NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE AND ILL-TREATMENT

OPCAT

ANNUAL SPECIAL REPORT 2024

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THE GREEK OMBUDSMAN
INDEPENDENT AUTHORITY

Special Report 2024 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 L.4228/2014.

This report presents the Greek Ombudsman's activities for year 2024 in the capacity of the *National Preventive Mechanism*, a special mandate according to the second article of L.4228/2014. The information presented herein is based on visits and on-site inspections of the Independent Authority'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.

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FOREWORD BY THE GREEK OMBUDSMAN

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In 2006, the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) entered into force. The purpose of the Optional Protocol was to establish 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 necessity was obvious: without the Optional Protocol, the UN Convention against Torture would lack the necessary and essential mechanism for monitoring conditions of detention. It would remain a declaration of intent, without any assessment of practices and policies implemented. Its importance is considerable. A clear indication of this is the fact that a significant number of countries which have signed the UN Convention against Torture have not ratified the Optional Protocol, thus refraining from independent monitoring of compliance with the Convention itself: from the USA and Canada to the Russian Federation, countries in the Middle East, North and East Africa and Asia.

In our country, the Optional Protocol was only ratified in 2014. The independent, constitutionally established, Greek Ombudsman was designated as the National Preventive Mechanism provided for in the Protocol. The assignment of this special mandate to the Greek Ombudsman came as a natural culmination of its many years of accumulated experience and the expertise it has developed in the protection of fundamental human rights. An additional guarantee for the successful fulfilment of the mission of the National Preventive Mechanism has been the long-standing supervision of issues related to the safeguarding of detention and living conditions, in accordance with international conventions and EU requirements, even before the assignment of the specific mandate to the Greek Ombudsman.

The first decade of operation of the NPM was rich in activities and institutional interventions, despite the Greek Ombudsman's minimal staffing and financial

support. Having already mapped since 2018 the conditions in detention facilities across the country, carrying out inspections in all correctional facilities, as well as in police station cells and coast guard detention facilities, pre-removal detention centres for aliens, involuntary hospitalisation facilities and welfare institutions, the Preventive Mechanism entered a new phase of operation, alongside the regular review of all detention facilities: specifically, the phase of a more targeted and systematic monitoring of the conditions of detention and deprivation of liberty in general, focusing on areas where the initial recording and mapping revealed the most problematic findings.

Thus, through the Mechanism's annually published reports, it is now possible not only to depict the situation and the conditions within a detention facility at the time of the inspection, but also, through a detailed comparison of the findings of each inspection recorded in the Mechanism's annual reports, it is possible to assess any changes that have taken place over a period of one or more years. This highlights any short- or medium-term improvement or deterioration of conditions in detention facilities, a detail that should be properly exploited in the design and implementation of both general anticrime policy as well as individual interventions in specific sectors or in specific facilities.

The two-year period 2020-2021 was decisively shaped by the emergence and rapid spread of the COVID-19 pandemic. Strict measures restricting the enjoyment of fundamental freedoms were put into effect and continued to be enforced during the initial phase of spread of the pandemic, until the start of the vaccination programme, when they were gradually lifted. The same happened in facilities of deprivation or restriction of liberty. A number of rights of detainees as well as residents accommodated in these facilities, such as visiting hours or leaves, were suspended, while basic health, education, and recreational services were either restricted or ceased to be available for significant periods of time.

In this context, the operation of the NPM was also impacted. Following, in fact, the relevant recommendations of the Council of Europe's Committee for the Prevention of Torture (CPT) which called for the absolute prioritisation of the safety of both detainees or residents accommodated in facilities of deprivation or restriction of liberty, and members of the National Preventive Mechanisms, and in the absence of special instructions and health security protocols despite the relevant requests for them to be issued by the competent authorities, the NPM was obliged to revise its operational planning and to adapt its activities to the new conditions under the pandemic. The primary concern of the Greek Ombudsman, during the implementation by the administration of measures to contain the pandemic in detention facilities, was the observance of proportionality between the safeguarding of public health and the protection of the rights of detainees,

intervening by submitting specific proposals and recommendations depending on the particularities of each facility from the first days of the pandemic. The failure to implement decongestion measures has been a catalyst for the degree of effectiveness of measures and protocols aimed at protecting health.

Significant and successive interventions in the institutional framework, especially in the correctional system, have revealed, over the past decade, regressive tendencies on the part of the state. After starting with measures and regulations intended to reduce overcrowding in detention facilities in the early years, there was a shift, in more recent years, to changes in the criminal and correctional codes marked by stricter prescribed sentences and more rigorous enforcement. And of course, the most notable and controversial intervention was the transfer of responsibility for correctional policy from the Ministry of Justice to the Ministry of Citizen Protection. A particularly important institutional initiative is the recent introduction of a special legal remedy for detention conditions, which finally came after pressure from the Council of Europe and the Strasbourg Court.

Throughout its first decade of operation, the NPM has invested in international networking with its European counterparts and in bilateral partnerships, such as with the Italian NPM, in order to exchange best practices, enhance know-how and ensure the continuous training of its staff. It also developed two-way channels of systematic and effective communication with international organisations, the UN Subcommittee on Prevention of Torture (SPT) and the Council of Europe's Committee for the Prevention of Torture (CPT).

As in previous years, in 2024 the Greek Ombudsman submitted detailed comments on draft laws relating to criminal and correctional legislation. At the same time, in 2024, the NPM visited 14 correctional facilities, highlighting the dynamics created by overcrowding combined with inadequate infrastructure, poor cleaning services, disparities in educational services and other activities, a lack of medical –especially psychiatric– services and interpretation services, an absence of individualised treatment for vulnerable persons, and the emergence of multi-tiered and discriminatory conditions among detainees. Furthermore, the visits of the NPM in 2024 to 13 police station cells confirmed the inadequate infrastructure of detention facilities and detention centres for aliens, which, combined with the long duration of immigrant detention, make living conditions inhuman, as noted by the Council of Europe in the report published by the competent Committee (CPT) in July 2024 following its visit to migrants' detention facilities in November 2023, including areas of de facto detention in Closed Controlled Facilities for asylum seekers.

The institutional dialogue of the NPM with counterparts from other countries and the cooperation with the Council of Europe and other European and international

organisations is essential for target-setting and adaptation of the NPM's activities to contemporary challenges regarding the rights of persons in detention. The visit of a team of the Subcommittee on Prevention of Torture (SPT) to our country in October 2024 resulted in a series of recommendations to the state, both for substantial improvements in the conditions of detention of criminal and administrative detainees, as well as for a real strengthening of the NPM with the necessary human and financial resources.

At the same time, the agreement reached at the beginning of 2024 at European Union level regarding the New Pact on Asylum and Migration poses new challenges for the detention of newly arrived foreigners at the borders and the safeguarding of their rights by institutions such as the Greek Ombudsman and the NPM, which are explicitly mentioned in article 10 of the new Regulation (EU) 2024/1356 on independent border surveillance mechanisms.

At the dawn of its second decade of operation, the NPM reaffirms its non-negotiable commitment to the complete and thorough recording of the detention conditions in the country, and to providing the appropriate recommendations for their improvement, in order to meet the requirements of a rule of law state fully harmonised with the requirements of the European legal and political culture of the 21st century.

Andreas I. Pottakis

The Greek Ombudsman

INTRODUCTION OF THE DEPUTY OMBUDSMAN RESPONSIBLE FOR THE NATIONAL PREVENTIVE MECHANISM

INTRODUCTION OF THE DEPUTY OMBUDSMAN RESPONSIBLE FOR THE NATIONAL PREVENTIVE MECHANISM

In 2024, the National Preventive Mechanism (NPM) intensified its operation by conducting inspections in places of confinement throughout the country, while at the same time strengthening its international collaborations. Unfortunately, despite small seasonal improvements, the overall picture of correctional facilities in critical areas remains disappointing.

In particular, as confirmed by official statistics[1] and the inspections of the NPM, the Greek correctional system continues to operate beyond its limits. In all of its inspections, the NPM recorded significant overcrowding and severe understaffing[2] in correctional facilities in key specialities, with serious implications for detention conditions.

Also in 2024, the legislator persists with the trend of stricter[3] criminal measures, through the extensive revision of the maximum sentence limits and the framework for serving the sentence and suspending execution under L.5090/2024, as well as with a second consecutive significant expansion of the circumstances under which minors can be detained in a detention facility.

1. According to the official data, the 10763 places in correctional facilities (official capacity) are covered throughout the year.
2. According to data for 2023 by the Council of Europe, available here: https://www.coe.int/en/web/prison/space Greece is among the countries with the highest rate of detainees per prison officer, which is 25% higher than the European median.
3. In recent years, we have observed progressively stricter restrictions in the granting of leaves, conditional release, and transfers to rural correctional facilities, as well as a reluctance to apply alternative measures.

The tightening and the attempt to solve overcrowding by creating new detention facilities[4] is at odds with the recommendations of international organisations and monitoring bodies, which stress the importance of applying alternative measures to a sentence, the need to reduce pre-trial detention and the need to review the imposition of excessive sentences or prolonged pre-trial detention. (For more details see Subsections 1.3 and 2.1 below)

The result is that for yet another year, the correctional system is required to manage a central legislative choice that leads to significant overcrowding and a deterioration of detention conditions.

All the inspections conducted by the NPM show serious deficiencies in medical care, especially in the provision of mental health services; serious deficiencies in basic infrastructure; deficiencies in keeping records and data that are critical for carrying out checks but also for formulating well-documented correctional policies, as well as violations of the Correctional Code in the distribution of detainees in the correctional facilities, such as the separation between pre-trial detainees/convicts. It is noted that in conditions of overcrowding, understaffing and reduced funding, people with multiple vulnerabilities (minors, disabled persons, women, LGBTQI+, foreigners, elderly, people with health problems, poor people, etc.) experience the impacts of detention to a much greater extent, as all inequalities are amplified.

The unsuitability of the detention facilities, in the form they currently operate, to serve the purposes of correction and reintegration of juveniles, was demonstrated once again in the context of the inspection conducted by the NPM at the Special Rural Youth Correctional Facility of Kassaveteia. Interviews with juvenile detainees revealed intense emotional stress, panic attacks, insecurity about possible attacks during the night, terror, and resignation. It is indicative that in the last nine months at least ten incidents of self-harm attempts or suicide or self-harm had been recorded, according to the minutes of disciplinary decisions.

Regarding the administrative detention of foreigners, the inspections conducted by the NPM in 13 police detention facilities observed the following:

In terms of administrative detention of migrants, there is no overcrowding in detention centres in 2024, and numbers for December appear to be lower compared to the previous year. The common denominator, however, manifests itself when migratory flows increase and some centres or closed facilities reach their capacity limits: inadequate infrastructure combined with prolonged detention make living conditions inhuman, as concluded in the report published by the CPT in 2024 following its visit to migrants' detention facilities in November 2023.

4. In 2024, the correctional facility of Drama started its operation.

The NPM notes that the inadequate or totally inappropriate technical infrastructure of the facilities, the lack of sufficient space in the detention wards and the poor sanitary conditions are common features of both corrective and administrative detention in Greece. The lack of basic services (medical assistance, psychological and social support, sports and entertainment) is also present in correctional facilities but is significantly more pronounced in administrative detention facilities. The predominant problem of administrative detention, however, remains the minimal access to the yard and clean air in most detention centres for foreigners and its complete lack in police station cells, regardless of the duration of the detention of irregular migrants – a problem which, combined with the above-mentioned inadequate infrastructure and services, demonstrates inhuman and inherently degrading treatment.

Finally, the lack of care for elderly people who are de facto detained in care facilities is an issue that has concerned the NPM for the second consecutive year. In coordinated action with the Ombudsman's mandate for Health and Social Solidarity, there is a wide scope for intervention in order to ensure effective supervision of welfare institutions and safeguard the rights of the most socially vulnerable persons.

In conclusion, we note that, in response to the ever-increasing demands of its work, the NPM continues to make use of staff training and the exchange of experiences and good practices in international meetings in order to enrich its methodology with monitoring tools focused on groups of detainees with multiple vulnerabilities. Moreover, its planning now includes the evaluation of the effectiveness of the art.6A remedy for prisoners regarding detention conditions.

The need to strengthen the functional independence of the NPM –through adequate financial and human resource– so that it can carry out its mission of preventing torture and ill-treatment as effectively as possible remains, of course, an ongoing concern.

Yannis Moschos

Deputy Ombudsman for Human Rights

INSTITUTIONAL FRAMEWORK AND REVIEW OF THE YEAR

1. INSTITUTIONAL FRAMEWORK AND REVIEW OF THE YEAR

1.1. The NPM's mandate

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 objectively 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). The second article 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 the fourth article of L.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 L.3094/2003).

In that context, the NPM proceeds to the planning of its operations embarking from the fundamental principle 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.

The SPT issued in 2024 the General comment No. 1 (2024) on article 4 of the Optional Protocol to the UN Convention against Torture (OPCAT)[5] regarding the access of NPMs to places of detention,[6] in which it stresses that, according to the definition in that article, such places may also be private, and that they are not only prisons or detention centres but any place of actual deprivation of liberty, not only by order but even with the consent or acquiescence of a public authority. It added that the NPMs exercise the preventive role also exercised by the SPT under this Protocol and it is not acceptable for their visits to be obstructed by state authorities. The broad interpretation of places of deprivation of liberty is required by the purpose of the Convention and is also adopted by other UN bodies (Committee against Torture, Human Rights Committee of the ICCPR, Committee on the Rights of Persons with Disabilities, Committee on the Rights of the Child, UN Special Rapporteur on Torture, etc.) and also by the European Court of Human Rights (ECtHR). The SPT in the 1st General Comment provides the following implementation guidance for Article 4:

5. Article 4 of the Optional Protocol to the UN Convention against Torture (OPCAT) provides for the following (Ratifying L.4228/2014): "*1.Each State Party shall allow visits, in accordance with the present Protocol, by the mechanisms referred to in articles 2 and 3 to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment. 2.For the purposes of the present Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.*"
6. https://www.ohchr.org/en/documents/general-comments-and-recommendations/catopgc1-general-comment-no-1-2024-article-4

a) The State Party shall allow the NPMs to visit any public or private place of deprivation of liberty, criminal or administrative detention, medical, welfare or other place of deprivation of liberty. And when these places are operated by private or non-governmental bodies or the State has outsourced their operation or delegated them to private actors, "*in all such cases, the State [...] cannot absolve itself of the responsibility for how the private companies or other entities run such facilities, given that a duty of care is owed by the State to those deprived of their liberty*".

b) The wording of paragraph 1 of article 4 in the English text of the Protocol "*to any place under the jurisdiction and control*" of the State, includes any place over which the State has jurisdiction or control, and the NPM must have access, whether it is a local or regional government site, transit area or overseas territories, bases or operations (for deportation, etc.) in another country, and premises under extraterritoriality agreements with other countries.

c) It is up to the NPM and the SPT to decide autonomously which sites to visit, regardless of the duration of the deprivation of liberty, the nature of the site and its status in domestic law.

d) The place of deprivation of liberty depends not only on whether the person has a de jure right to leave, "*but also on whether the person is able to exercise that right de facto and is able to do so without being exposed to serious human rights violations*", often due to "*high degree of vulnerability*", such as sick people, children, the elderly, etc.

e) The wording of deprivation of liberty not only by order but also by instigation, consent or acquiescence of a public authority, includes incitement by the media or other public statements, as well as the tacit consent of the public authorities and not only their express consent.

As a general observation, the SPT considers that it would be a mistake to consider an exhaustive list of places of deprivation of liberty. Indicatively, it mentions, among others: situations of house arrest, recruitment, transfer and deportation, transit zones, deprivation of liberty in vehicles, ships and aeroplanes, closed centres for foreigners and asylum seekers, centres for children, social care homes, hospitals and psychiatric institutions, facilities for military personnel (or detention centres under military jurisdiction), quarantine and isolation places, residential schools and boarding schools and boarding schools or religious institutions for young children, etc. The SPT also gives examples of places of deprivation of liberty for people of particular vulnerability such as children, addicted persons, persons with mental illness, persons with disabilities, etc.

