recent dates written by detainees on the walls indicate that the detention centre is operative and used regularly, whenever illegal aliens are identified and arrested. The length of stay of each detainee is an issue that needs further investigation. In any case, basic detention standards are not met, even in the case of short-term detention. Cleaning, repairs and yard time are vital deficiencies.

## 5.3. Foreigner detention and accommodation facilities

### 5.3.1. General findings

In principle, illegal foreigners are detained in the Pre-removal Detention Centres for Foreigners (ProKeKA), until their forced return to their country of origin in accordance with the European Returns Directive (2008/115/EC). There is, however, an increase in de facto detention facilities for newcomers in the country.

In 2022, the new institution of Closed Controlled Facilities (CCFs) was initiated and the Ombudsman carried out inspections in some of these facilities to assess detention conditions and make recommendations.

The detention facilities and conditions at the CCF of Samos were found to be fairly good, especially in terms of accommodation, hygiene and cleanliness. There are,

however, concerns about the proportionality of the security measures applied, as they resemble more to those applied in prison facilities rather than those normally seen in foreigner accommodation facilities. In addition, the deficiencies in doctors and psychiatrists/social workers creates a number of problems, particularly with regard to the treatment of unaccompanied minors.

The same problem is also identified in structures that do not formally operate as detention facilities and therefore lay outside the competence of the NPM, such as the Controlled Temporary Accommodation Facility of Malakasa, where there is a high concrete fence that gives an impression of imprisonment to the detainees and even to the staff, while at the same time makes it very difficult for non-detainees or non-staff to enter the premises, limiting the communication of detainees with persons outside the Facility.

### 5.3.2. Specific observations

#### *5.3.2.1. Pre-removal Centre of Amygdaleza*

On the day of the inspection (16.11.2023) there were 724 detainees on the premises. 677 were adult men and 27 adult women. There were also 8 families, consisting of twenty people in total, including two children and three teenagers. The Centre has a capacity of 1100 persons. On the day of the 2022 inspection, a total of 1,084 people were detained in the same centre, over 584 people in 2021.

As for the detention period is concerned, one hundred and three persons were detained for over six months and five hundred and seventy-seven persons were detained for over three months. The longest detention period concerned thirty-four aliens who were detained for over one year, two of them for seventeen months. Six of the families on the premises were detained since 11.11.2023, one since 03.11.2023 and one since 21.10.2023.

The Centre consists of 200 containers; it is accommodated within the Hellenic Police Academies and is administratively supervised by Attica Directorate for Aliens. On the day of the inspection, 10 of the 13 wings were in use.

Each container accommodates 8 persons, without regard to the 4 m2 per detainee limitation. The electrical and plumbing installations as well as the cooling/heating (air conditioning) have been renovated. Extensive damage was identified to the container floors and bathrooms, as well as broken windows and radiators/heaters.

Families are held in the same wing. Children do not visit the playground as there are not enough staff to accompany them and the yard is very small. The same conditions were identified in the women's wing, including damages to the containers.

The wing reserved for unaccompanied minors was vacant. However, these containers were unfit for use, and also dirty, with extensive damages to the rooms and bathrooms. In addition, there were no partitions with the adjacent adult wing to prevent communication. The wings are merely separated by wire mesh.

The yard has no shelter and there are no workout and/or activity areas available. Detainees sometimes play with balls or play cricket. Provision has been made for a gardening activity, which is to be implemented. There is wi-fi internet access and mobile phones are allowed. A TV area has been created in each wing. In the visiting room, which is accommodated in a container, there are two laptops for skype communication.



*Amygdaleza Pre-removal Detention Centre*

The facilities are cleaned on a daily basis by a cleaning crew. There is sufficient supply of mattresses and blankets, however the mattresses are in very poor condition. The blankets are delivered for washing to an external partner.

Medical care, psychosocial support and interpretation services are available on

the premises every day, except Saturday and Sunday, by AEMY. The relevant unit comprises two doctors, a dentist, two nurses, two psychologists, a health visitor, social workers, an administrative employee and three interpreters for Arabic, Farsi and Urdu.

Deficiencies were identified in the provision of medical services, especially during the night hours when there is no doctor or nurse on site, as well as shortages in medicines, especially inhalers, antibiotics and psychiatric medicines. Detainees in need of psychiatric attendance are examined every five weeks by a psychiatrist who provides services to the Aliens Directorate.

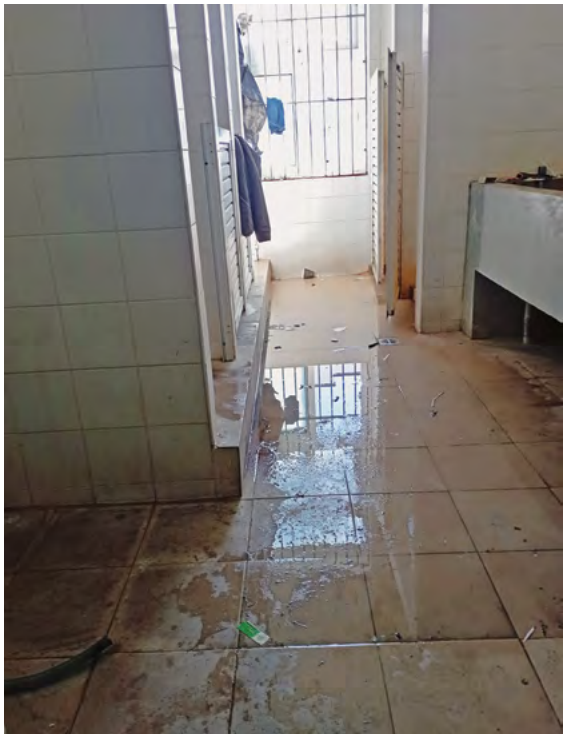
***Conclusions – Recommendations***

To decongest the Facility and improve detention conditions, the closed wings must re-enter effective operation, to ensure that up to four detainees are held in each cell. At the same time, provision should be made for thorough repairs and/or replacement of damaged containers to ensure the health and hygiene of detainees.

The fact that families are detained on site raises concerns, as the requirements for the reception of applicants for international protection are not met, the procedures applicable to vulnerable persons are not applied and poor assessment is made of reception needs. This practice also imposes an administrative burden on both the ProKeKA and the Asylum Service, as they are required to meet the daily needs of detainees and record their requests.