1.2. Operation of the NPM - the year 2024 at a glance

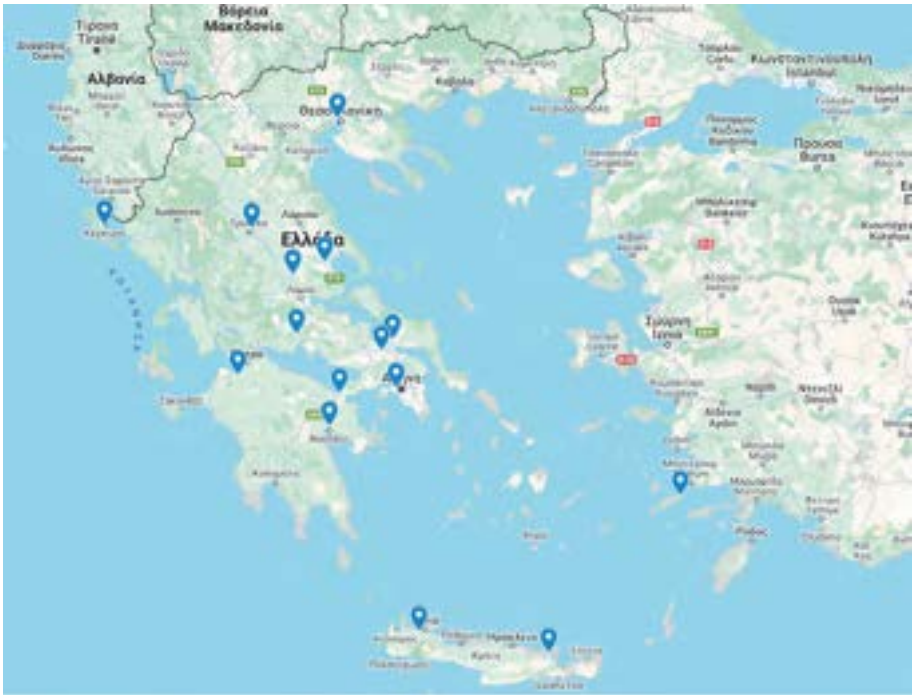
The year 2024 was the eleventh year that the Ombudsman operated under its special mandate as the National Preventive Mechanism (NPM) according to L.4228/2014, by which Greece ratified the Optional Protocol to the UN Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

The NPM conducted 14 inspections in correctional facilities.[7] Specifically, the NPM visited the Youth Correctional Facility of Kassaveteia (11-12/01/24), the Correctional Facilities of Corinth (16/02/24), the Correctional Facility of Corfu (20-21/02/24), the Rural Correctional Facility of Tiryntha (20-21/03/24), the Correctional Facility of Chalkida (29/03/24), the Correctional Facility of Amfissa (22-23/04/24), the Correctional Facility of Kos (23-24/05/24), the Correctional Facility of Patras (27-28/06/24), the Correctional Facility of Trikala (10-11/07/24), the Rehabilitation Centre for Drug Addict Detainees in Eleonas, Thiva (19/09/24), the Correctional Facilities of Domokos (19-20/09/24), the Correctional Facility of Chania (26-27/09/24), Correctional Facility of Korydallos II (Women's Correctional Facility) (09/10/24) and the Correctional Facility of Neapoli, Lasithi, Crete in Lasithi-Crete (29-30/10/24).

Also, the NPM visited:

- The Police Stations of Lefkos Pyrgos (26.02.2024), Omonia (08.10.2024), Kos (22.05.2024) and the Security Police Departments of Harilaou in Thessaloniki (26.02.2024) and Omonia in Athens (08.10.2024).
- The Detention Facilities of the Aliens Directorate of Thessaloniki in Menemeni (07.11.2024) and the Immigration Management Departments (IMD) of the same Directorate, namely the IMDs of Agios Athanasios (01.10.2024), Thermi (04.10.2024), Thessaloniki (Kordelio) (06.11.2024) and Mygdonia (05.11.2024).
- The Pre-Removal Detention Centres for Aliens of Tavros (02.12.2024), Amygdaleza (25.11.2024) and Kos (23.05.2024).
- The Korydallos Psychiatric Hospital for Prisoners (09.10.2024).
- The Closed Controlled Facility (CCF) for asylum seekers of Kos (23-24.05.2024).
- An elderly care unit in Attica inspected by the Regional administration (26.01.2024).

7. This was the second year with the most inspections since 2018, when the NPM conducted 20 inspections.



1.3. Cooperation and international networking

1.3.1. Visit of the UN Subcommittee on Prevention of Torture (SPT)

The UN Subcommittee on Prevention of Torture (SPT)[8] was established by the Optional Protocol to the UN Convention against Torture with the mission to prevent torture and inhuman or degrading treatment during deprivation of liberty, a mission implemented at national level by the National Preventive Mechanisms (NPMs). Under the Convention, the SPT has the authority to visit any place of detention in countries that have ratified the Optional Protocol.[9] A SPT team[10] made its first scheduled visit to Greece between 06-17.10.2024, during which it visited prisons, psychiatric institutions, youth detention facilities and migrant detention

8. Subcommittee on prevention of torture | OHCHR
9. See L.4228/2014 which ratified the Optional Protocol
10. The team included Anica Tomsic, Head of the delegation (Croatia), Uju Agomoh (Nigeria), Suzanne Jabbour (Lebanon) and Juan Pablo Vegas (Peru). The committee was accompanied by two human rights officers from the SPT Secretariat.

centres, as well as police stations and prisons, and met with governmental bodies and non-governmental organisations.

Also, as announced by the SPT: "*To support the work of the Greek national preventive mechanism*", the team "*held several discussions and accompanied them during visits to detention facilities*".[11]

In particular, on 08.10.2024, the SPT met with the Greek Ombudsman, the Deputy Ombudsman for Human Rights responsible for the NPM, and the Greek Ombudsman team that constitutes the NPM, followed by other working meetings in the following days.

Subsequently, between 08-09.10.2024, the SPT accompanied NPM teams to visits to detention facilities, specifically to two police detention facilities, the Police Station and Security Police Department of Omonia and the Women's Correctional Facility of Korydallos.[12] In Korydallos, the SPT also made an unannounced visit to the Korydallos Psychiatric Hospital for Prisoners, accompanied by the NPM.[13]

The working meetings with the SPT included discussions on the NPM's organisation and methodology; they also highlighted the multifaceted experience of its staff, stemming from the broad mandate of the Greek Ombudsman, as well as its distinct role and its need for visibility. On its part, the Greek Ombudsman emphasised the need to strengthen the NPM with the necessary adequate financial and human resources to enable it to carry out its mission more effectively.

In the statement issued after its visit,[14] the SPT said: "*Greece must take more measures to protect persons deprived of their liberty from torture and ill-treatment and ensure the effective and crucial role of the National Preventive Mechanism.*" The Head of the delegation said: *"While we understand that steps are being taken aimed at improving the rights of people deprived of their liberty, deficiencies have to be addressed, and urgent action is required to protect detainees and prevent torture and ill-treatment here and now."* And she concluded: *"We urged the Government to step up its efforts to guarantee and enhance the functional independence of the national preventive mechanism, which is key in maintaining sustained efforts to prevent torture and ill-treatment.*"

11. See announcement dated 21.10.2024 https://www.ohchr.org/sites/default/files/2024-10/2024-10-21-spt-pr-greece-greek.docx
12. See the NPM's findings from these inspections in the respective chapters of this report.
13. The NPM notes the initial reluctance of the management of this establishment to accept its visit, with the expectation that similar situations will not be repeated in the future.
14. Same announcement dated 21.10.2024

The SPT report to the Greek Government, with observations and recommendations on the prevention of torture and ill-treatment of persons deprived of their liberty, is expected.[15] The SPT urges Greece, as well as any other country, to publish the report.

The Ombudsman, on the occasion of the decision of the European Court of Human Rights dated 15.10.2024, which referred to an earlier NPM report, also referred to the visit of the SPT, with which the NPM collaborates closely, stating that the Hellenic Republic must ensure the adaptation of detention conditions to the standards of European and international conventions and organisations to which it has acceded.[16] The Ombudsman also pointed out that the SPT observations in its announcement dated of 21.10.2024 after its visit to Greece focus not only on taking measures to prevent the ill-treatment of detainees, but also on the necessary strengthening of the NPM[17] so that it is able to fulfil its important mission even more effectively, with an active presence in detention facilities throughout the country.

The Ombudsman has asked the co-competent Ministries to take a legislative initiative, given that the three (3) senior investigator positions that were provided independently for the NPM a decade ago in L.4228/2014 are not sufficient for the fulfilment of its work involving systematic visits to the 35 correctional facilities and police detention facilities throughout the country. The founding law of the NPM, L.4228/2014, also provided (in article six) that "the costs caused by the operation of the National Preventive Mechanism and the execution of its work are dealt with in the framework of the appropriations entered in the budget of the Ministry of Administrative Reform each year, following a proposal of the Ombudsman". Despite this legislative provision, in practice the relevant funds are drawn from the Ombudsman's general budget without any special increase and without any specific amount being committed for the exclusive use of the NPM; this imposes de facto restrictions on the Ombudsman's activities, also due to the wide range of the Ombudsman's mandates covered by the State budget.

15. The report had not been published at the time of writing the present report

16. See the relevant Greek Ombudsman press release available here in Greek: https://www.synigoros.gr/el/category/deltia-typoy/post/deltio-typoy-or-oi-syn8hkes-krathshs-sthn-ellada-ypo-ton-elegxo-eyrwpaikwn-kai-die8nwn-dikaiodotikwn-organismwn

17. See the relevant Greek Ombudsman press release available here in Greek: https://www.synigoros.gr/el/category/deltia-typoy/post/deltio-typoy-or-h-enisxysh-toy-e8nikoy-mhxanismoy-prolhpshs-basanisthriwn-toy-synhgoroy-toy-polith-stis-systaseis-toy-ohepros-thn-ellhnikh-kybernhsh

1.3.2. Follow-up visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

The CPT visited Greece in January 2025 (20.01-31.1.2025) with the purpose of visiting correctional facilities and police detention facilities, following visits in previous years[18] and high-level discussions on the reform of prison legislation.[19] During this visit, the CPT members met with the Ombudsman on 20.01.2025 and held extensive discussions on the NPM findings from these sites as well as on the amendments to the legislation. This has been preceded by the July 2024 publication of the CPT report on its visit[20] (20.1.-01.12.2023) to administrative detention facilities for foreigners in Greece.

1.3.3. South-East Europe NPM Network

An NPM delegation participated in the works of the South-East Europe NPM Network **which focused on the conditions of detention of pre-trial detainees**[21] (Vienna, November 2024). 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.

The meeting took place in Vienna on 28 and 29 November 2024 and focused on the conditions of detention of pre-trial detainees, with emphasis on material conditions of detention, medical care, prevention of violence and ill-treatment, and taking special measures for the vulnerable, in particular women, minors, and persons with disabilities.

As highlighted by the members' presentations, due to overcrowding, understaffing, as well as reluctance to implement alternative sentences, in practice there is no separation between pre-trial detainees and convicts. In the above context, the allocation of prisoners ends up being a demanding algorithm, given that many and sometimes mutually exclusive parameters (age, gender, sexual orientation, legal status, severity of offence, proximity to place of residence, disciplinary offences, health, special needs, type of offence, maintenance of order within the facility) have to be taken into account. It is a general finding that people who

18. For the report from the visit to Greece in 2021, see the NPM special report of 2022-2023 p. 55 ff.
19. https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-cpt-visits-greece-to-examine-prisons-and-police
20. See details in the next section
21. https://www.see-npm.net/2024/12/05/network-meeting-2024-in-vienna/

lack permanent residence (e.g. foreigners) are more likely to end up as pre-trial detainees. Finally, as several members have pointed out, pre-trial detainees end up experiencing worse conditions of detention,[22] as, in addition to the horizontal difficulties associated with poor material conditions, inadequate health care and incidents of violence or ill-treatment, they are not entitled to leave and are usually not selected for educational or training programmes.

The text of the conclusions, which was adopted unanimously, recognises the challenges faced by correctional facilities due to overcrowding and understaffing. Nevertheless, every effort must be made to improve the conditions of detention of pre-trial detainees and to safeguard their rights, taking into account the presumption of innocence. In this context, it is important to take the necessary measures for the safety of pre-trial detainees and to achieve the prevention of all forms of violence and ill-treatment, especially against the vulnerable, such as women and minors. As pointed out, overcrowding should not be a pretext for breaching the basic standards. Finally, the members agreed that the creation of new detention facilities does not provide a sustainable solution to the problem of overcrowding without the **effective dissemination and implementation of alternative measures**. Therefore, the NPMs should not only focus on material conditions of detention but also on the effective implementation of alternatives to sentencing.

1.3.4. European NPM Forum

On 3 and 4 June 2024, a delegation of the NPM participated in the European NPM Forum training workshop **focusing on the monitoring of the rights and material conditions of persons in pre-trial detention**.[23] The aim of the workshop was to map the current situation of rights and material conditions faced by persons in pre-trial detention, as well as challenges and good practices.

Key challenges include insufficient access to legal representation, inadequate complaints mechanisms, systemic barriers in the judicial system. The key recommendations focus on reducing the imposition of pre-trial detention through alternative measures[24] and the need to ensure adequate funding and resources

22. The CPT often observes that many pre-trial detainees remain in their cells for up to 23 hours a day, doing nothing for months or even years. They often do not have sufficient telephone communication and only receive closed visits.
23. European NPM Forum: sharing practices on monitoring of pre-trial detention facilities and other important subjects - Implementation of Human Rights, Justice and Legal Co-Operation Standards
24. As it was pointed out in the presentation by the CPT representative, the status of a person as a refugee or migrant is not in itself sufficient reason to consider the person a suspected fugitive.

for correctional facilities. The need to strengthen the transparency and accountability of detention facilities and the ongoing training of police and prison staff in human rights was also highlighted.

Also, on **24-25 September**, a delegation of the NPM participated in the joint conference of the European NPM Forum and Pompidou Group on **"Improvement and safeguards of health conditions of persons deprived of their liberty with substance use disorders"**.[25]

As noted, detainees with a substance use disorder make up a particularly vulnerable segment of the prison population, which is considered low in the informal hierarchy, facing prejudice among inmates and staff, are at risk of running up debts within the prison and being exploited by fellow prisoners, while they are often subjected to threats, intimidation, pressure to participate in the circulation of drugs among prisoners, and even coercion to provide sexual services. Adequate interventions and programmes in detention facilities are required, in cross-sectoral cooperation with the ministries and community stakeholders involved and with priority given to the protection of public health. **At the same time, strict drug policies, the absence of alternative measures and the tendency to impose excessive sentences or extensive pre-trial detention must be subjected to review, with the backing of NPMs**. In any case, all steps that prevent drug users from benefiting from existing prison care programmes should be carefully considered, so that availability does indeed imply accessibility.

1.3.5. Working Group on the rights of LGBTQI+ detainees

An NPM representative participates in the Working Group on the rights of LGBTQI+ detainees. The aim of the project[26] is to map the existing framework for LGBTQI+ detainees, its implementation in practice and its compatibility with international and EU standards[27], and to identify challenges and promising practices regarding the conditions of detention, treatment and care of LGBTQI+ detainees. The project is ongoing and the detailed findings of the research, good practices and country-specific recommendations will be presented in a special report.

25. 1680b1ac77

26. The project "LGBTIQ Detainees - Strengthening the rights of LGBTIQ detainees in the EU", co-funded by the Justice Programme of the European Commission and coordinated by the Ludwig Boltzmann Institute of Fundamental and Human Rights (Austria), in cooperation with institutions from Italy, Hungary and Greece (Centre for European Constitutional Law – Themistocles and Dimitris Tsatsos Foundation).

27. in particular Recommendation C(2022) 8987

1.4. Training of NPM members

1.4.1. Investigating deaths in prisons

The online webinar on investigating deaths in prisons was organised by the Penal Reform International (PRI) in cooperation with the University of Nottingham (Human Rights Law Center, UON) and was aimed at members of National Mechanisms that monitor conditions in places of detention.

The following points are important in the context of this training:

a) Investigations into the circumstances of death in detention facilities must be conducted by **external, independent and impartial bodies**, without the involvement of persons who hold positions of responsibility or are in any way involved in the administration of the detention facility.

b) A very high percentage of deaths could have been prevented by implementing **preventive measures in detention facilities**. Indicative measures in this direction include the monitoring of mortality statistics in detention facilities, frequent inspections, improvement of the health care provided, ensuring appropriate living conditions, training of staff, and reducing the rate of detention in order to avoid overcrowding.

c) In addition, the establishment of protocols for the procedures for investigating deaths in detention facilities, the provision of mandatory autopsies, the proper collection and maintenance of data and the greater involvement of the medical services of the detention facilities are also good practices for the safeguarding of the investigation process. In conclusion, the investigation of the death of detainees must mobilise the authorities and the bodies involved not only in the direction of searching for aggravating factors attributable to **the deceased, but mainly in recording the failures of the state to guarantee safe living conditions for detainees**.

1.4.2. Independence of National Preventive Mechanisms

On November 12, 2024, members of the NPM team participated in an SPT online training workshop on the independence[28] of NPMs. The aim of the workshop was to share examples and practices in relation to the challenges faced by NPMs in fulfilling their mandate when exercising their responsibilities within the national human rights committees/Ombudsmen. As noted, the experience of the SPT has

28. Independence includes the independence of the NPM from other state authorities as well as the functional independence of its staff in the performance of their duties. (Articles 17 and 18 OPCAT).

shown that key challenges include the financial autonomy of NPMs within the organisation under which they operate, the hierarchical relationship with the Head of their Organisation, and the relationship between the traditional functions of the organisation (handling individual complaints) and the preventive role of the NPM.

INSTITUTIONAL DEVELOPMENTS

2. INSTITUTIONAL DEVELOPMENTS

2.1. The Ombudsman's comments on the Criminal Code and the Code of Criminal Procedure (L.5090/23.2.2024)

Commenting[29] on the amendments to the Criminal Code by L.5090/2024, the Ombudsman pointed out that the extensive adjustment of the maximum sentence limits and the framework for serving and suspending sentences will have a direct impact on the already burdened conditions of detention.[30]

Especially with regard to the proposed regulation of article 29 of the draft law on the rationalisation of criteria for the confinement of minors in a youth detention facility; amendment of para. 1 article 127 of the Penal Code, the Ombudsman, based on its long experience in the field of child protection and its constant presence in places of activity and/or stay of minors (schools, detention facilities, institutions, etc.), observed the following:

"(...) The second consecutive significant increase in the number of cases of detention of minors in a detention facility is of concern to the Ombudsman, given both the existing system and conditions of detention in our country and the principles governing the International Convention on the Rights of the Child and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, according to which deprivation of liberty must be the last resort in society's reaction.

29. https://www.synigoros.gr/api/files/download/503928 (in Greek)

30. The NPM Annual Report 2022-2023 (available here: https://www.synigoros.gr/en/category/eidikes-ek8eseis/post/annual-special-report-2022-2023-or-national-preventive-mechanism-against-torture-and-ill-treatment), highlighted that making prisoners' rights (such as leave or transfer to rural correctional facilities) dependent on the type of crimes for which they had been convicted violated the fundamental principle prohibiting any discriminatory treatment unless it was "for the benefit of the prisoner and in order to serve individual needs" (Article 3 of the Correctional Code).

It is worth noting that the proposed extension enables confinement in a detention facility for crimes of lesser moral and social value (e.g. aggravated theft). In the same spirit and based on what is set out below, the Ombudsman expresses its concern about the increase of the time limits for detention in a special youth detention facility from eight (8) to ten (10) years in Article 7 of the draft amendment of Article 54 of the Penal Code.

The basic principle of juvenile criminal law is to educate rather than punish and to avoid measures to restrict their freedom, since – as is argued in theory and confirmed in practice – the deprivation of freedom of a juvenile ultimately has an aggravating effect, increasing the risk of reoffending rather than helping them stay away from delinquency as intended. The best interests of the minor are the cornerstone of juvenile law and require the principle of minimum intervention. Finally, "juvenile law is, by its nature and function, law for the protection of minors, which is pursued by constructive, positive, social measures".

Regarding the inappropriateness of confinement for the treatment of juveniles, as already noted, **the importance of the conditions of detention**, and therefore the manner in which the measure imposed is applied to juvenile offenders, is also undisputed.

Unfortunately, these conditions are inappropriate,[31] as the Ombudsman has consistently pointed out in recent years in inspection reports on Juvenile Detention Facilities as well as in repeated letters to the competent Ministry.

For many years, the Ombudsman has consistently expressed its position on the **need for a coherent system focused on the prevention of juvenile delinquency with adequately staffed school, family and child support bodies in the community in order to allow for timely intervention and an individual assessment of the needs of minors at risk and/or in conflict with the law** (as provided for in Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings). A similar emphasis on the part of the state is considered absolutely necessary for the rehabilitation and treatment of the traumas of child victims of violence, which is also an integral part of a rational and effective policy to prevent delinquency.

The Ombudsman also stresses the need to organise and strengthen in a systematic way the framework for the implementation of **reformative measures** in our country (with the practical support of the role of juvenile probation officers), as

31. See details in section 4.1.3.1. below, Inspection at the Special Rural Youth Correctional Facility of Kassaveteia

effective alternatives to sentencing a minor to confinement in a detention facility; also to promote within this framework the regulations for Juvenile Welfare Units. Under such conditions, there would be also a practical impact of the provision included in the proposed legislative clause requiring the court to provide a specific and well-documented justification as to "*why reformative or therapeutic measures are deemed insufficient in this case, in light of the particular circumstances of execution of the offence and the personality of the minor*". Under the current conditions, however, the implementation of the alternative measures to detention is problematic and not organised, while the juvenile probation services are understaffed and suffocated by the excessive workload, with the risk that the judge will de facto be led - also given the introduced expansion - to more extreme solutions of repression, i.e. confinement.

It is also worth noting that the positive (in principle) addition of a subparagraph to the said article following the consultation, which states that: "*Depending on the circumstances, the court may, in whole or in part, substitute the serving of a sentence of confinement in a specialised juvenile detention facility for home detention or community service, applying Articles 104A and 105 accordingly*", should be examined in the light of its applicability in practice, especially in view of the current situation with regard to the measure of community service for minors in Greece and the costs and difficulties of implementing electronic supervision throughout the country. Finally, in line with the above, the Ombudsman maintains a consistent position on the need for an explicit legal provision and implementation –regarding confinement in a correctional facility– of distinct facilities for the deprivation of liberty of minors, with a logic clearly differentiated from that which currently prevails in the prison system, in order to meet the specific needs, target-setting and priorities of anticrime policy as well as the correctional system, in particular for children.

2.2. Art.6A- Detainees appeals on detention conditions

In 2024, the NPM submitted its views on the evaluation of the implementation of the art.6A appeal so far, following a relevant request from the European Court of Human Rights[32] and a request for data from the EU Fundamental Rights Agency on the conditions of criminal detention in the Correctional Facilities of Greece, for the years 2021-2024.

32. See Special Report 2022-2023 of the Ombudsman as the National Preventive Mechanism Against Torture and Ill-Treatment (pp.59-64), available here: https://www.synigoros.gr/en/category/eidikes-ek8eseis/post/annual-special-report-2022-2023-or-national-preventive-mechanism-against-torture-and-ill-treatment

The Ombudsman noted,[33] inter alia, that the introduction of Article 6A in the Correctional Code 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 prisoners as a whole.

It is noted that, as recorded in Circular No. 8/2024 of the Supreme Court Prosecutor,[34] according to the data submitted on 01.05.2024 by the competent General Secretariat for Anticrime Policy of the Ministry of Citizen Protection, from the entry into force of the legal provision (27.10.2022) until 15.04.2024, in 19 of 34 correctional facilities in the country, a total of 197 individual and group appeals under Art. 6A have been filed and, of the relevant rulings issued (until 15.04.2024), the detainees; appeals were rejected in 98 cases and accepted in only 4 cases (all of them of the Council of the Misdemeanor Court of Larissa, in particular No. 532/23, 132/24, 132/24, 137/24 and 184/24, which concern the Larissa correctional facility), while it is noted that the 15 correctional facilities **in which no appeal has been filed until 15.04.2024 include the Korydallos II correctional facility and the Korydallos Psychiatric Hospital for Prisoners**. These data indicate that the Ombudsman has not been notified of all the rulings issued until 15.04.2024.

Based on the picture so far resulting from the issued rulings which have been communicated to the Ombudsman, in conjunction with the information provided in the relevant Circular No 8/2023 of the Supreme Court Prosecutor, the Ombudsman is not in a position to confirm the success of the new remedy. This finding of the Ombudsman is not limited to statistical data on the large number of 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, such as the aforementioned one and a previous one,[35] intended to harmonise case law or keep legal practitioners thoroughly informed.

In the field of procedure, the issue of proof appears more critical and difficult to solve. The first conclusions drawn from the assessment of these substantive issues are even more alarming. Indicatively, numerous cases can be identified

33. See Special Report on Greece - Update of FRA's Criminal Detention Database. (pp.62-65), available here (in English): https://fra.europa.eu/sites/default/files/fra_uploads/greece-criminal-detention-2024-country study_en.pdf

34. https://eisap.gr/εγκύκλιος-8-2024-2/

35. e.g. Supreme Court Prosecutor's Order, 3/2023 available here: https://eisap.gr/εγκυκλιοσ-3-2023/

where the limited duration of the poor conditions, i.e. a criterion which is not provided for in any way, was taken into account in the assessment of the merits of the appeal. The Ombudsman also 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, access to medical care etc.

The same broad perception of what the capacity of a detention facility really is (the size of the cell is ultimately to be weighed against many parameters) seems to be adopted by international approaches regarding the issue of overcrowding.[36]

It is worth mentioning that in March 2024,[37] the Committee of Ministers had expressed its concern that the 6A appeal has rarely been implemented with a positive outcome in practice and had called on the Greek authorities to take all possible measures to ensure its effective implementation and to provide the Committee with updated statistics on the implementation of the measure and on the evaluation of its effectiveness.

In response to this request, the Greek authorities replied[38] that although only ten appeals were accepted out of a total of 256 (from the date of entry into force of the measure until 8.11.2024), it appears that, in general, the case law of the courts which are responsible for the execution of the sentence is in line with the ECHR. As the Greek authorities point out, court rulings contain extensive references to the case law of the ECtHR, make an individualised assessment of the detention conditions of each appellant, taking as a starting point the criterion of 3 square

36. In recent proceedings of the European NPM Forum "Tackling overcrowding in European prisons: strengthening NPMs' role in safeguarding rights and ensuring effective oversight", it has been repeatedly stressed that the construction of new prisons (i.e. the numerical expansion of space per prisoner) is not a sustainable solution. Cf. also a statement by the competent Deputy Minister, who in a press release issued on the occasion of the signing of a memorandum of cooperation by the General Secretariat for Anticrime Policy and the Hellenic Public Employment Service (DYPA), noted among other things that: "It should be made clear that improving living conditions within correctional facilities **is not solely linked to addressing infrastructure and overcrowding issues**, but also to substantial interventions that have a clearly human-centred character and are based on our strategic plan for a new, modern, and European correctional system."
37. See CM/Del/Dec(2024)1492/H46-15
38. See Document from the Greek authorities dated 14/11/2024, concerning the group of cases NISIOTIS v. Greece (Application No 34704/08) available here: DH-DD(2024)1333 - 1514th meeting (December 2024) (DH) - Rule 8.2a - Communication from the authorities (14/11/2024) concerning the NISIOTIS group of cases v. Greece (Application No. 34704/08) [anglais uniquement]

metres of free space per detainee, a condition which further takes into account the general material conditions of detention prevailing in the prison in question. Nevertheless, they pointed out that in order to address potential shortcomings and to ensure the effectiveness of the appeal, they took a number of measures.[39]

The following quantitative data emerge from the processing of the judicial rulings that have been notified to the Ombudsman[40] up to the drafting of this report:

- The appeals concern 15 out of 35 correctional facilities. We have not been notified of any appeals for 20 correctional facilities (i.e. 57% of the total).
- We have not been notified of any appeals for women's correctional facilities, youth correctional facilities and the Korydallos Psychiatric Hospital, while correctional facilities with significant overcrowding problems are also absent. As expected, no appeals were identified for rural correctional facilities.
- Positive rulings have been issued for only 8 correctional facilities from the sample examined, i.e. 53% of the sample. Consequently, in 7 correctional facilities no appeal from the sample examined has received a positive ruling. The 7 correctional facilities for which no appeal has been accepted are the correctional facilities of Grevena, Nigrita, Patras, Ioannina, Chania, Chios and Nafplio.
- 18 appeals out of a total of 152 applications, i.e. 11.8% of the total sample, have been accepted in principle.
- Of these, transfer to another correctional facility was ordered in only two cases, while a change of place of detention within the same correctional facility was ordered in 6 cases.
- 8 appeals, i.e. 44.4% out of the total number of applications accepted, were awarded financial compensation, while
- in 10 appeals, i.e. 55% out of the total number of applications accepted, time credits for a beneficial calculation of the sentence were ordered.

In the near future, the NPM intends to set up a working group to investigate more fully the effectiveness of the appeal, taking into account, in addition to the rulings the law prescribes to be notified of (Article 6A, paragraph 6 of the Correctional

39. See specifically relevant circulars of the Supreme Court (Circular 3/2023, Circular 8/2024 and the Joint Communication of the President and the Prosecutor of the Supreme Court dated 4.11.2024), as well as the 8.3.2024 circular of the General Secretariat for Anticrime Policy with guidelines to the Directors of Prisons regarding the drafting of their opinion report to the courts which are responsible for the execution of the sentence.

40. By the time of writing, the Ombudsman had been notified of 126 decisions out of a total of 152 appeals.

Code), also its conclusions from the field of its inspections (including, but not limited to, informing detainees about the 6A appeal, their accessibility to it, documenting of the main obstacles to the exercise of the appeal, in particular with regard to the collection of evidence),[41] cross-checking the data set out in the report of the views of the relevant prison Administration with all kinds of statistical and non-statistical data from the General Secretariat for Anticrime Policy and through recent reports by competent national and international bodies, such as the Greek Ombudsman.

2.3. Amendment of the framework governing mental health units

L.5129/2024 «Completion of the psychiatric reform», which aims at the radical restructuring and improvement of mental health services with the completion of deinstitutionalisation and the elimination of inequalities and social stigma (No.1), establishes within the Greek National Health System (NHS) a National Network of Mental Health Services, which is structured in regional networks of services operating in the competent Regional Health Administrations. The reform of the legal framework with the inclusion of mental health units in the National Network included the psychiatric units of general or university hospitals[42] and the Korydallos Psychiatric Hospital for Prisoners, as well as the Women's Psychiatric Department at the Correctional Facility of Eleonas in Thiva. The NPM considers that this inclusion is a first step in the right direction, of considering detainees as mentally ill patients in principle[43] (see below the section on psychiatric facilities).

2.4. Legislative initiative on the administrative detention of aliens

In 2024 there was a legislative initiative to harmonise the administrative detention of foreigners with EU law, which was not successful. Specifically: Under current EU law, the imposition of the measure of administrative detention of irregular im-

41. See in detail also a series of circulars of the Supreme Court Prosecutor (In Greek) (Circular 3/2023, Circular 8/2024 and the joint announcement of the President and the Prosecutor of the Supreme Court dated 4.11.2024.
42. See relevant NPM inspections in the 2022-2023 report p. 168 ff.
43. See the conclusions of the 2023 meeting of the SE Europe NPM network in Thessaloniki https://www.see-npm.net/wp-content/uploads/2023/06/1st-meeting-Conclusions-on-Monitoring-Mental-Health-Units-in-Correctional-Facilities.pdf and also see the NPM 2022-2023 report p. 26.

migrants in view of return to their countries of origin is not an end in itself, nor a measure of intimidation for the general prevention of irregular migration; it is justified solely for the purpose of preparing the return and carrying out the removal from the country, and only when less onerous measures are not sufficient.[44] As the Greek Ombudsman had already pointed out,[45] the default imposition of administrative detention, which was introduced through a legislative amendment in 2020,[46] downgraded the requirement to first consider alternative measures. This deviates from the requirements of EU law, effectively reversing the rule and the exception, contrary to the principles of proportionality and necessity in the deprivation of liberty.

In 2024, the Government took a legislative initiative to harmonise the legislation with the principle of proportionality and Article 15 of the Return Directive "*under which detention must be a measure of last resort and must be aimed at facilitating the successful removal of the illegally staying third-country national*" according to the explanatory memorandum.[47] The Minister of Justice, however, withdrew this initiative during the plenary session on 30.07.2024, following opposition from members of certain minor opposition parties.

2.5. EU law: independent border monitoring mechanisms

The agreement reached in early 2024 at European Union level on the New Pact on Asylum and Migration, establishing unified procedures regarding asylum examination at borders and the return of third country nationals, poses new challenges for the detention of newcomers at borders[48], the dignified treatment of

44. Preamble para.16 and Article 15 of the Returns Directive 2008/115/EC. See also the proposal for a Regulation in the context of the European Commission's new return policy https://commission.europa.eu/news/migration-commission-proposes-new-european-approach-returns-2025-03-11_en, announced at the time of publication of this report.
45. See the Ombudsman's remarks in article 50 of the draft law of the Ministry of Immigration and Asylum https://www.synigoros.gr/en/category/eidikes-ek8eseis/post/returns-of-third-country-nationals-special-report-2020 and the 2020 special report on Returns p.33 under the parallel special mandate of the Ombudsman as a an external forced-return monitoring body (article 8(6) of the Returns Directive, article 23(6) of L 3907/2011).
46. Amendment of article 30(1) of L 3907/2011 by L 4686/2020
47. Explanatory memorandum of the regulation of Article 46 in the draft law of the Ministry of Justice, filed on 22.07.2024, currently adopted as L 5130/2024.
48. Possibly also outside the borders, see the European Commission's proposal for a Regulation on a common framework for returns, in Article 17 extraterritoriality agreements https://commission.europa.eu/news/migration-commission-proposes-new-european-approach-returns-2025-03-11_en

those deprived of their liberty and the respect of their fundamental rights. The question of utilising the competence and experience of the NPMs arises for all EU Member States that are called upon to entrust independent mechanisms with the implementation of Article 10 of the new European Regulation (EU) 2024/1356 on the procedures of screening of third-country nationals at the external borders, including detention,[49] which will enter into force in June 2026.[50] Article 10 makes **explicit reference to NPMs**: "*Member States shall put in place adequate safeguards to guarantee the independence of the independent monitoring mechanism. National Ombudspersons and national human rights institutions, including national preventive mechanisms established under the OPCAT, shall participate in the operation of the independent monitoring mechanism and may be appointed to carry out all or part of the tasks of the independent monitoring mechanism*". Both the CPT and the EU Fundamental Rights Agency (FRA), which is given the power by the Regulation to issue relevant guidance to the Member States, have issued detailed specifications for the guarantees of actual independence, know-how, and effective operation of the Independent Border Control Mechanisms.[51] The roundtable discussion organised by the Greek Ombudsman in Athens in April 2024,[52] with the participation of representatives of European and international organisations, regarding the prospects and challenges of implementing the New Pact on Migration and Asylum of the European Union, highlighted the need for effective implementation of the guarantees it provides for fundamental rights at the borders, "*in particular the use of existing national mechanisms for the protection of rights with the maximum guarantees of independence and their timely reinforcement with the necessary resources to fulfil the mission of the national independent border monitoring mechanisms provided for in the new European framework*".