Provision for recreational and/or sporting activities is necessary for the mental and physical health of detainees, especially in the case of long-term detention. The daily use of the playground by minor children is imperative, for reasons of psychological and physical development. In cases where the ProKeKA accommodates families - even temporarily -, a wing with a larger courtyard would substantially facilitate their stay until they are transferred to an Accommodation Facility.

Given the staff deficiencies of AEMY and the absence of resident medical - or even nursing - staff, detainee safety is compromised, especially when emergencies or injuries occur, in which cases the patients are transferred to on-call hospitals. The presence of medical specialists, particularly of a psychiatrist and/or a pathologist/general practitioner on a 12-hour basis and the presence of nursing staff on a 24/7 basis is imperative for the provision of essential medical services on a daily basis and the effective handling of emergencies. At the same time, thorough provision should be made for pharmaceutical coverage, both for regular medication and for emergencies or for the daily needs of detainees.



*Corinth Pre-removal Detention Centre*

Shortages were identified in materials and products supplied (hygiene products, clothing, footwear), which are necessary for the decent living and the decent movement/transportation of detainees in the process of removal or transfer to other ProKeKAs. Constant supply of these products must be ensured either by the Hellenic Police or AEMY, as detainees are unable to meet their needs by their own means.

### *5.3.2.2. Pre-removal Centre of Tavros*

On the day of the inspection (7.12.2022), the Attica Directorate for Aliens had a total of 1,348 foreign detainees, including 55 adult women and 65 minors, 41 of them unaccompanied. In particular, the detention facility of Tavros only hosts adult men (133), whereas that of Amygdaleza holds a large male population (961 adults) plus adult women, families and unaccompanied minors. As at 7.12.2022 there were 9 adult female detainees and 109 adult male detainees held at the Police Stations. It is noted that, while the total number of administrative detainees

has increased since last year (1.11.2021) (1,001 last year, 1,348 detainees at the date of the inspection), fewer detainees are currently held in Police Stations in the District of Attica (last year 288, currently 118). This indicates a positive trend, given that the Ombudsman has consistently noted that police station cells are not suitable for accommodating detainees for multiple days, let alone for several months, and the Returns Directive recommends that pre-removal detainees should be held in special facilities, such as Pre-Removal Centres. The number of unaccompanied minors raises concerns, given that protective custody has been abolished (Art. 43 of Law 4760/2020).

138 foreigners (adult men) are detained at the ProKeKA of Tavros, which has a total capacity of 200 persons. As far as the detention period is concerned, the inspection team was informed that foreigners remain under the jurisdiction of the Attica Aliens Directorate for no longer than six months. Unless removed, they are transferred to other Centres or subsequently given a voluntary departure deadline.

As at the date the detention facilities of the Tavros Pre-removal Centre were inspected, detention conditions appeared to have improved since the previous year's inspection. The walls were freshly painted in all spaces, including in the wing that was destroyed by fire (D3), yet approval is pending for the replacement of floorings. The beds had mattresses and linen. The sanitary areas are cleaned by a crew and were relatively clean, as well as the corridors. There are security cameras outside each wing as well is in the corridor (3 cameras in each corridor).

Regarding the clinic, the competent officers informed the inspection team that a cooperation with OKANA has informally started and an agreement with the Hellenic Police is expected to be signed shortly. A psychiatrist visits the premises on a weekly basis. Newly admitted detainees undergo a rapid test and screening by the psychologist. An electronic health record is then drafted for each detainee, which is accessible to all detention centres. Detainees with skin diseases (scabies, etc.) are placed in temporary isolation. Medicines are administered by the nursing staff and procured from the community pharmacy. Certain medicines, e.g. heard medicines are scarce. Ill detainees receive regular treatment and stay under medical care and supervision.

***Suggestions for improvement:***

- More yard time, given the small number of detainees.
- Constant care to renovate and improve the detention areas and ensure sufficient supply of personal hygiene products
- Payphone card availability by the Hellenic Police for any detainees who are unable to obtain one

- Need for medical/nursing staff during the weekends.
- Need to cover expenses to procure sufficient quantities of medicines.

#### *5.3.2.3. Pre-removal Centre of Corinth*

The Centre is accommodated on the premises of the former 6th Infantry Regiment Camp in Corinth and is subject to administrative supervision by the Police Directorate of Corinth. On the day of the inspection (30.11.2023), four buildings were used for the detention of aliens, while two more available buildings remained closed due to the small number of detainees compared to past periods.

Each building has a courtyard, without a sheltered space or sports facilities and high double fencing ending in barbed wire. Each building has two storeys and comprises four large wards. Each cell has a surface of approx. 35 square metres and accommodates 12 people live in bunk beds. The requirement for 4 square meters per person is therefore not met. Each cell has a window, natural light and ventilation, but several windows are broken. There was stagnant water and litter in the main corridor and the toilets, even though they had been cleaned in the morning. The premises were not thoroughly cleaned and cockroaches were repeatedly found to be present.

Each cell has an air conditioning system for heating and cooling, and there is also a central heating and cooling system in the corridor. Most of the air conditioners appeared to be out of order, but the staff assured us that the central air conditioners were working. The cells had no tables or chairs, with few exceptions.

Detainees complained about not being supplied with winter clothes despite the low temperatures. The problem was confirmed by the Commander, the nursing staff and the psychologist and the Hellenic Police Headquarters are expected to launch a general tender for the procurement of clothing and footwear.

Detainees are not allowed to use payphones although payphone canopies are in place. Detainees carry out all telephone communications using their personal mobile phone devices. It was reported that the Red Cross has supplied 2 laptops for use by detainees for communication purposes.

Detainees are held in cells in groups of 12 persons. Each cell has a window, adequate lighting and central air conditioning. The technical service has carried out repairs to the premises. The cleaning services are materially substandard, as there are only two cleaners for the entire facility and one person working at the offices, due to limited funding. Waste collection is carried out by the Municipality of Corinth. There is severe shortage in clothing. Disinfestation is carried out every twenty days. Detainees are supplied with bed linen upon arrival. There are laundry facilities available to the detainees for washing their own clothes. There

are solar panels providing hot water certain hours during the day. Food services are provided by three catering companies. Breakfast, lunch and dinner is offered on a daily basis with due regard to the cultural and religious characteristics of detainees.

AEMY has undertaken to provide medical care, interpretation, psychological and social support services. On the day of the inspection, the clinic comprised a general practitioner, two nurses and an administrative employee. Despite the calls for expression of interest, medical staff vacancies have not been filled. Pharmaceutical products are available on prescription, in cooperation with seven local pharmacies.