49. According to the Regulation, the independent Monitoring Mechanism shall "monitor compliance with Union and international law, including the Charter, in particular as regards access to the asylum procedure, the principle of non-refoulement, the best interest of the child and the relevant rules on detention, including relevant provisions on detention in national law, during the screening", having access to locations, documents and procedures, and shall also examine allegations of violations of fundamental rights and conduct investigations.
50. The Mechanism is also provided for in Article 43(4) of the new Regulation (EU) 2024/1348 on asylum procedures.
51. 30th General Report of the CPT, May 2021, pp.15-16, https://rm.coe.int/1680a25e6b FRA Guide, 19.09.2024 https://fra.europa.eu/en/publication/2024/border-rights-monitoring
52. https://www.synigoros.gr/en/category/deltia-typoy/post/the-new-pact-on-migration-and-asylum-and-safeguards-for-asylum-seekers-at-the-borders

2.6. Report of the Council of Europe's Committee for the Prevention of Torture (CPT)

European Council Committee for the Prevention of Torture and Inhuman or Degrading Treatment orPunishment (CPT) published in July 2024 the report of its visit to Greece between 20 November and 1 December 2023.[53] The main objective of this visit was to examine the treatment of foreign citizens deprived of their liberty under immigration legislation. To this end, the CPT delegation visited various places of detention, including six of the seven Pre-Removal Detention Centres for aliens («PROKEKA in Greek), as well as several police stations and border guard stations in various regions of the country. They also visited for the first time three «Closed Controlled Access Centres» (CCACs) on the Aegean islands, namely Lesvos, Kos and Samos. The CPT concluded that the Greek authorities have not taken satisfactory measures to address the serious structural deficiencies it had highlighted in its previous visits.

In the course of the visit, the CPT received several allegations which it considers credible, regarding deliberate ill-treatment of detained foreign nationals by police officers, as well as allegations of ill-treatment by Coast Guard officers who intercepted small boats at sea.[54] The CPT calls upon the Greek authorities to take more vigorous steps to end ill-treatment of foreign nationals deprived of their liberty and to ensure that the detention of migrants is applied only as a measure of last resort. They note the severe lack of interpretation, the insufficient information of foreigners about their rights and their situation, the lack of free legal assistance and access to their mobile phones. In police stations, apart from specific problems (detention of families and minors in police stations and border guard stations in Evros), the CPT in some cases identified totally inappropriate conditions that amount to inhuman and degrading treatment (Athens Airport special holding facility, also Drapetsona police station which CPT urges Greece to close). Most of the PROKEKAs were not found suitable for long stays and the premises and amenities, including health care, were insufficient. The cases of Corinth and Tavros are particularly problematic. The CPT recommended reform of the mi-

53. CPT report on its visit to Greece between 20.11.2023-1.12.2023, CPT/Inf (2024) 2021, https://rm.coe.int/1680b0e4e1, published on 12.07.2024. See also https://rm.coe.int/1680b0e4e3, Summary, CPT/Inf (2024) 21 – Part Government Response, CPT/Inf (2024) 22. https://rm.coe.int/1680b0e4e4

54. The Greek Ombudsman investigates allegations of ill-treatment under its special mandate of external oversight of disciplinary offences involving violations of fundamental rights, in its capacity as the National Mechanism for the Investigation of Arbitrary Incidents concerning uniformed personnel of the security forces; see special annual reports on the www.synigoros.gr.

grant detention system, in terms of premises, living arrangements and qualified personnel. In the closed facilities for newcomers on the Aegean islands, the CPT found general shortages (of medical staff etc.) and particularly poor conditions in case of increased flows (Samos), even inhuman and degrading conditions (Kos), while it considered the increased security measures inappropriate for the accommodation of children. It highlighted the need for measures to prevent violence among residents of the facilities and the appropriate assessment and treatment of vulnerable people.

The CPT also received many consistent and credible allegations of informal, often violent, pushbacks at land and sea borders in detailed interviews conducted by the CPT, from which specific patterns emerged. Despite the fact that the Greek authorities continue to claim that no refoulement is taking place, the CPT comes to the opposite conclusion[55] and urges that an end be put to the pushback operations and that effective investigations be carried out into the relevant complaints submitted to the competent authorities, including the Naval Court Prosecutor's Office.

2.7. FRA report on detention conditions in Greece

Furthermore, the NPM responded to a request from the Fundamental Rights Agency to provide data on the conditions of criminal detention in Greece's Correctional Facilities for the years 2021- 2024.

The data, including the NPM's estimates, were collected and analysed by the Centre for European Constitutional Law, and included in a report[56] for the European Union Agency for Fundamental Rights (FRANET).

The questions concerned, among other things, the dimensions of cells and wards, the distribution of detainees, hygiene, nutrition, beneficial activities and time spent outdoors, solitary confinement, reintegration, prevention of violence and ill-treatment, special measures for foreigners, women, minors, persons with disabilities and other vulnerabilities, and an assessment[57] of the implementation of appeal 6A so far.

55. See also the relevant chapters in the 2022 and 2023 reports of the National Mechanism for the Investigation of Arbitrary Incidents, ibid.
56. The report is available at https://fra.europa.eu/sites/default/files/fra_uploads/greece-criminal-detention-2024-country-study_en.pdf
57. The Greek Ombudsman responded to the request by letter on the 25th June 2024.

It is worth noting that the report is published in the FRA's Criminal Detention Database, which contains information on detention conditions in the 27 EU Member States and the UK. It does not rank countries according to specific criteria but includes data on detention conditions using national, European and international criteria, case law and inspection reports of preventive mechanisms.

2.8. Good practices

2.8.1. Treatment of LGBTQI+ detainees – Guidelines

The guide was published in 2024 by the General Secretariat for Anticrime Policy with the aim of enhancing the «awareness and sensitivity of prison officers on issues of sexual orientation, gender identity, gender expression and gender characteristics, with a view to protecting the rights of LGBTQI+ detainees during their sentence and strengthening the concept of inclusion».[58]

The publication of the above guide is a step in the right direction, as it recognises the importance of training prison officers in the specific characteristics and needs of vulnerable groups of detainees such as LGBTQI+ people and increases visibility of the latter. It is worth mentioning that until recently there was no systematic training of prison officers in Greece. The first training cycle of the School of Prison Officers in Eleonas, Thiva, took place in January 2023. On 27.5.2024, Joint Ministerial Decision 11762/2024 was issued, which determines, among other things, the content of the training of newly appointed prison officers as well as employees with a specialty of Guard with a Secondary Education diploma, who had not attended the prescribed training.

Although we welcome the above initiative, we must point out that a prior consultation with members of the LGBTQI+ community, as well as other organisations active in the field, would have been preferable to draw on their experience of, in order to produce a practical guide in plain language, which would include all recent institutional developments[59] and would be regularly updated.

58. See General Secretariat for Anticrime Policy publication "Treatment of LGBTQI+ detainees (GUIDELINES)", p. 6, available at: GUIDE FOR THE TREATMENT OF LGBTQI+ DETAINEES

59. It is noteworthy that the above publication (which was posted in October 2024 by the General Secretariat for Anticrime Policy) does not include recent important legislative developments, such as L.5089/16.2.2024 on equality in civil marriage, and does not mention that celibacy has now been abolished as a prerequisite for a person to correct their registered gender.

2.8.2. Treatment of detainees with disabilities – Guidelines

As above, it should be noted that the publication of the guide is a step in the right direction and also includes practical instructions for prison officers and prison administrations. For this publication as well, our earlier observations regarding the need for consultation with organisations active in the field and with members of the community, as well as the importance of its regular updating, remain applicable. Finally, as the publication rightly recognises the need to provide «adequate information to detainees with disabilities regarding the rules of the correctional facility in a form that they can understand»,[60] the guide should be properly adapted for prisoners with disabilities.

60. See General Secretariat for Anticrime Policy publication "Treatment of detainees with disabilities (GUIDELINES)", 2024, available here: GUIDE FOR THE TREATMENT OF DETAINEES_WITH_DISABILITIES

INDICATIVE INTERVENTIONS BY THE OMBUDSMAN FOLLOWING COMPLAINTS

3. INDICATIVE INTERVENTIONS BY THE OMBUDSMAN FOLLOWING COMPLAINTS

The reports received by the Ombudsman in 2024 confirm its findings on overcrowding, understaffing –especially in the area of health services for detainees–, inadequate material and sanitary conditions, as well as bureaucratic obstacles that lead to delays in the processing of detainees' requests. The replies of the correctional facilities also reveal significant obstacles to coordination between co-competent agencies, as well as delays in the approval of the necessary funds by the General Secretariat for Anticrime Policy. The following are indicative interventions by the Greek Ombudsman.

3.1. Inclusion of a detainee in an O.PE.KA. programme

A detainee in a Correctional Facility, with a disability rate of more than 50% based on a Disability Rate Notification Decision of e-EFKA, requested the mediation of the Greek Ombudsman in order to apply to the Organization of Welfare Benefits and Social Solidarity (OPEKA) to join the Financial Support Programme for persons with congenital haemolytic anaemia, congenital haemorrhagic diathesis, or acquired immunodeficiency syndrome[61]. The relevant applications are submitted in person or by a representative, exclusively through the Community Centres or the Regional Directorates of OPEKA, and are examined by the competent agencies of OPEKA.

During the investigation of the case, it emerged that the practice was for the detainees to submit the application, apparently with the help of their relatives, at their place of residence before the start of their detention, without the involve-

61. Case Ref. No. 347478 and https://www.synigoros.gr/api/files/download/547220

ment of the Correctional Facility. This, however, posed a problem for those who do not have a family network as in this specific case. The Ombudsman argued that the place of residence of the detainee is the Correctional Facility where he is serving his sentence and suggested that it should be possible to submit his application through the Social Service or the Secretariat of the Correctional Facility (with relevant authorisation), either directly to OPEKA, or with the assistance of the local Community Centre. Finally, with the care of the Correctional Facility and after the prisoner authorised employees accordingly, his Social Security Number (AMKA) was updated, his inactive bank account was activated and he submitted the application through the Community Centre in the area of the correctional facility.

3.2. Issuing of a residence certificate to a released EU citizen

The Ombudsman received a complaint filed by a citizen of an EU Member State who had been released from prison under the condition not to leave the country, concerning the delay in issuing a certificate of registration for his residence in the country as a citizen of the European Union. It should also be noted that in this case the EU citizen in question was facing serious health problems, therefore the lack of the above-mentioned certificate of residence in the country posed serious problems in accessing health services and the necessary medical care.

In the context of investigating the above complaint, the Ombudsman addressed the European Union Office of the Department of Aliens of the Hellenic Police, pointing out the gaps in the current legislation regarding the issuance of a residence certificate to EU citizens under conditional release according to the current legislation (*see provisions of Presidential Decree 106/2007, as amended and in force, which transposes into Greek law EU Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States*). Specifically, on this issue, the Ombudsman pointed out that it is necessary to resolve any organisational or procedural issues in order to enable the registration of EU citizens released from prison and the issuance of a legal document for the necessary period of their stay in the country. The Ombudsman stressed that otherwise, the absence of a registration procedure and the refusal to issue a residence document to the EU citizens under conditional release at the time of their mandatory stay in the country would have the direct consequence of preventing them from exercising their fundamental rights. In this way, however, the imposition of the measure of the obligation to stay in the country and the prohibition to leave the country, without providing this category of citizens with a residence permit in the country, constitutes discrimination on the basis of nationality in violation of Article 21 (2) of the Charter of Fundamental

Rights of the European Union, which states that: "*(...) Within the scope of application of the Treaties and without prejudice to their special provisions, any discrimination on grounds of nationality shall be prohibited*".

It should be noted that, as stated by the competent department of the Hellenic Police, the problem in the procedure of issuing the relevant certificate to released EU citizens is that the current legislation does not contain any explicit provision for the issuance of a residence certificate, as provided for released third-country citizens (see Article 16(5) of L.5038/2023 on the issuance of a special certificate of residence permit in the country to third-country nationals released from prison). Finally, the competent police authority informed the Ombudsman that the above EU citizen was granted a certificate of registration as a «financially inactive person». (Case Ref. No. 346759)

ON-SITE INSPECTIONS

4. ON-SITE INSPECTIONS

4.1. Correctional Facilities

4.1.1. Inspection methodology

The inspection methodology of the NPM[62] 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.[63]

In 2024, the NPM conducted more inspections in correctional facilities than in any other year, except only for 2018.64 Specifically, the NPM visited the Youth Correctional Facility of Kassaveteia (11-12/01/24), the Correctional Facility of Corinth (16/02/24), Correctional Facility of Corfu (20-21/02/24), the Rural Correctional Facility of Tiryntha (20-21/03/24), the Correctional Facility of Chalkida (29/03/24), Correctional Facility of Amfissa (22-23/04/24), the Correctional Facility of Kos (23-24/05/24), Correctional Facility of Patras (27-28/06/24), Correctional Facility of Trikala (10-11/07/24), the Rehabilitation Centre for Drug Addict Detainees in Eleonas, Thiva (19/09/24), the Correctional Facility of Domokos (19-20/09/24), Correctional Facility of Chania (26-27/09/24), Correctional Facility of Korydallos II (Women's Correctional Facility) (09/10/24) and the Correctional Facility of Neapoli, Lasithi, Crete (29-30/10/24).

62. Ombudsman, NPM Annual Special Report 2017, p.15, https://www.synigoros.gr/en/category/eidikes-ek8eseis/post/annual-special-report-2017-or-national-preventive-mechanism-against-torture-and-ill-treatment, NPM Annual Special Report 2018, pp. 15-16, https://www.synigoros.gr/en/category/eidikes-ek8eseis/post/ethsia-eidikh-ek8esh-opcat-2018-or-e8nikos-mhxanismos-prolhpshs-twn-basanisthriwn-and-ths-kakometaxeirishs NPM Annual Special Report 2019, pp. 26-27, https://www.synigoros.gr/en/category/eidikes-ek8eseis/post/ethsia-eidikh-ek8esh-opcat-2019-or-e8nikos-mhxanismos-prolhpshs-twn-basanisthriwn-and-ths-kakometaxeirishs
63. See details above in Section 1.4 Training of NPM Members.
64. In 2018, the NPM conducted inspections in 20 correctional facilities.

The inspections were carried out without prior notice, with the exception of the visit to the Rehabilitation Centre for Drug Addict Detainees in Eleonas, Thiva, which took place after prior consultation with its Administration, in order to obtain information on the operation of the Centre, in view of the participation of the Ombudsman's representatives in the context of a conference of the European NPM Forum and the Pompidou Group of the Council of Europe regarding the improvement of the detention conditions of users.

In general,[65] the NPM teams cooperated smoothly with the correctional facilities and had access to all requested data and premises. Where appropriate, the teams conducted individual interviews with a random sample of detainees or with detainees who requested to speak to the team. The individual interviews were conducted in the form of semi-structured interviews based on the NPM questionnaire, which is currently under revision in order to enrich its methodology with monitoring tools targeting groups of detainees with multiple vulnerabilities (such as substance users, LGBTQI+ prisoners, people in pre-trial detention).

In particular, although during the inspections the NPM has always investigated the degree of the state's response in taking measures for people with drug use issues, mainly by recording the operation of advisory and rehabilitation programmes and the provision of specialised assistance for substance users, it is now considering[66] enriching its inspections with a special section of questions[67] on the treatment of users in detention facilities.

Also, in the context of the participation of a representative of the NPM in the Working Group on LGBTQI+ Detainees Rights, it is considering the adaptation of its questionnaire[68] for prisoners in order to include questions on the experience

65. However, see above footnote 13 for the inspection at the Korydallos Psychiatric Hospital for prisoners.

66. Taking into account the multiple vulnerabilities of users and the fact that when the Committee of Ministers of the Council of Europe checks the execution of ECtHR judgements as to the degree of the state's response to the obligation to take general measures, particular weight is given to the findings of national monitoring bodies assessing detention conditions.

67. Indicatively, questions on the availability and accessibility of appropriate programmes, the adequacy of medical screening upon admission of newcomers to the correctional facility, the involvement of appropriately qualified therapeutic professionals at all stages of intervention, the protection from the system of informal prison hierarchy, the sufficiency of interventions and programmes within detention facilities, as well as intersectoral cooperation with the relevant ministries and community-based bodies, with priority given to the protection of public health.

68. The questionnaire is used on a case-by-case basis, assessing the specific circumstances

of LGBTQI+ detainees and the problems they face in detention facilities. The experience of the NPM's inspections so far has shown that the investigation of the conditions of detention of LGBTQI+ persons is particularly difficult, as the concealment of their identity, under the threat of physical violence, intimidation, or threats, is for them a matter of survival within the detention facilities. As a result, the degrading treatment suffered by this population is a "dark number" and has been little investigated by the NPM, with the exception of transgender detainees (see below).

4.1.2. General findings

The trend towards a stricter[69] legislative framework continued in 2024, through the extensive revision of the maximum sentence limits and the framework for serving the sentence and suspending execution under L.5090/2024, as well as with a second consecutive significant expansion of the circumstances under which minors can be detained in a detention facility.

Also, in 2024, the NPM inspections show that the Greek correctional system continues to operate beyond its capacity, with significant overcrowding and severe understaffing[70] of correctional facilities in key specialities, with serious implications for detention conditions.

Overcrowding

In the vast majority of our inspections we have encountered overcrowding, as shown in Table 1 below. Furthermore, as indicated d in the statistics of the General Secretariat for Anticrime Policy, almost all 10763 bed spaces of the correctional facilities are full throughout the year.

of each detention facility, either by completion by detainees on a voluntary basis or as the basis for semi-structured interviews with a randomly selected sample.

69. We have previously observed progressively stricter restrictions in the granting of leaves, conditional release, and transfers to rural correctional facilities, as well as a reluctance to apply alternative measures.

70. According to data for 2023 by the Council of Europe, available here: https://www.coe.int/en/web/prison/space, Greece is among the countries with the highest rate of detainees per prison officer, which is 25% higher than the European median.

Table 1

Name	Occupancy on the day of the inspection
Youth Correctional Facility of Kassaveteia	68.61%
Correctional Facility of Corinth	108.70%
Correctional Facility of Corfu	116.67%
Rural Correctional Facility of Tiryntha	22.85%
Correctional Facility of Chalkida	129.92%
Correctional Facility of Amfissa	132.00%
Correctional Facility of Trikala	102.50%
Rehabilitation Centre for Drug Addict Detainees in Eleonas, Thiva	43.70%
Correctional Facility of Domokos	102.00%
Correctional Facility of Neapoli	180.00%
Korydallos Correctional Facility II	144.00%
Correctional Facility of Patras	96.86%
Correctional Facility of Kos	175.00%
Correctional Facility of Chania	115.00%

The majority of correctional facilities struggle with significant overcrowding, while rural prisons continue to operate well below their capacity, confirming the NPM's concerns[71] about their gradual shrinkage, as a consequence of the successive tightening of the eligibility conditions for transfer to these facilities.

71. The NPM expressed its strong concerns in its comments on the draft laws that ultimately entered into force as L.4760/2020 and L.4985/2022 respectively. Moreover, in the recent 2022–2023 Annual Report of the Greek Ombudsman in its capacity as the National Preventive Mechanism (available here: https://www.synigoros.gr/en/category/eidikes-ek8eseis/post/annual-special-report-2022-2023-or-national-preventive-mechanism-against-torture-and-ill-treatment), it was pointed out that "the Ombudsman's concern ... that rural prisons ... are in danger of shrinking and being abandoned due to the lack of eligible prisoners ... has been dramatically confirmed...".

Table 2

RURAL CORRECTIONAL FACILITY OF AGIA, CHANIA	43.82%
RURAL CORRECTIONAL FACILITY OF KASSANDRA, CHALKIDIKI	29.87%
RURAL CORRECTIONAL FACILITY OF TIRYNTHA, ARGOLIDA	20.86%
SPECIAL RURAL YOUTH CORRECTIONAL FACILITY OF KASSAVETEIA	42.70%

Medical care

Unfortunately, also in 2024, the findings and recommendations of the NPM, as stated in its report[72] on healthcare services in correctional facilities, continue to be relevant.

Thus, also in 2024, the NPM teams found significant understaffing of the clinics of correctional facilities in terms of doctors and nurses, as well as prison officers, and even encountered an external guard (!) in the role of a nurse. A case was also identified in a correctional facility where detainees were involved in the distribution of medicines – including crushing the medicines by themselves. No facility offers interpretation/translation services as part of the medical services offered and the lack of interpretation/translation services is still being filled by the inmates' fellow detainees.

Special mention should be made once again to the great lack of mental health services in the correctional facilities.

72. See details in the Special Report 2022-2023, National Preventive Mechanism Against Torture and Ill-Treatment, pp.67-71

The following table is indicative:

Correctional facility of	
Kassaveteia	There is no specialised psychologist or specialised psychiatrist with a constant daily presence, despite the identified urgent need.
Corinth	The psychologist is on long sick leave and the cases are referred to the psychiatrist of the hospital of Corinth.
Amfissa	There is neither a psychologist nor a psychiatrist whereas the majority of detainees in this correctional facility are substance users with need for psychological support and appropriate medical treatment. Psychiatric cases, mainly due to withdrawal symptoms, are referred to a psychiatrist in Lamia.
Trikala	There is no psychiatrist and the resident psychologist is also burdened with other duties.
Neapoli, Lasithi	There is no psychiatrist. The cases are referred to Agios Nikolaos Hospital, while the more serious cases are referred to the General University Hospital of Heraklion.
Korydallos II	There is no psychologist for drug addict detainees, while overall concerns were raised about the serious deficiencies related to the lack of immediate psychiatric treatment and appropriate referral of detainees with mental health problems (a visiting psychiatrist comes every Thursday).
Domokos	There is no psychologist or psychiatrist in a prison with many violent incidents and very high rates of psychotropic drug use.

Due to the large number of people with substance use disorder in the correctional facilities, there is an increased need for interconnected medical and psychosocial intervention services, following the model of the Rehabilitation Centre for Drug Addict Detainees in Eleonas, Thiva.[73]

73. See details in Section 4.1.3.10 below.

Based on the updated and detailed data we have received from the National Organisation for the Prevention and Treatment of Addictions (EOPAE) on addiction control programmes and harm reduction actions, which operated in correctional facilities for 2024-2025, it is clear that:

In 33% of the correctional facilities there is no advisory programme; a rehabilitation programme exists in only 11% of the correctional facilities; there are only 2 advisory centres and only 3 therapeutic communities for detainees after their release. Finally, there are only two Integrated Treatment Programmes against Addiction (in Korydallos and in the Correctional Facility).

In addition, a new environment is now emerging for the Rehabilitation Centre for Drug Addict Detainees in Eleonas, Thiva following the passing of L.5129/2024, which stipulates that it is one of the two pillars (together with the National Organisation for the Prevention and Treatment of Addictions – EOPAE) for the implementation of actions related to prevention, direct access, harm reduction, treatment, rehabilitation and reintegration. Our inspections show that the **issuance of a Temporary Prisoner Health Care Number ("PAYPEK")** for the medical coverage of uninsured detainees has been established to a significant extent by the competent authorities. Nevertheless, the NPM team at the Korydallos II correctional facility identified cases of lack of provision of appropriate medical coverage for detainees, which was attributed to the expiry of the detainees' temporary Social Security Number ("PAMKA"), whereas the procedure for the conversion of the above temporary number into a PAYPEK has been explicitly provided for.

Finally, we identified several cases of non-systematic record keeping, in particular those related to psychiatric medicines, medical incidents, victims of assault and ill-treatment, incoming and outgoing medicines, both psychiatric and pathological, as well as transactions involving medications.

We note that the NPM's survey on health services in correctional facilities, which was included in the NPM Special Report 2022-2023, was the subject of parliamentary scrutiny.[74] In response to the questions raised, the competent General Secretariat for Anticrime Policy announced its intention[75] to increase the number of visiting private doctors in correctional facilities, as well as the inclusion of the

74. See, for example, Questions 2352/2025, 3536/19.2.2025, 2536/2025, 2542/2025, Question and Request for Document Submission 2423/782/2025, Question, Current question 550/17.2.2025.

75. See, for example, its reply to Question 2423/782/2025 and Request for Document Submission, available at https://www.hellenicparliament.gr/Koinovouleftikos-Elenchos/Mesa-Koinovouleutikou-Elegxou

Korydallos Psychiatric Hospital for prisoners in the National Network of Mental Health Services.

The NPM will monitor the implementation of the announced measures and their effectiveness. We note, however, that so far, the absence of measures to strengthen nursing staff in order to address the large shortages and leakages, measures to ensure interpretation services that play a key role in the sensitive sector of medical services, special training for nurses and prison officers with emphasis on dealing with vulnerable groups, management of burnout, as well as the implementation of a uniform way of keeping medical records of the prisons, in order to facilitate policy-making and investigation by the control mechanisms.

Infrastructure

Overcrowding, in conjunction with poor hygiene and cleanliness conditions and minimum state assistance in supporting poor prisoners, creates inequalities among prisoners, as the prison system exacerbates inequalities that exist outside prison.



Correctional Facility of Corfu - distribution of medicines

Indicatively, problems were identified in relation to heating and hot water (Correctional Facility of Corinth), we encountered bedding areas which were not separated from the toilet (Correctional Facility of Corfu), serious problems in electrical installations which need immediate replacement due to the frequency of failures,

risk of power cuts and risk of fire (Correctional Facility of Chalkida), a major problem with water pressure and adequacy (Correctional Facility of Trikala), and deplorable living conditions in disciplinary cells (Correctional Facility of Domokos).



Korydallos Women's Correctional Facility - wards



Korydallos Women's Correctional Facility - wards



Korydallos Women's Correctional Facility - Wards



Correctional Facility of Domokos - disciplinary cells



Correctional Facility of Patras - kitchens

Beneficial activities

There is a great disparity between the correctional facilities in relation to the activities provided, which does not result from a different assessment of the needs of each facility but rather demonstrates the crucial role of the administration of each correctional facility, its available resources, and the available staff.

Indicatively, during the inspection at the Correctional Facility of Corinth, the Director stated his reluctance to operate a Primary School or a Second Chance School, because he believed that the prisoners would prefer the school instead for applying for other work posts, which were necessary for the prison function.

In the Correctional Facility of Neapoli in Lasithi, the Special educational programmes such as the Second Chance School had stopped, as the participation of prisoners was low, usually due to their imminent release.

Moreover, in the Special Rural Youth Correctional Facility of Kassaveteia, there is an immediate need to enhance the function of all education levels, in particular, with the establishment of a High School also offering senior lyceum classes, the

operation of a primary school with a full curriculum and with all the prescribed subjects taught, as well as the support of Greek language skills.

Also, transgender detainees cannot participate in the existing education, training, and further education programmes at the Correctional Facility of Korydallos II because, for security reasons, they are not allowed to mix with the other cisgender female detainees in the detention facility, therefore their participation in existing educational programmes, seminars, training programmes etc. is de facto excluded. Their participation in KETHEA programmes is also limited, as their participation relies on the voluntary presence of the programme's psychologist.



Library of Korydallos Women's Correctional Facility



Second-Chance School of the Correctional Facility of Patras

Distribution of detainees – individualised interventions

Due to the overcrowding of the correctional facilities, the distribution of detainees becomes a complex algorithm.

In particular, our inspections show that no separation between pre-trial detainees and convicts takes place in any of the correctional facilities, contrary to the provisions of national and international legislation. According to the Coe data, in January 2023, 24.7% of prisoners were in pre-trial detention with an average detention duration of 8.8 months, while the median of the Council of Europe countries is 4.3 months.[76]

Furthermore, the placement of juvenile prisoners in the Special Rural Youth Correctional Facility of Kassaveteia takes place on a "who gets along with whom" basis in an effort to maintain stability, also taking into account that juvenile detainees cannot be transferred to another correctional facility. (See details in Section 4.1.3.1 below.)

76. See detailed data here: SPACE II - Council of Europe Annual Penal Statistics

On the positive side, we note that during our inspection in the special section in the correctional facility of Korydallos II, where transgender detainees[77] have been detained since 2021 the detainees reported that their right to self-determination is generally respected, since the guards call them by their chosen names.

Despite clear improvements compared to their previous residence status, transgender detainees remain isolated[78] from the rest of the population, while, due to severe understaffing, they are in practice excluded from education, training, and further education programmes as well as from KETHEA programmes. Finally, shortages in social services[79] often do not allow for individualised assessments and placements. The absence of private space for sessions, lack of adequate interpretation and absence of information material in a language that detainees understand makes it difficult to inform them and discourages individualised interventions.

4.1.3. Specific observations

4.1.3.1. Special Rural Youth Correctional Facility of Kassaveteia

On 11-12 January 2024, the Ombudsman -NPM team conducted an inspection at the Special Rural Youth Correctional Facility of Nea Kassaveteia and, in particular, at the part of the facility that has been converted into a Special Youth Detention Facility, where juveniles aged fifteen (15) to eighteen (18) years old are detained. The visit took place without prior notification.

Findings and Recommendations

The conditions of the Youth Detention Centre[80] was considered problematic, as indicated by the following findings at the time of the inspection. In particular:

77. It is recalled that based on the amended provision of article 13(1) of the Correctional Code (L.2776/1999), transgender women are transferred to women's detention facilities by decision of the Central Transfers Committee, upon their request, which is examined as a priority. Greece was strongly criticised by the CPT for the previous status where transgender women resided in the men's prison of Corfu. See details here: https://rm.coe.int/1680a7ce96 (para.40,41,42)

78. See in this regard also CPT remarks https://rm.coe.int/1680ac59d6.

79. In the correctional facility of Corfu there is no social service, in the correctional facility of Domokos this service consists of one person and is charged mainly with bureaucratic tasks, in the correctional facility of Amfissa no space for private sessions can be ensured, in the correctional facility of Trikala the social worker also works at has parallel duties at the Volos Special Juvenile Correctional Facility. In the correctional facility of Neapolis, the duties of a social worker are performed by a correctional official with a degree in Sociology'

80. To which the juvenile prisoners from the Special Detention Facility of Corinth were moved a year ago.

- The inappropriateness of the building infrastructure for the operation of a Juvenile Detention Facility continues to be a key problem, taking into account the children's' special needs (lack of cells which would prevent the accommodation of a large number of detainees; absence of common use areas - that would be accessible after the closing of the metal bars - so, as a result, children remain idle and isolated in their room - and other common use areas (especially recreational areas, sports facilities, etc.); absence of suitable and sufficient infrastructure for the operation of the school, which would enable the simultaneous teaching of all primary school pupils and the implementation of a full curriculum; the complete lack of facilities for entertainment/leisure of juvenile detainees in the courtyard; deficiencies in the multi-purpose room (e.g. lack of toilet); inaccessibility of the gym with very few exceptions; absence/lack of maintenance or reduced utilisation of outdoor areas for recreation/exercise and creative activities as a form of release and prevention of tensions (e.g. sports courts, landscaping of gardens or orchards)].
- The inappropriateness of the infrastructure includes the inability to adequately supervise the cells when the prison remains closed. The distance of the entrance post from the wards contributes to this, as the courtyard is located in between, making visual and auditory contact difficult. As described by the staff, every 45 minutes a guard on duty walks outside the wards, but he does not have a good view of what is happening inside the wards, as eye contact is only ensured by a small opening in the ward door.
- The above deficiencies, combined with the current Prison Regulation, limit the time during which juvenile detainees can engage in activities, programmes or activities of interest to them. The provisions of that Regulation - as the facility has no common-use areas behind the railing – result to long hours of confinement in the wards from early afternoon, especially in the winter months, lack of adult support and positive stimuli and opportunities to let off steam in constructive ways (instead of violence).[81]
- The inability to carry out additional activities was partly confirmed by the staff, who attributed it, among other things, to the inadequacy of the security staff.
- Both direct interaction with juvenile detainees and the review of disciplinary decisions, along with communication with facility staff, revealed a serious problem of physical and psychological violence among detainees, including the violent removal of personal items.

81. It is noteworthy that detainees claimed that they slept at about 2:00 a.m., which means that they remained locked in the wards for many hours watching television.

- Communication with the prisoners revealed their intense emotional stress, anxiety for their safety, a sense of entrapment (panic attacks, intense sadness/catatonia) as well as feelings of terror and resignation. Some described in the interviews that they feel insecure at night about possible attacks and are unable to get any rest. It is indicative that, according to the minutes of disciplinary decisions, in the last nine months at least ten incidents of self-harm attempts or suicide or self-harm had been recorded.
- In addition to the understaffing in security guards, there were **serious deficiencies in key specialities, such as child psychologists/child psychiatrists, nurses etc.**, which had not been addressed despite the fact that they had been also noted during the transfer of minors to the facility one year ago and despite the persistent efforts of the correctional facility and the repeated institutional interventions of the Ombudsman.
- **We encountered significant malfunctions in the provision of medical care, which we assessed, taking into account the records of violent incidents.** In particular, the examination of the medical records revealed findings that highlight the need to keep the books provided for in the Regulation, as several cases of self-harm and serious injuries were identified, which seemed to take place in the days following the arrival of a new juvenile detainee and are consistent with corresponding reports of juveniles for frequent violence against fellow detainees. Moreover, it appeared that, apart from treating the detainees, the clinic did not follow up these incidents by informing the administration or competent services that there was a suspicion or information that the physical injury was the result of violence.
- Difficulty in managing tensions and violent incidents and, in general, inability to define boundaries was evident from our contact with all parts. An additional serious obstacle mentioned was the sense of impunity, as transfer to another correctional facility cannot take place and this results in internal rearrangements being attempted in a fragmented and often problematic manner.
- Despite the relevant recommendation of the Ombudsman when the facility for juveniles opened its doors, no actions had taken place or were planned regarding the staff's training/awareness in relation to the juveniles' specific detention needs.
- However, minors claimed that the staff treated them well in general.
- Complaints about detention conditions had mostly to do with security, food (the quantity of food), and the lack of opportunities for recreation and emotional release.

- There was contact between the social workers and the minors, but it was considered (also by the staff themselves) that they could have more substantial and regular cooperation and planning of activities if they were not burdened with additional tasks, especially administrative ones.
- At the time of the inspection, there were no entertainment or activity/sports programmes for the children, even though it was estimated that such programmes would likely help them let off steam and prevent tensions among them. The only athletic activity was provided through the school and was only available to students. Moreover, the implementation of the Municipality's «Sport for All» programme had stopped.
- No programmes providing certified vocational skills and/or preparation for reintegration into the community were taking place in the facility, although a few activities were reported to had taken place during the previous year with wide acceptance and positive impact on the children.
- There was no separation of pre-trial detainees from convicted persons in the facility.

In general, it seems that in the period that had lapsed between the Ombudsman's previous inspection and the placement of minors in the Kassaveteia facility, conditions and behaviours that fell short of the standards set by the respect of human dignity and the rights of the child had become a normality.

The Ombudsman's findings show that the conditions in the Kassaveteia Correctional Facility were problematic, especially in terms of the premises suitability which had a crucial impact on the operation of the facility and the detention conditions.