The prescription process is highly problematic due to the fact that many detainees have no Social Security Number. This applies in particular to prescriptions for drugs. These drugs are prescribed for mental health issues normally associated with addictions; prescription problems therefore compromise substantially the health of patients and raise security issues.

The psychological and social support team of AEMY is comprised of two psychologists, who hold sessions with prisoners upon request. Sessions are not carried out on a long-term or regular basis, but rather, address specific issues, such as detention, repatriation, addiction, detainee rights, stress and depression.

Detainees in need of psychiatric support are referred to the Hospital of Corinth. Some patients are further referred to Psychiatric Hospitals in Athens for involuntary hospitalization. Medical matters concerning minors are to be referred to the pediatric ward of the EOPYY facility of Corinth, as the Pediatric Clinic of the Corinth Hospital does not address these matters.

#### *5.3.2.4. Pre-removal detention facility of Thessaloniki (Menemeni)*

At the Thessaloniki Police Headquarters, ordinary cells are used as *de facto* pre-removal detention areas - a fact repeatedly noted by the Ombudsman as highly problematic, given the inherent unsuitability of ordinary police station cells as long-term administrative detention facilities. The relevant inspections (10.11.2022 & 8.12.2022) were carried out in the context of inspecting removal procedures of third-country nationals to Kristallopigi, at the Greek-Albanian border.

There are no built-in beds in the cells and the detainees sleep on mattresses placed on the floor. The corridor floor was clean, although less clean in some cells (if the detainees are asleep at the time the cleaning crew arrives, they clean the cell themselves later on, using materials provided by the service).

Heating in winter is provided by radiators operating on an oil burner and cooling in the summer is provided by air conditioners placed in every cell. Hot water is

available all day via solar water heaters, and twice a day (2-3 hours at a time) via the oil burner (if there is limited sunshine).

Cleaning services are provided by an external provider on the basis of a contract. The crew cleans the corridors, the cells, the toilets and the showers on a daily basis. Moreover, the guards provide the detainees with personal hygiene products. According to the officer in charge, there is a relatively sufficient stock of personal hygiene products in the storerooms.

There is a doctor's office on site with basic equipment (examination bed, cardiograph, blood pressure monitor, oximeter, etc.). As there is no regular presence of a doctor and nursing staff and sufficient medicines, the detainees are transferred to on-call hospitals and health centres and brought back in the same day.

Given that there is no yard time, the facility is unsuitable for multi-day detention. According to the police officer in charge, the average detention period is currently 1 month. The detainees are thereafter either transferred to a pre-removal detention centre or released after passing through the Asylum Service.

There were 50 people detained, all men, including 11 minors.

#### *5.3.2.5. Pre-removal Centre of Paranesti*

The Centre was established and operates since 2012 within the former Pantazopoulos military camp under the auspices of the Hellenic Police, within the residential settlement of Paranesti, about 42 km far from the city of Drama. It has a total capacity of 420 persons, which was reduced to 360 persons for security reasons, as the containers are extensively damaged.

On the day of the inspection (3.11.2022), there were 6 wards. Aliens were detained exclusively in containers with a capacity of 12 persons each. In particular, there are 9 containers in four wards, 8 containers in the fifth ward and 7 containers in the sixth ward. All containers are in use, yet with fewer beds due to wear and tear. Depending on the extent of the damage and the nationality of the detainees in each container, 8 or even 4 persons are held in each container instead of 12. In each ward, one container is used as prayer area and one as a dining area.

The average detention period is 6 months, while several detainees are reportedly released when the Centre's capacity is exhausted and new detainees are admitted. Detainees with serious illnesses are released on grounds of vulnerability.

Each container accommodating detainees has a heating and air conditioning system installed. Each container has heaters and an air conditioning unit. Energy needs are met by electricity, except for water heating, which is provided by solar water heaters installed in the broader courtyard. Each container has 2 toilets, 2 showers and a washbasin. Each ward has two washing machines for washing

clothes and bed linen. The laundry area is managed by the ward's security officers to prevent damage.



*Paranesti Pre-removal Detention Centre*

As far as cleanliness is concerned, there is a cleaning crew on the premises 4 hours a day, excluding Sundays. The crew consists of three men and one woman working under an employment contract concluded with the Ministry. One other person is responsible for the daily cleaning of the containers accommodating the administrative officers and AEMY. Fumigation is carried out every 15 days, as there is a problem with insects, which is attributed by the administration to wear and tear and deficient cleaning of the spaces by the detainees.

Waste collection is carried out by the garbage trucks of the Municipality of Paranesti three times a week (Tuesday-Thursday-Saturday). There are two wheeled bins in each ward, which are carried to the collection site by the cleaning crew. The Centre's sewage is disposed of in cesspools which are reportedly not regularly emptied. In fact, as far as the administration knows, no tanker trucks have ever come on the premises since the Centre was established.

Needs for personal hygiene products are met by the Hellenic Police through an annual budget of EUR 1,700.00 allocated by the Ministry. The only reported problem is the existence of cockroaches, although the premises are fumigated every

15 days, which is attributed to low cleanliness standards by detainees. Needs for clothing and footwear are met by donations from the Red Cross and local residents.

The free space between the containers in each ward is used as a yard. It has the form of a corridor about 5-6 meters wide and has no sheltered space. There is no outdoor sports ground/work out area for the entertainment of detainees. There is an old basketball court near the old camp facilities, which, however, it is not used and has not been renovated, because it is far from the wards and would be difficult to guard.

As already noted, in each ward one container is used as prayer area and one as a dining area. The inspectors found that the dining area is not used in one ward due to extensive damages and also to avoid detainee conflicts. Detainees are allowed to use their mobile phones, except for the cameras (which have been removed) but have no access to wi-fi internet connection.

For healthcare purposes, there is an AEMY clinic on the premises. Healthcare services are also provided by the Municipal Health Centre of Paranesti, which is located next to the ProKeKA. The Health Centre comprises a radiology clinic. Detainees with other treatment and healthcare needs are carried to hospitals in Drama, Serres or Xanthi in a police patrol car or ambulance. For the administration of the medicines prescribed by the AEMY doctor, the Centre has a monthly budget of EUR 1,000.00. About 70% of the drugs prescribed relate to neurological and psychological problems.

The meals are provided by a catering company under a monthly contract. Meals are served in individual portions in an isothermal box twice a day.

***Conclusions – Recommendations***

Detention conditions are generally tolerable with much room for improvement. The fact that the Centre hosts only male detainees makes things easier.