We would, thus, like to make the following recommendations, taking into account the juveniles' best interest:

- **The choice of this particular establishment for the detention of juveniles should be reconsidered. The Ombudsman has consistently expressed its position on the unsuitability of detention facilities, in the form in which they currently operate, for the purposes of correction and reintegration of minors. It has, instead, insisted on the need for community-based facilities fit for supporting children involved in delinquent behaviour.**[82]

82. For the positions and proposals of the Ombudsman, see its detailed Comments on the Draft Law on the Criminal Code and the Code of Criminal Procedure (February 2024): https://www.synigoros.gr/el/category/grafeio-typoy-and-epikoinwnias/post/parathrhseis-or-sxedio-nomoy-gia-poiniko-kwdika-kai-kwdika-poinikhs-dikonomias

- **Considering the possibility – until the possible adoption of the proposal for the reform of the entire juvenile correctional system –of relocation to a building inside or outside the Kassaveteia Detention Facility where the available space would be suitable, adequate and child-friendly a) for safe detention, avoiding overcrowding in wards and ensuring safe circulation in a sheltered common area during the hours that the prison remains closed; b) for the smooth attendance of school; and c) for entertainment on a daily basis, studying and meetings both within the building in specially designed, appropriately common areas equipped (with TV, a projector for watching movies, with board games, etc.), as well as in open areas of the premises.**
- In any case, the Ombudsman has highlighted that a special chapter for juvenile prisoners should be added to the Correctional Code, **as well as a separate operating regulation should be drafted and implemented**, in order to ensure the rights of children and the holistic approach to the specialised needs of minors.
- Ensuring the fundamental right of all minors to education, in accordance with the Constitution and the CRC, and protection from discrimination against them (CRC, L.2101/1992, articles 2 and 28,) with the strengthening of schools at all levels and, in particular, with the establishment of a High School also offering senior high school classes, the operation of a primary school with a full curriculum and with all the prescribed subjects taught, as well as the support of Greek language skills and facilitation of educational integration through the creation of Greek language classes, reception classes and II ZEP (Zones of Educational Priority), where an intensive relevant programme for beginners at the A0-A1 level is followed, and the programme of Lifelong Learning Centres.
- Consideration of the possibility of extending the hours during which the prison remains open (by adopting a special regulation for minors or a decision of the Prison Administration), in order to allow for activities or programmes to be carried out in the evening hours and to avoid tensions due to the long hours of confinement in the cells and inactivity during that period.
- Ensuring, on a daily or at least regular basis, access to the multi-purpose room that should be a juvenile friendly place for activities and recreation.
- Offering more sporting opportunities in the facility through regular access to the gym; availability of all necessary equipment (insofar as permitted), such as balls etc.; 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.

- Staffing of the facility with additional security personnel, in order to cover the operational needs and not prevent positive actions and efforts for the benefit of the children (e.g. inability to accompany – supervise children in the football field or in the multi-purpose room).
- Systematic training of staff, especially guards, regarding the specificities of adolescence and the Rights of the Child, as these are enshrined, inter alia, in the International Convention on the Rights of the Child (L.2101/1992), as well as contact with minors and ways of managing tensions in prison. 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 for Public Administration and Self-Government[83]. It is noted that the same need had been expressed by staff and recorded in the Ombudsman's previous report (2022), without any relevant action having taken place to date.
- Immediate coverage of the needs identified by the facility for support by a psychologist and/or specialised psychiatrist, with a fixed daily presence and the possibility of cooperation with external support agencies of the community, in order to take action to improve the atmosphere, address issues of violence, reduce the use of tranquillisers or other similar medication, and ensure the effective and systematic support of juvenile detainees –whose condition is concerning– to empower them and reintegrate them.
- In addition, the implementation of programmes or actions that aim to provide not only entertainment or activities, but also to improve relations between detainees, reduce tensions, and cultivate respect, trust, coexistence and acceptance of the «other».
- Utilising remote interpretation offered by competent organizations to assist communication between social workers, as well as administration officers, and juvenile prisoners who do not speak Greek.
- Providing more recreational activities in a systematic manner, possibly through partnerships with community organisations, after securing the necessary space and premises.

83. 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 programmes.

- Enriching the food menu with brunch and afternoon snacks and adapting all meals to the nutritional preferences of children of that age, so as to ensure that they receive the necessary nutrients.
- Introduction of vocational training programmes which award of a certificate upon completion, which could improve the daily life of prisoners and facilitate their reintegration after release. Similarly, the implementation of programmes that would lead to the award of a certificate of attendance through OAED, «Epanodos» or other organisations (e.g. maintenance and repair of air conditioners, mechanical skills and road safety, cooking, as well as production and processing of agricultural products, as had been planned in the previous year for new entrants in rural correctional facilities).
- Considering any possibility of enhancing cooperation with the community, in due time and under the appropriate conditions, (participation in championships, accompanied visits to venues of interest etc.), following the good practice of previous years in the Correctional Facility of Corinth.
- 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. Creation of a small library in the container area, with daily access for the minors of the Central Wing. The staff should encourage the detainees to use the library, also in the context of group activities (e.g. book clubs). Exploring the possibility of borrowing books from the local Library of Volos or local schools (collection of books by students, etc.).
- Introduction of electronic medical records and systematic updating of those records in order to ensure better monitoring of cases and facilitate the information provided during transfers to off prison medical services.
- Maintenance and systematic updating of the other logs provided for in the Internal Regulations (Art. 48), in particular those related to psychiatric medicines, medical incidents, victims of assault and ill-treatment, incoming and outgoing medicines, both psychiatric and pathological, as well as transactions involving medications, to facilitate the systematic monitoring of data that could be of concern in relation to ensuring the best interests of juvenile detainees and the systematic monitoring and management.
- Formulation and strict observance of a protocol of actions for the handling and referral to the competent (prosecution) authorities of incidents involving bodily harm to minors (where there is suspicion of violence) or suspected psychological abuse of juvenile detainees, in order to control the phenomenon as far as possible, prevent situations of concealment due to fear or threats, and ensure that the necessary measures are taken.

- Exploration of the possibility of cooperation with the local Bar Association or NGOs active in this field, in order to ensure regular presence or communication (e.g. online) for the provision of legal information and advisory services. This need is consistently identified as one of the most important in detention settings, and its systematic fulfilment contributes significantly to improving daily life and reducing tension and stress within the facilities.
- Upon entry to the facility, provision of full and detailed information, in a language they can understand, on the current regulation and the Rights of (Juvenile) Detainees.[84] To this end, it would be particularly useful for new entrants to receive the Regulations of the Detention Facility Regulations, so that they can consult them as needed.

4.1.3.2. Correctional Facility of Corinth

On 16.02.2024, a NPM team visited the Correctional Facility of Corinth. It is a small Correctional Facility with 46 bed spaces, in which a special wing for minors operated until August 2022. As agreed during the previous inspection (09.02.2023), a new inspection would be scheduled within a reasonable timeframe, given that both the Facility Director and the Chief Guard had only recently assumed their duties (on 10.01.2023). Therefore, the Inspection Report presents comparative data from both NPM inspections, i.e those conducted in February 2023 and 2024.

Findings and Recommendations

- **Inmate Communication/Awareness:** According to the inspection findings, inmates who did not speak Greek were assisted by fellow inmates to communicate with the authorities. Moreover, all announcements concerning prisoner rights (hearings with a secretariat, Chief Guard or Social Worker) were only issued 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 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 online with family members (via Skype) is currently vacant and out of use; it

84. Publication of the General Secretariat for Anticrime Policy: https://www.tovima.gr/2016/03/09/society/to-alfabitari-toy-kratoymenoy-apo-to-ypoyrgeio-dikaiosynis/

is planned to be relocated to the area that, until recently, housed the primary school. Electronic communication seems to be immediately restorable and should be a priority for the prison administration, so that the right of communication can be enabled, especially for prisoners whose families live far away or abroad (see article of the ECHR concerning respect for private and family life). It should, however, be noted that such relocation should not in any manner disrupt the operation of the school.

- **Hot water:** Due to many complaints of the detainees regarding the lack of hot water during the day (only one hour in the morning and one hour in the evening), which contradict the assurances of the Facility's Administration that this problem has been remedied, it should be ensured that hot water is available for more hours of the day, so that the prisoners can observe the hygiene rules on a daily basis.
- **Meals:** The daily food portions (main course and salad) should be increased in order to fully cover the nutritional needs of the detainees. Inadequate food supply to detainees is considered degrading treatment and amounts to malnutrition (Herman and Serazadishvili v. Greece 24/04/2014). We therefore propose that measures be taken immediately to increase the quantity of portions, as well as to ensure a special diet in case one of the detainees has a specific health problem (e.g. diabetes), according to the doctor's recommendations. Furthermore, the operation of the Canteen is considered necessary, because under the present conditions, the detainees are forced to order supplies off-prison in order to cover their additional needs, and according to the complaints we have received, the relevant goods are overpriced. These include coffee or cigarettes, which detainees complain that they purchase at above-market prices. Until the reopening of the Canteen, measures should be taken to eliminate the phenomena of profiteering that have been reported by the detainees, and this can be done by supervising the goods procurement process and by adopting 'good practices' observed in other Detention Facilities, such as bulk ordering of goods at a reduced price, asking providers for special offers and discounts etc.
- **Medical care:** The timely administration of the required medications should be ensured. Such medications should be distributed by a nurse, which is also a request of the doctor of the Detention Facility. Special mention should be made of psychiatric patients, who are not regularly examined by a psychiatrist and follow the treatments they had been given when they were transferred to the Correctional Facility of Corinth. Since these persons are held in correctional facilities and not in appropriate special units, their needs must be met and they must be given appropriate medical treatment. Therefore,

inmates receiving psychiatric treatment should be re-examined by a psychiatrist to readjust their treatment to meet their needs.

- **Heating:** Problems in the operation of the radiators should be remedied. Any damage leading to loss of heating (e.g. broken glass, such as that in Chamber B) should also be repaired immediately. Given that, according to the case-law of the ECtHR, Article 3 of the Convention imposes on the authorities a positive obligation, which consists in ensuring that every detainee is held in conditions compatible with respect for human dignity and that the «conditions of execution of the measure in question shall not subject the person concerned to agony or to a trial the intensity of which exceeds the unavoidable level of suffering inherent in detention...», shortcomings relating to the heating of detention facilities constitute degrading treatment and may, in some cases, lead to a conviction of our country for violation of the ECHR (Adiele and others v. Greece, Filippopoulos v. Greece, Nisiotis v. Greece).
- **Training:** In the Correctional Facility of Corinth there are areas suitable at least for the operation of a Primary School, which was operating when the facility accommodated juvenile detainees. However, from the discussion we had with the Administration[85], there was no intention to reopen the school soon. The Ombudsman considers that it is particularly important to reopen the Primary School sooner and to provide training programmes (such as the pilot programme of the General Secretariat for Anticrime Policy in partnership with APOPSI Vocational Training Centre).
- **Detainees' jobs (prison employment):** Prison employment is extremely important, as, among other things, it leads to a reduction of detainees' sentences and must therefore be ensured.
- **Repairs:** It is necessary to immediately repair the destroyed pay phones (a finding of our second inspection) and other damages; to immediately cover any needs in tools, the lack of which makes the daily life of the prisoners difficult; and to proceed with frequent fumigations in all areas of the prison (we have encountered many insects, such as bedbugs and large cockroaches in the wards).

85. During the second inspection, the Director expressed once again his reluctance to operate a Primary School or a Second Chance School. The main reason for refusal, according to him, is the necessity to fill jobs (cleaning, kitchen, etc.) that are not sufficient, but no justification was given for the restriction on the right to prison education (apart from the opinion that "prisoners will prefer to attend school and will not be employed in other jobs").

- **More frequent distribution of cleaning supplies, personal hygiene items and phone cards**: These items should be provided at least once a month in larger quantities. In particular, the time credits of the phone card are not sufficient to cover the detainees' needs, especially in the case of foreigners whose family does not reside in Greece. If someone receives financial assistance (even a meagre amount) from relatives, they are not allowed to receive free cleaning and personal hygiene items or phone cards.
- **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 following the completion their sentence or receiving their release. Similarly, transfer requests are reviewed with substantial delays.
- **Disciplinary cells:** On the day of our visits, the disciplinary cells were empty. However, as can be seen in the photos of the inspection, the place is completely unsuitable for detention, even for short periods of time. The proposal of the NPM regarding the layout of the area forms part of the general recommendation for the repair of damages and the restoration of the detention facility to a state that meets the specifications set by our country's obligations under the relevant Conventions.
- **Absence of a children's visiting room.** The NPM is aware that the special department of minors of the Correctional Facility of Corinth was recently transferred, following the severe tension created in the facility 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 NPM acknowledged that, at the time of the first inspection, the facility's administration was in a transitional phase. For this reason, a one-year period was granted to the new administration not only to restore the damage, but also to adapt to the new role of the facility as an adults-only prison. However, despite efforts to ensure a smooth transition, many issues need to be addressed immediately and we believe that the above observations can contribute to this effort.



Primary school premises

4.1.3.3. Correctional Facility of Corfu

A NPM team carried out an unannounced inspection at the Correctional Facility of Corfu on 20 and 21 February 2024. The Correctional Facility of Corfu is a category B prison and is located within the urban boundaries of the city of Corfu.

Findings and Recommendations

Due to its **age**[86] and despite sporadic efforts to maintain, reconstruct and improve some «sections» (such as section A, where the kitchens operate, following recommendations of the Regional Health Service), the conditions in the Correctional Facility of Corfu are far from being satisfactory.

86. The building was constructed in 1836 during the time of the British Protectorate.

Infrastructure

- The vital free space in the cells is small and practically minimal per person, when a cell is shared by two detainees.
- Hygiene conditions, especially in the cells of wing K, where the bed area is not separated from the toilet area, can hardly be maintained at an appropriate level.
- The courtyards do not have any landscaping or additional elements, e.g. trees or benches, to create a human environment, while the lack of shelters makes it difficult to spend time in the courtyard in case of rainfall or intense sunshine.
- There is no space specifically adapted for sports, therefore running in the courtyard of their specific section is the only possible physical exercise for the detainees.
- The kitchen area needs further renovation as the roof is covered with asbestos sheets, which makes the working conditions of both prisoners and staff in this area difficult, especially during periods of very high or very low temperatures. Moreover, the area in front of and opposite the kitchens, which is used for cleaning the cooking utensils (metal trays), has construction defects that that cause water to stagnate, creating potential sources of contamination.

  As the Director informed us, everyone agrees on the relocation of **the Correctional Facility**; however, no **suitable place** has been found yet.
- **Social Service:** The absence of a functioning social service in the facility, given that the position of a social worker has remained vacant for over a decade despite the commendable efforts of the Administration, the administrative staff and the correctional officers to cover the relevant duties with the limited means available, creates serious problems in supporting prisoners during their detention and during their preparation for reintegration.
- **Medical care:** The failure to fill the planned nursing staff positions, in conjunction with the lack of doctor on a daily basis, creates serious difficulties in responding to the medical needs of the detainees. Cooperation with a doctor specialised in psychiatry is also considered important.
- **Education & Training:** One of the most positive elements noted by the team during the inspection is the operation of the Second Chance School, which, however, needs to be strengthened also with teachers of other specialities. The possibility for detainees to participate in various training programmes, which provide relevant certification, is also considered positive.

Based on the above conclusions the Preventive Mechanism proposes:

- The acceleration of the procedures for the relocation of the Correctional Facility. The immediate –until the final relocation– maintenance/renovation of the building where necessary.
- The immediate resolution of the lack of a social worker and nurse as well as a doctor to cover the permanent post of the facility.
- Filling the other vacant permanent posts as soon as possible.
- The strengthening of both the educational staff and the logistical resources of the Second Chance School and the support of the effort to expand the levels of education.
- The continued implementation of training programmes that provide relevant certification.
- The continuation and strengthening of the interconnection between the local community and the Correctional Facility through cultural activities.



Facade of the prison



Students show their country on the map during a lesson



Cell corridors

4.1.3.4. Rural Correctional Facility of Tiryntha

On 20 and 21 March 2024, a NPM team conducted a two-day inspection at the Rural Correctional Facility of Tiryntha. The capacity of the facility is 302 detainees, but on the inspection dates there were only 69 (22.85%) persons detained.

Findings

General Problems of Rural Correctional Facilities: As the administration of the facility insists, the main problems are the same as those affecting all facilities in this category. Specifically, these problems include a reduction in the number of detainees, attributed to legislative changes in the transfer criteria, as well as significant delays in the maintenance of the facilities due to successive reductions in the relevant budget. The result is the gradual abandonment of a number of agricultural duties due to the inability to fill the relevant jobs. It was also pointed out that the equalisation of jobs in terms of the beneficial calculation of sentence days is a disincentive for undertaking heavier agricultural tasks; also, there is a lack of central coordination of agricultural work by the central administration.

Social Service: A major issue appears to be the absence of a social worker, whose duties are performed by the Director out of necessity.