Medical staff is clearly improved compared to 2017, when the previous inspection was carried out, as a result of AEMY being established on the premises. The daily operation of a dental clinic in a large, bright and well-equipped space is a very positive step. However, there is constant staff rotation, as staff members are employed under interim contracts, which now have a six-month, rather than annual, term. There is also a need to fill the position of the social worker as well as that of the psychologist who will be leaving soon.

A serious problem is still the absence of a yard and recreational/sports facilities, as the outdoor space of the former military camp is hardly utilised.

The renovation of the two old buildings and the supply of beds and bedding are

also positive steps, however, those are not used to improve the lives of the detainees, who are still held in containers.

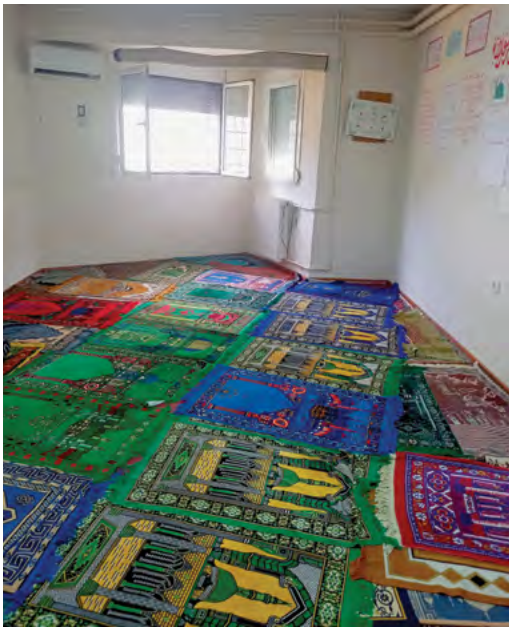
The Ombudsman recommends that the two renovated buildings (with a combined capacity of 300 persons) should be used to accommodate detainees and containers should only be used to meet extraordinary needs.

A recommendation is also made for the creation of sports/recreational spaces in the large surrounding area of the old buildings. The basketball court located next to the renovated buildings, which is currently abandoned, should be renovated. Recreational facilities are extremely important for mentally ill detainees, whose mental state is provably aggravated by prolonged detention.

Furthermore, the possibility of releasing detainees for mental health reasons and transferring them to accommodation facilities operated by the Ministry of Immigration and Asylum or to similar facilities, subject to statutory requirements, in order to meet capacity standards and ensure decent detention conditions, should also be considered.

### *5.3.2.6. Pre-removal Centre of Xanthi*

The Centre is accommodated in three buildings of the former Hellenic Police Academy, near the 2nd km of the Xanthi-Kavala national road.



*Xanthi Pre-removal Detention Centre*

On the day of the inspection (2.11.2022) 194 foreigners were detained, all adult men. The facility has a *"potential"* capacity of 210 persons, with a maximum capacity (if unused spaces are put into operation, see below) of 396 persons.

Compared to the previous inspection (2019), in 2020 there were substantial interventions and improvements in infrastructures. Moreover, cleaning service agreements with contractors are in place and the free use of private mobile phones continues.



*Phylakio Pre-removal Detention Centre*

Medical services are provided in cooperation with AEMY (1 pathologist, 2 nurses, 1 psychologist, 1 social worker). Detainees with serious medical situations are transferred to the Hospital of Xanthi, which is very close by.

Detainees may move freely between floors and in the fenced area around each building during yard time.

On each floor of the two-storey buildings there is a corridor with cells on both sides. Almost all spaces are substandard with major damages to infrastructure. In particular, the aluminium frame supporting the suspended ceilings of the corridors is almost entirely destroyed. As a result, metal parts are protruding in many places and square roof panels are missing. There are exposed water pipes and power cables in the same places, which raises concerns of electrocution, fire and

vandalism. As a result of the damages, corridor lighting in limited. Moreover, there are no fire extinguishers in the fire boxes.

None of the cells has a door and detainees use blankets, curtains, sheets, or metal bed frames to cover the entrance. The toilets are moderately clean but the sanitary equipment is extensively damaged. There is stagnant water and mud on the floor and a strong smell in the corridor.

Poor infrastructure at the detention facilities of the ProKeKA of Xanthi remains a serious problem. A renovation plan must be prepared promptly. A uniform solution must be found to address the absence of doors, in order to ensure the safety of the detainees, especially during the night hours, and protect their privacy. Efforts should be made to improve cleanliness in the sanitary facilities.

### *5.3.2.7. Pre-removal Centre of Phylakio, Orestiada*

The Centre is situated on the premises of a former garment factory on the provincial road that connects Orestiada with the community of Phylakio. On the day of the inspection (3.11.2022), 197 foreigners were detained, including 14 women and 8 minors. The Centre has a "potential" capacity of 232 persons. The facility expands substantially on an adjacent property that borders the High-Voltage Centre of Phylakio, by means of container-type constructions. How the expansions will be allocated once completed and whether the Centre will be able to carry out its intended functions remains unknown.

The detainees are divided into 6 detention wards. One ward is reserved for families and women and accommodated 8 children aged 3-6 years on the day of the inspection. There are TV sets on the corridor wall. A particularly narrow antechamber, which is also closed with bars, is reportedly used as a prayer and recreational space. Yard time is two hours in the morning and sometimes two hours in the afternoon in fenced outdoor areas. Each ward comprises bunk beds and shower toilets. Due to the limited privacy, several lower beds had improvised curtains made of sheets or blankets.

Detainees are not allowed to use their mobile phones, but there are available payphones. The CCTV cameras take footage of the detention areas and internal corridors of the buildings. The footage is retained for 15 days.

Medical services are provided in cooperation with AEMY. A major problem is the complete absence of interpreters, as AEMY is unable to attract interest for the advertised positions. Translation needs are met by detainees who can speak English or Greek. There are also four Turkish-speaking border guards on the premises, which is noteworthy. Following the refurbishment of the facilities, which was completed in early 2021, cooling and heating is provided by a central system,

hot water is provided by solar water heaters, while the connection of the Centre's drainage system to the local sewerage network is pending. All spaces have minor damages, mainly graffiti and slogans on the walls. The toilets are relatively clean, with minor damage to some taps and toiletries. The most important problem reported was the lack of hot water.

***Findings***

Detention conditions: The Centre has limited space and is unsuitable for families and minors. A potential extension of the detention period on the premises, dictated by the nature of the facility, or the exhaustion of the intended capacity, is bound to aggravate the situation further. Compared to other ProKeKAs, the yard time is limited and should be extended. Efforts to repair and clean the sanitary facilities should be intensified. The prospective connection of the facility's drainage system to the public sewage system is, however, encouraging.

Detention period: The problems associated with the detention conditions of illegal migrants intensify as the detention period increases, as the existing facilities are clearly unsuitable for long-term detention. Shorter submission and examination deadlines for asylum applications and faster review of applications in cases where repatriation is impossible would contribute to more effective protection of detainee rights and more effective operation of the detention system.

### *5.3.2.8. Closed Controlled Facility of Samos*

***Operation, organisation and accommodation areas***

The CCF has a useful area of 154,000 square metres and a capacity of 3,000 beds and is located 6 km far from Vathi. It is divided into three wards, only one of which (ward A) is in use, with a capacity of 1000 persons. The inspection was conducted in ward A and in the safe detention area for unaccompanied minors.

Ward A consists of 4-person capacity structures, each with an indoor toilet/bathroom and a kitchenette, an air conditioning device and hot water. The facilities have electrical power supply, a fire safety system, water supply through a borehole, paved roads, a drinking water treatment system and biological waste water treatment facilities.

Cleaning, maintenance and security services are contracted to private service providers. The premises are cleaned daily by contracted cleaning crews and waste collection is carried out by the Municipality of Eastern Samos.

There were 479 detainees in ward A, 392 of whom have been recorded by the reception and identification services. 244 were men, 89 were women and 59 were children, mostly of Arab and African origin. Detainees are segregated based on

nationality. Vulnerable persons, e.g. single-parent families and single women, share premises with the other detainees, yet there is an empty container between them for security reasons. Single women are placed near the inner corridors of the Facility.



*CCF of Samos*

The average detention period is 3 months, or 1 month for unaccompanied minors.

Catering services are provided by a private company. Special meals are available for detainees with special dietary needs, such as minors, infants, women in labour and diabetic patients.

The children staying on the premises with their families are transported to school by bus, escorted by staff. There is a kindergarten infrastructure and the NGO "Metadrasi" offers informal educational services to adults within the Facility. There is no separate area for religious services. There is a football/volleyball field and a recreational activities area, which was launched on NGO initiative. A computer room will be created soon.

The Facility is surrounded by a double fence ending in a barbed wire fence and is guarded by the Greek Police on a 24/7 basis. A private security company offers guarding services in the interior and at the entrance/exit of the Facility. There is also a CCTV surveillance system with security cameras installed around the perimeter.

Detainees are allowed to enter and exit the premises from 7 a.m. to 9 p.m., subject to controls, which are applied to everyone, including to the staff. Controls are also carried out on detainees moving to and from the registration area and the area hosting the UNHCR office, where detainees can meet with a lawyer. The detainees can freely move around the island, as there is daily public transport.

Detainees are counted on a daily basis. Following an initial 25-day restricted circulation period, detainees not subject to geographical restrictions may voluntarily leave the Facility by means of a solemn declaration, waiving all material reception conditions, including financial assistance.



*CCF of Samos*

### *Unaccompanied minors*

Upon arrival and during health quarantine, unaccompanied minors are placed in separate accommodation structures from adults. They stay at the CCF for about a month and are thereafter transferred to shelters for unaccompanied minors. An international protection applicant's card is issued during their stay in the Facility, which is surrendered upon departure for reasons of protection, i.e. in order to limit the risk of movement.

Unaccompanied minors stay in a secure, fenced area which is guarded on a 24/7 basis. It consists of 23 structures with a capacity of up to four beds each, comprising a toilet, a shower and an air conditioning device. Girls are accommodated in a separate structure. All minors remain within the secure area at all times, including at meal times, and are allowed to wander around the broader area of the Facility from 4 pm to 7 pm every day. Needs for personal hygiene and clothing items are covered either by the Ministry or by donations stored at the Facility's warehouse.

The fact there are no staff at night to handle emergencies – a deficiency identified since April 2022, after the *"Merimna"* programme was discontinued – raises concerns. No violent incidents have been recorded.

Given that minors only stay at the Facility for short periods of time, they only receive non-formal education. They have access to health services and a social security number ("PAAYPA") is activated throughout their stay.

***Findings - Recommendations***

- On the day of the inspection (4-5.7.2022), the accommodation facilities were adequate and detention conditions were fairly good, especially with regard to accommodation, hygiene and cleanliness. The fact that provision has been made for the availability of premises capable of accommodating large numbers of detainees in case of a substantial increase in detainee numbers is also very positive.
- The remote location of the Facility hinders detainee access to goods and services and leaves little room for social integration in the local community.
- There are no shaded or sheltered spaces on the premises or any green spaces. The sports area is in good condition; however, more sports facilities should be made available for use, as well as recreational, religious and library premises.
- Single-parent families and single women should be accommodated separately.
- There is serious concern as to the proportionality of the security measures applied. The barbed wire gives the impression of a prison facility. Moreover, there is an excessive number of private security staff, considering that the facilities are guarded by police officers on a 24/7 basis and only accommodated a small number of detainees.
- The necessity and proportionality of successive entry and exit controls on detainees, including on pregnant women and children, also raises concern.

- The understaffing in medical and psychological/social support professionals, in particular the absence of a doctor and a midwife, cause malfunctions and delays in vulnerability assessment procedures and health record completion procedures, inevitably disrupting the planning and conduct of asylum procedures. Timely response to medical emergencies is also an issue. It is therefore imperative to organise the above unit and ensure the availability of nursing - if not medical - staff on a 24/7 basis.

## 5.4. Psychiatric hospitals

### 5.4.1. Korydallos Psychiatric Hospital for prisoners

As part of their multiple-day visit/inspection of the Korydallos complex, the inspection team visited also the Psychiatric Hospital for prisoners. They inspected both the interior and exterior spaces of the Korydallos Psychiatric Hospital for prisoners (wings, cells, chambers, common areas, courtyards, administration and doctors' offices, social workers' interview room, dining areas, library, open visiting room, etc.), reviewed individual medical records and interviewed staff as well as inmates.

The cells and wards at the Korydallos Psychiatric Hospital for prisoners are structured as follows: underground space, ground floor space (*intensive care space or 'green cells'*), first, second and third floor. The inspection team was informed that inmates were allocated to these spaces by a doctor's order based on the severity of their condition.