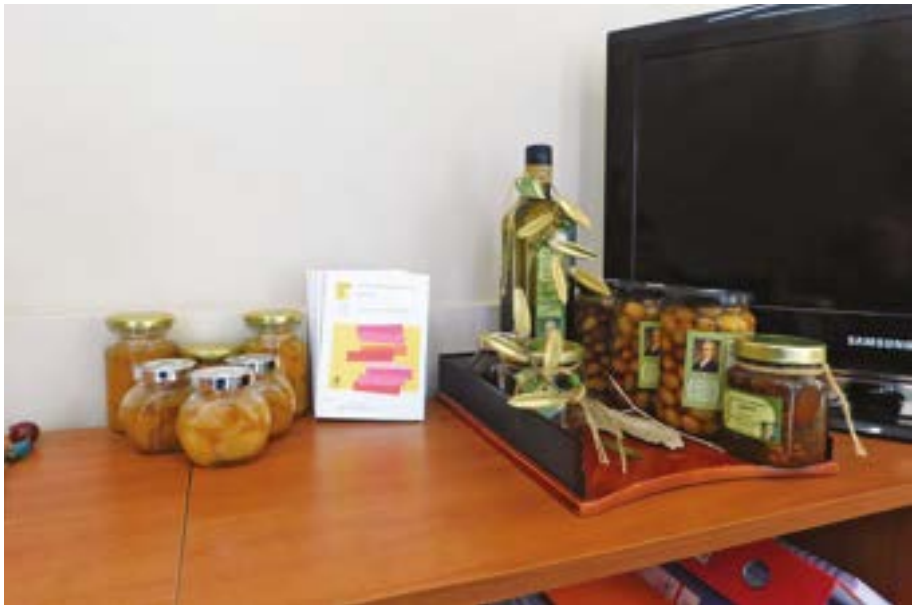
Education – training: Certification programmes conducted by DYPA and training or entertainment events in cooperation with the University of Peloponnese are operating satisfactorily.

Recommendations

- It is proposed that the General Secretariat for Anticrime Policy carefully study and utilise the extremely thorough proposals for the comprehensive reorganization of the Rural Correctional Facilities, which are repeated annually by the administration of the Rural Correctional Facility of Tiryntha in its relevant reports.



Kapodistrias



Handmade products



Sheep

4.1.3.5. Correctional Facility of Chalkida

An NPM team visited the Correctional Facility of Chalkida on 29/03/24. It should be noted that on the day of the inspection, the Correctional Facility had an occupancy rate of 129.92%.

Findings and Recommendations

Premises - infrastructure: The premises and areas of the Correctional Facility are not in good condition, except for the administration offices, which are clean and freshly painted. The premises are obviously old and in response to a question to the Director of the Facility, it was clarified that although the transfer to new premises has been approved, however it will need time. The situation in most of the wards was suffocating, as they accommodated many people, and the space available for movement was minimal; this is due to the placement of small tables, storage units for personal belongings, and televisions –one set for every four detainees– specifically positioned in the space between two bunks. Also, in wards where there were no tables, the detainees ate on their beds. In addition to the suffocating conditions in such a context, where the capacity requirements set by the law are clearly not respected, the very fact of the existence of wards

deprives prisoners of even the slightest form of privacy, a condition that is further aggravated by overcrowding.

Overcrowding and the poor conditions inside the wards were the main complaints raised by the detainees. In addition, they reported a severe infestation problem, specifically with bedbugs. Despite relatively frequent fumigations, they said that even sleeping has become a form of torture due to the bites. According to the assurances of the Director and the relevant minutes of the Health Inspection of the Facility, a comprehensive plan for rodent control, pest control, and disinfection is implemented at the Detention Facility; however, the age of the building limits the effectiveness of these measures.

The biggest problem reported by the Director of the Facility regarding the infrastructure is the electrical installations, which need immediate replacement due to the frequency of faults, risk of power cuts and risk of fire. The issue of electricity supply affects heating conditions during the winter months and ventilation during summer. Detainees confirmed the poor conditions, especially in certain wards where there are broken windows which have not been replaced, as well as ceiling damage which poses a risk of collapse.

Meals: There is no organised dining area in the facility. Food is distributed in a sheltered area of the yard, and consumed in the wards using plastic containers brought by the detainees themselves, as food trays are not provided. During the visit, the team received complaints from detainees regarding the quality and quantity of the food on weekdays, with the exception of holidays. As the team observed, the menu includes, on a daily basis, four types of diet (regular, for diabetics, for Muslims and for persons with health problems) and the kitchen area was in relatively good condition, although the equipment appeared to be outdated.

Yard time - recreational activities: The outdoor yards are small in relation to the population of the building, have no equipment for sports and activities, nor benches or greenery, and are fully exposed to the weather conditions (rainfall, intense sunshine). The Correctional Facility of Chalkida lacks a designated recreation area, so events such as the Christmas celebration for detainees and their families, as well as musical and theatrical performances, are held in the area of the textile plant. The Administration of the Facility reported that a request has been submitted to the Municipality of Chalkida in order to provide for the employment of a gym instructor.

Education & Training: A second chance school currently operates in the facility and a primary school is expected to open soon, which was a long-standing request for many years; also, according to the Director, training programs take place from time to time in cooperation with DYPA and the General Secretariat

for Anticrime Policy. The Correctional Facility has a library, an Orthodox church, a canteen and a cafeteria, through which the prisoners can order various items. For communication needs, there are about twenty (20) payphones placed in the public areas around the wards; they were functional during the inspection.



Bedbug bites



Wounds

4.1.3.6. Correctional Facility of Amfissa

On 22.04.2024 and 23.04.2024, an NPM team visited the Correctional Facility of Amfissa, without prior notification. On the day of the inspection, there were 120 detainees present (the total capacity is 90), adults, men, most of them Greek and several Roma. Most were serving short sentences, 15 were serving sentences of more than 15 years and five were serving life sentences. The sentences mainly concern drug-related offences.

Findings and Recommendations

Premises - infrastructure: It is a «quiet» small prison, without any particular problems, with cooperative detainees who do not create tensions. It is therefore possible to grant the prison leaves, while disciplinary cases are few per year and the use of solitary confinement for disciplinary reasons is extremely rare. **The overall picture was satisfactory in terms of infrastructure and cleanliness**. It was also established, both from our meeting with the administration and from the private interviews with the detainees, that a climate of trust and understanding prevails between them.

- The space designated for the school was found to be in excellent condition and should be put into operation without delay, so that it can be used effectively, particularly given that many detainees are illiterate.
- **Medical care:** As in other detention facilities, a serious problem is that medical care is provided solely by a rural doctor. **Immediate steps must be taken to fill this gap through the appointment of a permanent doctor**. Psychiatric cases are sent to Lamia, because the Amfissa Hospital has very few specialities and, indeed, it has no psychiatrist or neurologist. Transfers for health reasons are generally frequent (also due to the high number of users) and emergencies are sent to the hospital. A positive element is the KETHEA advisory service every 15 days.
- **Psychological Support:** Similarly, **the lack of a psychologist** and the need for a second social worker was also emphatically raised, given that the majority of detainees in this facility are substance users who require enhanced psychological support and appropriate medication.
- **Social service:** In this context, the possibility of using a different space, other than the one used as the social worker's office, could also be considered, in order to ensure both the privacy of detainees' visits and the smooth operation of the Administration department.
- **Staffing: The revision of the organisational chart**, which has already been repeatedly requested by the Facility, is also deemed necessary. As day-to-

day needs show, an increase in existing staff must be provided for.

- **Separation of detainees:** It is suggested that new entrants and those serving short sentences be placed in a separate ward.
- **Nutrition:** Although this was not raised by the detainees, the quantity of food portions could be increased as far as possible.



Courtyard



Improvised weights

4.1.3.7. Correctional Facility of Kos

On 23 and 24 May 2024, a NPM team conducted a two-day inspection at the Correctional Facility of Kos. The capacity of the facility is 56 detainees, but on the inspection dates there were 103 (175%) persons detained.

Findings

Overcrowding: Almost all the problems of this particular facility are attributed to chronic overcrowding conditions which in practice prevents adequate care for living conditions, despite the extremely diligent efforts made in this regard.

Sufficiency of correctional and other staff: The facility remains without a social worker, psychologist or nurse. In addition, staff shortages among correctional officers have led to excessive restrictions on detainees' time in the yard, citing the inability to supervise the relevant areas.

Premises - infrastructure: Obvious efforts are being made to properly maintain the premises despite their age; however, the persistent overcrowding makes it impossible to carry out maintenance to a satisfactory level. A major related issue is the lack of certification for the fire safety system.

Healthcare: An effective telemedicine system is in place, but of course it is not sufficient to cover the existing gaps, particularly the shortage of nursing staff.

Prison employment: It was found that job positions for detainees are filled at the highest possible rate and without complaints, which is remarkable, given the overcrowding.

Meals: The menu and food portions were very satisfactory in terms of both quality and quantity.

Education – training: During the NPM inspection, there was no Second Chance School in operation; however, we were informed that a primary school would operate from September 2024 and a suitable space had already been secured and properly adapted.

Recommendations

- Planning of basic improvements to the building infrastructure, with particular emphasis on the detainees' wards.
- Filling staff vacancies, with particular emphasis on nurse and social worker positions.



Kitchens



Courtyard



Ward

4.1.3.8. Correctional Facility of Patras

On 27 and 28 June 2024, a NPM team conducted a two-day inspection at the Correctional Facility of Patras. The capacity of the facility is 446 detainees; on the inspection dates there were 432 (96.86%) persons detained.

Findings

Premises - infrastructure: The most significant and critical problem concerns the condition of the outdated infrastructure. A prime example is the deplorable and hygienically unsafe state of the kitchens, which is by far the worst the NPM has encountered in any correctional facility across the country. Also noted are the constant risk posed by exposed wiring and the frequent power outages, resulting from the absence of a medium-voltage substation. A series of building and electromechanical repair works, with an initial budget of 1.5 million Euros, has been scheduled under the responsibility of "Ktiriakes Ypodomes S.A.". However, although the relevant studies have been ready since 2019, there is still no indication of substantial commencement of the relevant works; it also appears that the facility's administration prioritises the reconstruction of the security system (e.g. guard posts) over improvements to the detainees' living conditions.

Healthcare: The most serious problem in the care of prisoners is the lack of a sufficient number of nurses, which results in most of the relevant tasks being performed by correctional officers.

Drug addict detainees: As a large percentage of detainees are drug addicts, the existence and operation of specialized units are of great importance. The KETHEA first and second phase advisory unit is operating satisfactorily, while the OKANA substitution treatment unit is underperforming due to staff shortages and is not accepting new admissions. The absence of a psychologist and a permanent psychiatrist is highlighted.

Disciplinary issues: There is a relative severity of disciplinary sanctions. Disciplinary detention sentences are being served regularly, and the disciplinary cells are in much worse condition than other cells.

Education – training: There is a Second Chance School but without a primary education level. Training programmes, once more extensive, are now fully operating due to a lack of space and staff, despite diligent efforts being made.

Recommendations

- Acceleration and completion of construction works, with particular emphasis on kitchens and electricity supply.
- Publication of positions for nurses, a psychiatrist and a psychologist, as well as strengthening of OKANA.
- Establishment of a primary school under the Second Chance School and enhancement of training programmes.



Second Chance School



Kitchens



Detainee with prosthetic leg using the stairs

4.1.3.9. Correctional Facility of Trikala

On 10.07.2024 and 11.07.2024, an NPM team visited the correctional facility of Trikala. The visit took place without prior notification, with only a short notice to the Director about half an hour before the arrival of the team.

The detainees are male, the majority of them Albanian and Pakistani. About 100 of the total number of prisoners are Roma. On the day of the visit, the prison accommodated 619 people (its capacity is 600 bed spaces). According to the Director, this is considered a relatively good number, within normal limits. Since the entry into force of the amended Article 6A of the Correctional Code, nine appeals have been filed. At the time of the visit, two prisoners were on hunger strike; according to the Director, one of them was requesting permanent prison employment and the other a transfer to Korydallos prison.

Fifty-two (52) are pre-trial detainees. About half of the prisoners are destitute. They are provided with toiletries and, whenever possible, aid from the charitable fund.

Findings and Recommendations

Premises - infrastructure: Conditions were satisfactory in terms of building premises, infrastructure and cleanliness. The school premises are in very good condition, while the multi-purpose room housing the library and the theatre stage is an important addition, with modern equipment, which, if properly used, can offer prisoners opportunities for entertainment and education and contribute to the general improvement of their daily life and psychological state. Another positive development is the configuration of a space as a children's visiting room, which during the 2018 inspection did not exist and had been included in the future planning.

The main problem found during this inspection was **water supply adequacy**. Although the Administration claims that this is due to water waste by the detainees and the way they collect it, as there is a serious technical problem which is currently being managed through frequent interruptions in the water supply throughout the day. It was the main reason for the detainees' protests regarding their daily life and the conditions of their detention and it had been emphatically raised in their communications and private discussions with the NPM team. Although this is an issue that directly affects their cleanliness and personal hygiene, it did not seem that there was a way for it to be addressed immediately or that any relevant measures were being taken, beyond the practice of interruptions, which of course is not a solution.

Meals: Overall, the quality of the food was good, and the quantity was adequate. The Administration admitted that fruit is not often provided due to problems in the related budget. The cost of the daily ration per person is only 3.20 Euros and the budget of the facility is not quite sufficient. There were 12 diabetic detainees who were provided with a modified ration for their needs, as indicated by the doctor.

Medical care: Medical care of the detainees is provided by visiting doctors. A pathologist visits the facility once a week. An allergist and a dentist are also available.

When the detainees need hospitalisation, they are transferred to the General Hospital of Trikala. If the specialty required for hospitalisation is not available, they are transferred to the General Hospital of Larissa.

As for the nursing staff, there are 4 nurses with Technological Education diplomas and 1 assistant nurse with a Secondary Education diploma. Another assistant nurse with a permanent position at the correctional facility of Trikala is currently on secondment to Korydallos Prison. There is also an assistant nurse job for detainees.

The absence of a permanent doctor remains a problem. Medical care is still provided by a rural doctor along with visiting doctors; this leads to a fragmented coverage of medical needs and a heightened need for transfers to hospitals – a process that involves both risks and the need of involvement of additional staff. On the last Wednesday of each month, a psychiatrist visits the facility and adjusts the treatment of those under observation. It was pointed out by the Administration that there is a problem with prescribing especially psychiatric medications. Finally, KETHEA operates in the facility, while OKANA does not.

Education & Training: A School (2nd Second-Chance School of Trikala) has been operating in the facility since 2008, granting high-school diplomas. There is no primary school operating in the facility. The Second-Chance School is attended mainly by foreign detainees who wish to learn Greek. At the end of the school year 55 prisoners were actively attending, out of the 68 who had originally registered. Of these 55, 28 attended the second cycle of courses and 27 attended the first. The school premises are generally pleasant, tidy, bright and decently painted and have equipment (chairs, desks, tables etc.) in good condition. The equipment was purchased in 2012 with a donation from the Stavros Niarchos Foundation. Among the detainees there are 3 students of the Hellenic Open University, Hellenic Academy of Sciences, who have access to computers, with the appropriate blocking settings.

Training programmes by "APOPSI" have also been implemented. Education/training programmes by DYPA are also being implemented, such as cooking/pastry (in the years 2017, 2022 and 2023), building maintenance, hairdressing etc., leading to the award of the corresponding vocational training certificate. The Department of Physical Education and Sport Science of the University of Thessaly organises sports activities from time to time. A summer programme on learning Greek was about to start from "EPANODOS". Regarding entertainment inside the facility, there were basketball hoops in the courtyard and exercise equipment (weights, punching bags, ping-pong table, as well as some improvised equipment) in the indoor common areas between the cells.

Social services: The lack of a permanent social worker and the rotation-based coverage of the position through staff seconded from other correctional facilities, is only a temporary solution which, however, appears to have become a permanent situation, placing additional work burdens on the prison psychologist. According to the Administration, applications to Disability Certification Centres ("KEPA") are now made electronically through the National Disability Portal, so detainees submit them on their own, with the assistance of an accountant or lawyer if required, and there is no need for them to be forwarded.



Water scarcity



Improvised toilet for detainees with disabilities



Bird nest



Gym premises

4.1.3.10. Rehabilitation Centre for Drug Addict Detainees in Eleonas, Thiva

A NPM team visited the Rehabilitation Centre for Drug Addict Detainees in Eleonas, Thiva ("KATK-ETH") on 19 September 2024. The capacity of the Correctional Facility is 96 bed spaces, of which 41 were covered on the day of the inspection.

The visit took place following a prior arrangement with the Administration of the KATK-ETH, in order to obtain information on the operation of the Centre, in view of the participation of the Ombudsman's representatives in a conference organized by the European NPM Forum and the Pompidou Group of the Council of Europe regarding the improvement of the detention conditions of psychotropic drug users.

The Rehabilitation Centre for Drug Addict Detainees ("KATK") in Eleonas, Thiva – «EPILOGI» was established under L.2721/1999 and became operational in September 2002. The Centre aims to provide therapeutic treatment of drug addict detainees aiming at their physical and mental rehabilitation. The KATK in Eleonas, Thiva applies a substance-free, multiphase therapeutic programme.

Participation in the treatment programme is voluntary, after notification of the interested individuals, who, however, in order to be accepted, must meet a number of conditions (age, length of sentence and time already served, conduct, etc.). The therapeutic programme is divided into phases and the responsibility for its implementation lies with the Centre's Therapeutic Team («CTT»). The team discussed with the Centre's Administration and the Social Worker the new environment that applies to the Centre with the passing of L.5129/2024, which stipulates that the KATK-ETH is one of the two pillars (together with the National Organisation for the Prevention and Treatment of Addictions – EOPAE) for the implementation of actions related to prevention, direct access, harm reduction, treatment, rehabilitation and reintegration.