At the end of the inspection, the team drew the following conclusions and made the following recommendations in relation to infrastructures and detentions conditions, staffing and operational issues:

- Due to the dual nature of the institution as a detention facility and as a psychiatric institution, prisoners/inmates are subject both to penal/sentencing requirements and therapeutic treatment. It is imperative to keep these two functions clearly distinct from each other, as well as the roles of the persons involved in each function, in order to ensure a clear understanding by the Administration and the prisoners of the therapeutic or correctional purpose of the detention and a clear understanding by the inmates of the confinement measures applied – i.e. of their therapeutic or correctional nature.
- The infrastructure, the staff and the way the Korydallos Psychiatric Hospital for prisoners operates give the clear impression that it is mainly a penitentiary, rather than therapeutic, facility. However, according to the provisions of the Correctional Code (Law 2776/1999), it is a *"treatment centre"* [Section

19(4)], where mentally ill prisoners are *"subjected to necessary hospitalisation measures or undergo treatment"* [Section 30(1)].

- The critical shortage in medical staff and the permanent vacancy of the resident psychiatrist position raises serious concerns as to the level of accountability and medical ethics applied to the psychiatric and medical care of prisoners.
- It is further noted that the psychiatrist has the authority to give an opinion on issues such as the admission/release of prisoners in/from the Psychiatric Hospital, their placement under intensive psychiatric care, their eligibility for employment etc. The absence of a psychiatrist who is scientifically responsible and the delegation of responsibility to different visiting doctors, who are not present on the premises on a daily basis and only attend specific patients, gives the reasonable impression that the daily needs of the patients are actually managed by the security officers. However, the involvement of persons who are unable to make scientific decisions on day-to-day matters affecting the inmates/patients is clearly inconsistent with any correctional or therapeutic practice. This situation inevitably leads to legal uncertainty and raises concerns as to the criminal and psychiatric standards applied to the treatment of mentally ill prisoners. For these reasons, it is critical to promptly recruit a resident psychiatrist at the Korydallos Psychiatric Hospital for prisoners to take charge of all relevant responsibilities.
- It is recommended that the Ministry of Citizen Protection takes prompt action to fill the position of the resident psychiatrist and all other vacancies in medical (e.g. resident pathologist) and nursing staff (preferably specialised in psychiatry). Despite the arduous efforts of the administration of the Korydallos Psychiatric Hospital for prisoners and the repeated requests that were filed to the competent Authority (2nd Health Region of Piraeus and the Aegean) and to various Medical Associations across the country, there is no interest from perspective candidates. It is therefore recommended that the competent Ministry explores the prospect of granting incentives to fill the vacancies in medical and nursing staff.
- The team was assured by the administration of the Korydallos Psychiatric Hospital for prisoners that the basement area that used to accommodate the *"blue cells"*[74] is no longer used and will only be used for short-term detention

74. These were basement cells that were used for *"self-protection"*, as already mentioned, i.e. to prevent disturbed patients from causing harm to themselves or others. A partition was at some point placed in the basement (now removed) and reconfiguration works were car-

in extraordinary circumstances (e.g. quarantine of newcomers to prevent the spread of the SARS-CoV-2 virus) following renovation. The inspection team makes the same recommendation for the entire basement area.

- The inspection team notes that, as regards the use of the basement cells, the inspection was impaired by deficient supply of information and concealment of facts by the Chief Guard and therefore reminds the Authorities that, according to Article 4(5), (10) and (11) of Law 3094/2003, *"The Ombudsman may request public services to provide him with any information, document or other evidence relating to the case, and may examine individuals, conduct on-site investigations and order an expert's report. ... All public services have an obligation to facilitate the investigation in every possible way. Non-cooperation with an investigation by a public service shall make the object of a special report from the Ombudsman to the competent Minister. ... Public officials or civil servants refusing to cooperate with the Ombudsman in order to obstruct or prevent the investigation shall be sentenced to imprisonment up to two years. ... The refusal of a public official or administration member to cooperate with the Ombudsman during an investigation constitutes a disciplinary offence of breach of duty, and for administration members, a reason for their replacement. ... If it emerges from the reports of the Ombudsman that a public official or civil servant, for the second time within a three-year period, has obstructed the progress of an investigation or refuses without serious reason to cooperate in the solution of a problem, the penalty of definitive dismissal may be imposed."* The Ombudsman brings the above provisions to the attention of the administration of the Korydallos Psychiatric Hospital for prisoners and the Minister of Citizen Protection and notes his intention to enforce the above provisions in the future, should the occasion arise.
- The inspection team further found that the cells, wards, common areas and courtyards on the ground floor[75] are completely unsuitable for use, as the conditions prevailing in these spaces are intolerable and insulting to human

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ried to create a space that would accommodate special categories of prisoners (persons convicted for participation in terrorist organisations, women prisoners, etc.). The cells have access to two small courtyards, one of which is semi-circular, but there is no sports infrastructure.

75. These are *"intensive psychiatric care areas"* accommodated on the ground floor (*"green cells"*). According to the Sergeant, newcomers are placed in these cells for about 5-7 days (depending on whether they come from another detention facility or whether they are directly admitted to the Korydallos Psychiatric Hospital for prisoners), as well as prisoners/inmates of the Korydallos Psychiatric Hospital for prisoners with serious mental illnesses. According to the same source, these spaces are not used as disciplinary cells.

dignity. Placing detainees in these spaces constitutes inhuman and degrading treatment. Therefore, the team requests the administration of the Korydallos Psychiatric Hospital for prisoners to stop the use of the ground floor areas immediately.

- The team did not have a psychiatrist among its members; therefore reserved the right to make a future assessment as to the medication administered to detainees. However, based on common sense and the overall picture of inmate patients, one reasonably wonders whether over-medication practices are applied to control the inmates, given that no other means of restraint are available. In this regard, it is imperative to inform the staff that therapeutic dosages must be strictly adhered to and over-medication must be avoided at all times as a method of controlling the behaviour of mentally ill prisoners, as this practice constitutes "chemical restraint", which is inhumane treatment unless applied under specific legal conditions (CPT Standards).
- Following a review of the supplementary documents that were made available by the Psychiatric Hospital staff, the inspection team found that one detainee/inmate was medicated without his informed consent, because he refused to receive treatment. The inspectors recalls that departures from the requirement for informed consent (according to which all medical actions are subject to the patient's valid consent) are only permitted under certain conditions which ensure compliance with all applicable legal safeguards (e.g. in cases of involuntary psychiatric hospitalisation, where a prosecutor's order and the medical opinion of two psychiatrists are required). It is noted that the actual restriction of a prisoner's freedom in the context of criminal proceedings does not allow for forced medication against medical ethics. The inspection team notes the absence of established procedures for compulsory treatment of prisoners/psychiatric patients and considers imperative the drafting of a legally binding instrument laying down all necessary institutional safeguards.
- The team takes the general view that in detention facilities where extreme disparities in detention conditions are identified - which, in this case was directly visible, given the huge differences between ground-floor and third-floor spaces- conditions of unequal treatment are inevitably created. It is therefore recommended to set out in writing the criteria and practices for the allocation of prisoners to the available spaces, in order to render this process perfectly clear to the control mechanisms.
- The team suggests the drafting of Internal Regulations that meet the operating requirements and specific needs of the Facility as a detention facility and a psychiatric treatment ward (a dual nature which excludes it from the

regulatory scope of the Internal Regulations for the Operation of General Detention Facilities of Type A and B). Besides, according to Section 18(3) of the Correctional Code (Law 2776/1999), each Correctional Facility is governed by internal regulations. Pending the drafting of these regulations, it is recommended to the Administration to ensure that the security staff are not involved in procedures requiring purely medical judgment (for example, depriving inmates of yard time, placing inmates in the intensive psychiatric care unit or in protective isolation, etc.).

- In any case, it is crucial that the security and other staff on the premises undergo training, among others on how to identify mental illness and how to treat mentally ill inmates, as well as on soothing techniques, handling self-destructive patients, preventing self-harm and suicide, etc. The inspection team believes that staff training on mental health issues should be considered when assigning custody duties to staff.
- The team notes that the practice recorded by the European Council Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) during their visit to Greece in 2021 (i.e. no integrated and comprehensive multidisciplinary medical records are kept for each prisoner, but rather, visiting psychiatrists keep their own records for the patients assigned to them), is still being applied. Patients should have a fully up-to-date and regularly updated medical record in digital form, including their individual treatment plan.
- The Administration of the Korydallos Psychiatric Hospital for prisoners is encouraged to take into account the special needs of elderly people, of people with reduced mobility and of people with disabilities, and accommodate these inmates in appropriate infrastructures, ensuring their unhindered access to special sanitary facilities and practical assistance in their daily routine.
- The Administration is advised to consider the inclusion of therapeutic activities in the psychiatric treatment of prisoners/inmates (psychotherapeutic programmes, occupational therapy programmes, group sessions, outdoor exercise) in order to enhance the expected therapeutic effects.
- Lastly, the competent Ministries are recommended to promote and reinforce the scientific interconnection of the Korydallos Psychiatric Hospital for prisoners with other Psychiatric Hospitals within the Attica District, and explore the prospect of completing the integration of the Korydallos Psychiatric Hospital for prisoners in the National Health System through the issuance of the required decree, with a view to strengthening its role in psychiatric care and hospitalisation and upgrading the health services provided to mentally ill prisoners.

### 5.4.2. Psychiatric Hospital of Thessaloniki and 2nd Psychiatric Clinic of the Aristotle University of Thessaloniki

As mentioned above (*"2.1.5. Treatment measures for persons exempted from punishment due to mental or intellectual disorder"*), the Ombudsman considers as positive the recent legislative reform of treatment measures applied to exempted from punishment due to mental or intellectual disorders, in order to ensure that their therapeutic custody leads to quality psychiatric care and social reintegration.

To establish the level of compliance of mental health institutions to the spirit of the reformed legislation[76], the NPM visited (29-30.3.2023) the Department of Psychiatric Forensics of the Psychiatric Hospital of Thessaloniki *"G. Papanikolaou"*. It was found that, in line with the basic principles for the implementation of the new treatment measures, the necessary means for treatment are available on the premises (visiting rooms, organised field trips/excursions, access to outdoor spaces, therapeutic leaves by prior opinion of the treatment team), while patient movements are generally carried out in a hospital vehicle, in the presence of medical staff, and only exceptionally by police officers.

In particular, a declining trend was noted in the number of patients accommodated in the Department of Psychiatric Forensic Medicine, as about fifty per cent of the available beds (60 in total) were occupied at the date of the inspection. According to the information that was made available to the NPM team, in seven cases hospitalisation was replaced by outpatient monitoring, while in several situations involving patients that met basic functional requirements, the treatment measures were lifted following an annual review, and the patients were either allowed to return home or placed in psychosocial rehabilitation structures.

Based on the information provided by the staff in relation to patients who sought further psychiatric care, it appears that the *"revolving door"* phenomenon is being limited, as these are merely isolated incidents (e.g. depression episodes) leading to low readmission rates. The regular monitoring of patients by a therapeutic team (consisting of a psychiatrist, a psychologist, a social worker, an occupational therapist and a nurse) of the Outpatient Psychiatric Forensic Clinic (Re-entry Clinic), which has been operating at the Psychiatric Hospital of Thessaloniki since 2015 and monitors non-hospitalised patients, also contributes to a reduction in relapsing patient numbers and offers valuable support to the patients' families. At the same time, it was noted, however, that chronically ill patients remain vol-

76. Sections 69A and 70 of the Penal Code, as replaced by Law 4509/2017 and Law 4619/2019, Article 13 of Law 4760/2020.

untarily in psychiatric hospitals for social, rather than psychiatric, reasons, due to lack of a supportive family network or unavailability of reintegration facilities, as well as in situations where the reintegration of mentally ill patients in lightly populated areas hinders their destigmatization significantly.

At the Psychiatric Forensics Clinic of the Psychiatric Hospital of Thessaloniki, there are several programmes and group activities available for the inmates (crafts, movement, storytelling, IT, walks, gymnastics, etc.), while therapy sessions with companion animals (therapy dogs) have been implemented since 2019 with positive evaluations. The inspection team was also informed about the significant deficiencies in logistical infrastructure and safe facilities (beds, fireproof mattresses, unbreakable glass, fire safety, etc.). At the same time, the use of old-style leather limb straps secured with a padlock, which can cause additional trauma to the patients in addition to the immobilisation per se, was recorded as a negative observation. Lastly, the NPM team noted that no record of restraint measures is kept on the premises, which makes it difficult to find consolidated information.

In conclusion, in a primary evaluation of the implementation of the revised institutional framework introduced by Sections 69A and 70 of the Penal Code for the psychiatric care of persons exempted from punishment due to mental or intellectual disorder, the inspection team identified a trend to gradually remove or replace compulsory hospitalisation, at least for patients who have spent over ten years in a psychiatric hospital, subject to a prior psychiatric expert opinion, an assessment of the patients' functional capabilities and a recommendation of another facility. This development seems to trigger a different approach in the judicial and psychiatric treatment of delinquent mental patients, as compulsory entry in a psychiatric hospital under the previous legislative framework often turned out to be excessively long in duration and difficult to monitor, and in most situations relied on the severity of the offence rather than on the severity of the illness.

The National Preventive Mechanism carried out an inspection (29-30.3.2023) at the 2nd University Psychiatric Clinic of the Aristotle University of Thessaloniki, which is also accommodated at the Psychiatric Hospital of Thessaloniki *"G. Papanikolaou"*. The clinic comprises twenty-five (25) beds in the Short-Term Accommodation Department and twenty (20) beds in the Medium-Term Accommodation Department.

In the Short-Term Accommodation Department, 60% of the inmates were admitted following a prosecutor's order for involuntary hospitalisation. The team's discussions with the Clinic director showed that these patients are very rarely present at the relevant court proceedings, where a decision is made as to whether involuntary hospitalisation should be lifted or not, as the attending physician fills in a standard form advising whether the patient should be allowed to attend.

The average detention period at the Short-Term Accommodation Clinic is twenty days, whereas the maximum period may extend up to three months or, in individual cases, even a year. Patients have a two-hour daily yard time in an adjacent, fenced outdoor space, but are not allowed to enter any other hospital spaces, as they were able to do in the past in the presence of an occupational therapist - an option currently available to other inmates at the Psychiatric Hospital of Thessaloniki. Patients do not take exit leaves, but there are visiting hours daily.

The outdated infrastructure remains an important problem at the University Clinic of the Psychiatric Hospital of Thessaloniki, as there is no central cooling system (patient rooms have fans) and safety conditions are rather sub-standard (no fire extinguishing system, single-glazed windows, etc.).

The Medium-Term Accommodation Unit is noticeably in better condition than the Short-Term Unit, which, according to the staff, is due to the fact that the ward accommodates more functional patients. The ward comprises a beautiful and well-maintained courtyard, which, however, was not in use on the day of the inspection. According to the information that was made available to the inspection team, this ward was used during the pandemic to accommodate Covid patients. On the day of the inspection, it appeared to be in transitional operating status. In any case, the fact that the doctors' and residents' offices in this ward are far from the short-term patients area does not facilitate the communication between them.

The therapeutic actions conducted at the 2nd University Clinic of the Aristotle University of Thessaloniki include individual and group psychotherapy, play group, drama therapy, physiotherapy, etc. The outpatient clinics comprise specialised regular clinics, e.g. treatment-resistant depression and early intervention units. Lastly, the team was informed by the clinic's doctors about the need to train the staff in sheet restraint and de-escalation techniques.

## 5.5. Closed welfare facilities

The Ombudsman received a complaint about poor detention conditions allegedly sustained by an elderly person at a corporate Elderly Care Unit (Single-Member Ltd.) established in a Municipality of Attica. Following consultation with the regional Directorate of Public Health and Social Welfare, an inspection team attended a raid that was carried out by Directorate officers at the Unit. The inspection revealed particularly serious issues in relation to the detention conditions and health standards of inmates.

- General Impression - Inmate Appearance: the inmates were dishevelled and untidy, with poor personal hygiene, wearing old and dirty clothes that were

not their own. They were either seated or standing still, in a depressed state, having no contact with each other. The Facility's policy to take the clothes and belongings of the inmates as soon as they are brought in, place them in lockers, group them together and then randomly allocate them to all inmates, made a particularly negative impression. These practices constitute a brutal insult to the personality and dignity of the people living in the facility.

- Hygiene conditions and cleanliness: The place was stuffy, with no fresh air and had a smell of stench and dirt. The beds had very thin mattresses and dirty and inappropriate bedding. In general, neglect, decadence and deficient care, cleanliness and custody of personal belongings were evident.
- Travel, yard time and visits to family or other social environment: The inmates had extremely limited movement and yard time and they were not allowed to visit their families or other social surroundings on weekends nor allowed to walk outdoors in the sun. They had no contact with the external environment, physical or social. According to the officer in charge, exit leaves were banned because of the recent pandemic and this practice has only been applied for the last three years.
- Nutrition: The food supplied on the premises seems particularly and alarmingly unhealthy, thus causing risks even to the lives of the elderly inmates, as there is no planning for special diets and food portions were very small (35 rations for 56 people). Inmates therefore show serious signs of malnutrition.
- Health conditions: The inmates were obviously emaciated, weak, with a very low body mass index. They had zero mobility and little contact with the environment; most of them appeared to be on psychotropic drugs and received poor dental care. They also have no physiotherapy services at their disposal. There was no weighing scale on the premises, and no weight record was taken upon their entry so as to monitor their weight and identify possible serious and life-threatening weight losses. There were no medical records, nor any medical examination records. There were inmates in need of special medical care, which they did not receive. The inmates were not attended, even sparsely, by specialist doctors, and many expired medicines were also found on the premises. In view of the above, there were serious indications that the inmates did not receive medical care and attendance appropriate for their age.
- Inmate entry and release procedures: the information and records shown to the inspection team were not up to date; they were deficient and had serious omissions and discrepancies. There were inmates who seemed to be missing.

- Given the overall image of the inmates, their living conditions and the fact that the care and attendance they receive are clearly sub-standard based on the constitutional and legislative requirements for the protection of the health of elderly persons and the fundamental right to the protection of human dignity, and given the serious and urgent threats identified in relation to the rights of the inmates, the Ombudsman submitted his observations to the competent Public Prosecutor and the Deputy Minister of Labour, requesting urgent actions to:
- Have all inmates promptly removed from the facility, under the coordination of the central services of the Ministry of Labour, with the cooperation of the Regional Authority and the assistance of the police and judicial authorities;
- Have the health status of inmates checked by specialised doctors, in order to identify any needs for special or urgent hospitalisation and investigate the possibility of malnutrition through somatometry tests and blood tests carried out by a team of medical specialists and nutritionists;
- Enforce the administrative decisions ordering the closure and sealing of the facility and ensure that no new entrants are admitted pending such enforcement;
- Have the facility operator inspected by the competent Authorities for serious procedural and record keeping irregularities and omissions.
- Focusing on the rights of vulnerable groups of the population, such as children, people with disabilities and elderly persons, the Ombudsman intends to intensify, among other things, the visits to closed retirement homes, within the scope of his powers, in order to ensure the fundamental rights of the elderly, the effective protection of their health and dignified living conditions in these facilities.



Korydallos - ward E



ISSN: 2623-3703




17 Halkokondyli Str., 104 32 Athens • Τηλ.: (+30) 213 1306 600
e-mail: press@synigoros.gr • www.synigoros.gr