Findings and Recommendations

General findings: The team formed the overall impression that the infrastructure and the way of operation of the Rehabilitation Centre for Drug Addict Detainees in Eleonas, Thiva does not in any sense bring to mind a correctional facility, but rather a treatment centre that provides the best possible conditions for the therapeutic process of detainees' rehabilitation. **However, given the high rates of psychotropic drug users in Greek correctional facilities, the number of beneficiaries is an extremely small percentage of the detainees' population**. It is therefore considered advisable for the state to appropriately support this effort by addressing issues of understaffing and general underfunding of the KATK-ETH, as well as to ensure conditions that would allow an increasing number of

detainees to gain access to effective treatment programmes which aim at the physical and mental rehabilitation of the treated persons, the prevention of relapse, and the preparation for their social reintegration.

Understaffing: According to the information obtained by the team, the Centre is currently facing problems of understaffing, both in terms of the number of staff and the coverage of specific specialities. Notably, it was mentioned that the CTT consists of five employees of the Centre (three social workers, one psychologist, one nurse), while ten to twelve people would be required for its adequate operation. The fact that there is no possibility of progression to a position of responsibility (Supervisor) was mentioned as a disincentive to attracting social workers to the CTT. Due to understaffing, the social worker who works at the Centre is involved in the therapeutic process and at the same time is responsible for carrying out the duties of the social services department. Furthermore, a psychologist has been appointed as the head of the CTT, due to the absence of a psychiatrist's specialty. The team was informed of the urgent request to fill the psychiatrist's position, even by means of a secondment process, as the Centre's management considers the psychiatrist's presence essential for the smooth operation of the therapeutic programmes, especially given the fact that the cooperation with a visiting neurologist has stopped. As explained, detainees transferred to the Centre are often faced with significant risks to their life and health due to the effects of abruptly stopping the use of psychotropic substances.

Moreover, understaffing is one of the reasons why the KATK-ETH does not absorb a larger number of patients in order to cover the capacity of the facility (41 bed spaces out of 96 were filled during the team's visit, while there were no women patients at all). However, it is the view of the Centre's staff that the nature of the treatment programmes does not allow the current number of beneficiaries to be greatly exceeded. It was mentioned that, in the past, less functional prisoners with significant accompanying mental illnesses were transferred to the Centre, which hindered the effective functioning of the therapeutic rehabilitation process. The situation has now improved and there is an expectation that detainees will be even better prepared before being admitted to the Centre, as it is anticipated that National Authority for the Prevention and Tackling of Dependence will operate addiction treatment programmes within the correctional facilities. According to the Administration, the optimal operation of the Centre would require greater involvement of the Ministry of Health.

Education & Training: During the conversation with the Director of the 3rd Primary School of Eleonas, the team was informed that the Centre has submitted a request for the operation of a Second Chance School and a Vocational Senior High School. A teacher has already been appointed at the single-teacher primary

school, while recruitment of specialised subject staff is still pending. From the first days of September, the application and interview process for the selection of students started within the Centre. Already at KATK-ETH there is a large number of privately taught students (about 7 students in High School and Senior High School), while a similar number of students received a diploma from the Senior High School of Thiva during the last school year. Two inmates have been selected to study at the Hellenic Open University, while the Centre participates in several vocational training programmes (such as the Social Farming programme) following a memorandum of cooperation with the Ministry of Citizen Protection, programmes run by DYPA, APOPSI Vocational Training Centre, EPANODOS, Nestor programme of the Hellenic Agency for Local Development and Local Government, summer courses, etc.). At the same time, a volunteer teacher offers English language lessons.

Rehabilitation programme phases: According to the information obtained by the team, each phase of the programme lasts for specific periods of time (up to 4 months for phases A and B, 8 months for phase C), takes place in different locations, while specific measures are also applied regarding the living conditions of the participants (e.g. prohibition of correspondence, restrictions on telephone communications, etc.). In general, efforts are made to ensure that detainees transferred to the Centre have only a small part of their sentence remaining, so that after completing the three phases of the programme they are released and do not return to correctional facilities, where they may be exposed to negative influences. According to the assessment of the treatment team, approximately 15-20% of the newcomers to the Centre do not manage to get accepted to the first phase of the programme and are reintegrated into correctional facilities. The implementation of phase D is foreseen to be carried out after release; however, members of the treatment team consider the transition to this phase to be problematic, as the Centre does not have its own hostels or sheltered apartments and therefore it is not always possible to ensure that the rehabilitated person will not return to environments of negative influence (drug dealing spots).

The team interviewed inmates in different phases of the programme and found that the living conditions were exemplary and they were very satisfied with the progress of the treatment process. The patients live in houses, which are well-maintained and equipped, while their location allows unobstructed view of the natural environment. They prepare their own food and gather together in the dining room or in a common area (in case of houses with living rooms). The daily schedule is structured in such a way that they participate with the same hours in the tasks and therapy groups, while they all share free time together as part of the therapeutic process.

During the discussion, the inmates were quite revealing about the conditions prevailing in the country's correctional facilities: according to their testimonies, drug trafficking is extremely widespread (it is estimated that about 80% of the prisoners use drugs); the trafficking is controlled by a few people within the correctional facility, who also set the very high prices (the price of 200 Euros for a "cap" of substances was mentioned); prisoners who cannot afford it are forced to run errands in exchange for access to substances (e.g. taking the blame for other prisoners disciplinary violations, persuading their relatives to bring substances in their clothing when they visit, etc.). According to the inmates, the existing programmes for drug users in prisons are insufficient and also ineffective, as the majority of the participants continue to use drugs. At the same time, it was reported that psychotropic drugs are easily administered to prisoners in order to keep them under sedation. Negative comments were made about the KETHEA PROMITHEAS programme in the Correctional Facility of Thessaloniki, for which it was reported that the inmates live in suffocating, highly overcrowded conditions, without any free space or time.

During the visit, an inmate was informed about the progress of his application for conditional release and, in particular, that a condition of his release was that he should attend a rehabilitation programme in the community. The team found that the inmate reacted negatively to this news and stated that under this condition he did not wish to proceed with conditional release. The Director of the Centre and the Social Worker explained to the members of the team that, in some cases, the choice of this condition by the Judicial Council acts as a deterrent for the treated persons, who consider that if they were detained in any other correctional facility they would receive a conditional release without such a restrictive condition (possibly with the sole obligation of appearing at a police station).

Medical care: Finally, the team visited the clinic, which employs two nurses (two shifts to cover 12 hours on weekdays). The need for the clinic to be properly staffed was expressed to the team, while concern was raised that it would be difficult to fill the positions, given the change in legislation that no longer defines field («rural») service as mandatory.



Visiting rooms



Activity area

4.1.3.11. Correctional Facility of Domokos

On 18 and 19 September 2024, an NPM team carried out an inspection at the Correctional Facility of Domokos. The inspection was carried out without prior notification.

The Domokos Correctional Facility operates as a «Closed Prison», i.e. as a General Facility of Type B. Informally, however, it seems to operate as an Increased Security Correctional Facility, but this does not seem to result from a relevant ministerial decision of conversion and there are no relevant operating regulations. It is worth noting that although the prison in question has not been converted into an Increased Security Facility, the Administration of the facility explicitly states in the Correctional Facility Performance Report 2023 that «Although the Domokos Detention Facility has been classified as Type B, since April 2020 it has been operating as a disciplinary and special-case facility (detention of people from anti-authoritarian circles, members of the Golden Dawn organisation, a large percentage of inmates serving long sentences)". On the day of the inspection, it accommodated 612 people (capacity 600).

Findings and Recommendations

- **Informal operation as an Increased Security Correctional Facility.** Domokos Correctional Facility operates as a General Facility of Type B. However, it seems to be operating as an Increased Security Correctional Facility. In the Correctional Code (article 11) it is provided that the increased security measures of this category of correctional facility are under the control of the judiciary specified in article 85 and may affect –i.e. make stricter– the detention conditions, however without prejudice to the observance of human rights in accordance with national, EU and international law, including the specific guidelines of the Council of Europe. Therefore, in the event that the facility continues to operate informally as an increased high correctional facility, it is considered necessary to abandon the practice of informal operation and, if deemed appropriate, to convert the facility in question in accordance with the prescribed legal procedures. In this respect, the Ombudsman recalls that according to international standards, the risk assessment is carried out individually, using a specific method and specific criteria (Handbook on the Management of High-Risk Prisoners, United Nations Office on Drugs and Crime, 2016, p. 34 ff.). At the same time, studies show that the use of the special maximum security regime should be kept to a minimum. For this reason, the placement of detainees in such spaces should also be subject to frequent review, while appropriate legal remedies and external monitoring by an Independent Authority should be also provided. A prerequisite for the

conversion of this or any other facility into an maximum security facility is the prior adoption of operating regulations for such facilities, in accordance with Articles 8, 11, 14, 18, 19 and 34 of the Correctional Code as amended by L.4985/2022. Otherwise, although the relevant measures are under the control of a judiciary, they are not clear and well-defined, they remain at the absolute discretion of the authorities, and they risk to lack proper scrutiny both in terms of their legality and their consequences.

- **Disciplinary cells:** The living conditions in disciplinary cells and the detention in those spaces for a certain period can establish a case of «inhuman and degrading treatment», pursuant to Art. 3 ECHR.

  In the cells, we encountered damaged mattresses, dilapidated walls and floors, there was no bedding in some of them, lighting was minimal, and hygiene and safety conditions were very poor. On the day of the inspection there were many cockroaches, flies, bedbugs and dirty bedding in plain sight. The small courtyard outside each cell was full of rubbish, the detention areas lacked basic furniture or other equipment, sanitary and cleaning facilities. It is also doubtful that detainees had direct contact with a staff member, as it was obvious that many of the alert buttons within the cells were not working. During the day of the inspection, the NPM identified a total of thirteen (13) detainees, while two (2) of the detention areas were closed and not functioning. As a rule, the prisoners stayed in pairs, while the length of stay was up to two months.

  The disciplinary cells of the facility must be immediately evacuated, cleaned and fumigated. The fact that there are detainees who seem to choose to remain for long periods of time in such deplorable conditions of solitary confinement raises concerns about the level of fear and insecurity they experience when in the company of the rest of the prison population.

- **Premises - infrastructure:** The prison building should be maintained at regular intervals and the damaged wings should be repaired immediately, with emphasis on sanitary facilities, while equipment with damages or missing glazing (ovens, refrigerators etc.) should also be replaced immediately.

  The issue of **living conditions** in prison is important both in view of the explicit, flagship provision of the correctional legislation that prisoners are not subjected to deprivation of rights other than that of their personal freedom (Art.7 of the Correctional Code) as well as in view of the Administration's obligation to ensure the conditions of hygiene and cleanliness in the facility, to provide the means for the detainees' personal hygiene and cleanliness and to maintain the premises in good condition (Art. 25 para. 1 of the Correctional Code) but also Greece's other European and international commitments.

In the above context, the **allocation of the minimum – necessary space per detainee is not by itself enough to ensure the decent living of the detainees**, but only in conjunction with other conditions of detention (e.g. hygiene, food, medical care etc.), provision of psychosocial support, creative activities, education and training of detainees, but also reinforcement of correctional administration as well as staff training.[87] **The effective mitigation of the significant inequalities between prisoners**' living conditions, in order to ensure the decent living of all prisoners ensures, among other things, the smooth operation of the prison is an issue on which the Correctional Facility of Domokos should focus.

- **Medical care**: «Every effort should be made to ensure that the prison provides prisoners with medical and pharmaceutical care equivalent to that available to the general population. The provision of quality and adequate health services to prisoners is a long-standing demand and requires strategic planning that will help clarify the role and responsibilities of the Ministry of Health, focusing on staffing prison infirmaries with permanent staff. It is reminded that Article 27 of the Correctional Code has established **the use of telemedicine services** for Correctional Facilities that operate in areas that are remote or difficult to access. It seems evident that Domokos prison should be included when this provision comes into force.

  Mental health services should be upgraded to address the increased needs and the vulnerability of prisoners under conditions of confinement; also, given the composition of the population, the adequate provision of interpretation and translation services should be ensured. In the same direction, it is important to **systematically conduct long-term studies** on the provision of health services to detainees, so that the effectiveness of the measures taken can be evaluated and revised.

In particular, the following are considered necessary:

- **Staffing of the facility with permanent doctors and a psychiatrist and increase in the number of visiting doctors**. Given that the staffing of prisons with permanent doctors is a long-standing issue which is often attributed to reluctance and a lack of candidates, the possibility of introducing special provisions that would make these posts more attractive, particularly in remote areas, should be explored.

87. See also Council of Europe Recommendation concerning prison overcrowding and White Paper on Prison Overcrowding.

- Proper medical records must be kept, especially in a prison with many violent incidents and injuries. A search of the relevant records revealed that the majority of disciplinary cases involve violence against fellow inmates. Several cases of use, possession or attempted smuggling of drugs, or possession of prohibited items have also been identified. Approximately 80% of the decisions are convictions, most often involving the imposition of penalty points, however some cases involve disciplinary transfers.

  It is noted that the team identified a detainee who, within the same year, was given a total of 40 days of solitary confinement in a special cell for five different cases, from January to April 2024. The vast majority of the offences concerned drugs (use/possession, attempted importation into the facility). Record-keeping facilitates the work of the control mechanisms and acts as a preventive measure. Consideration could be given to the possibility of maintaining a unified electronic record of violent incidents and injuries, which would make it easier to process the relevant data and provide relevant information.
- **Keeping a record of prisoners' deaths.** Furthermore, given that there is no provision for the special treatment of drug addicts in the facility nor is there a rehabilitation programme in operation, once the needs have been recorded, appropriate measures should be taken (e.g. a KETHEA advisory station).
- **Psychological support: The staffing of the prison with a psychologist and the reinforcement of staffing of the social service** so that it can respond to its demanding role are critical issues that need to be addressed immediately. In this context, it is considered necessary to **enhance the interconnection of the facility with co-competent organisations** (Ministry of Health, Social Support Committee, DYPA, etc.) as well as social partners, in order to create synergies that will contribute to the effective operation of the social service and to the implementation of the goal of smooth reintegration of prisoners, which starts from inside the prison. **The provision to the social service of updated information material aimed at the various categories of detainees** (new entrants, vulnerable groups) regarding their rights and obligations in simple and understandable language will assist the service in its work.
- **Education & Training:** The Correctional Facility of Domokos **should focus more on the education of detainees, but also on training programmes and creative/recreational activities for detainees**, which are either totally lacking or implemented non systematically. The immediate operation of the primary school is essential, as is supporting detainees in submitting scholarship applications for studies at the Hellenic Open University; the selection criteria must be clearly defined, without excessive strictness in the evaluation of applications; also, detainees must be informed of this possibility in a

timely manner, i.e. ensuring they have sufficient time to gather the required documents and submit their applications.

In this regard, it is reminded that the Court of Auditors, in its December 2021 audit report on the Social Reintegration of Prisoners[88], recommends, inter alia, that the Ministry of Citizen Protection develop **an electronic system –covering all prisons– that would record the demographic data of prisoners and their education and training needs**, so that the selection of actions can cover as many detainees as possible. It also proposes the development of mechanisms for drafting an individualized reintegration plan.

- **Granting of regular leaves:** the reasons for rejection decisions should be complete and individualised and should also mention legitimate grounds for rejection. The communication of the detainees with their family and society is a key parameter of a comprehensive plan for a smooth reintegration. The issue of the lack of a supportive environment as the dominant alleged reason for refusing leaves should be abandoned and any other legitimate reason should be sought, as this justification is punitive and does not contribute to smooth reintegration. At this point, the assistance of a well-staffed social service is crucial.[89] In short, the lack of care for the most vulnerable –usually foreign– prison population also exacerbates the differences within the detention facility. Subsequently, the difficult access in the facility, combined with the legislative stricter turn of the leave granting regime and the conditional release, as well as with the lack of training activities and individualised intervention, creates suffocating conditions.
- **Staff training:** Attention must be given to the mental resilience and **training of prison staff**, with educational seminars **in cooperation with the co-competent ministries, especially in relation to the handling of violent incidents and the way they are recorded and investigated, in order to create the conditions that will contribute to the dynamic security of the facility**. According to European standards, dynamic security[90] is different from in-

88. https://www.elsyn.gr/sites/default/files/ΕΚΘΕΣΗ%20ΕΛΕΓΧΟΥ%2012%20ΕΠΑΝΕΝΤΑΞΗ%20ΚΡΑΤΟΥΜΕΝΩΝ_0.pdf

89. It should be noted that at the time of the inspection, the Social Service was staffed by only one social worker. The management of day-to-day bureaucracy did not seem to leave any time for individualised intervention programmes nor any special care for vulnerable groups.

90. https://home-affairs.ec.europa.eu/document/download/4be145c2-883e-42cb-9997-1325b9a604c9_en?filename=ran_p-cve_in_prison_and_dynamic_security_27052022_en.pdf

creased repression, as achieving it and ensuring the safety of both prisoners and staff requires prevention, rational allocation of detainees, administrative reorganisation and upgrading of human resources, all within decent and appropriate conditions.



Disciplinary cells



Disciplinary cells



Disciplinary cells

4.1.3.12. Correctional Facility of Chania

On 26 and 27 September 2024, a NPM team conducted a two-day inspection at the Correctional Facility of Chania. The capacity of the facility is 600 detainees, whereas on the inspection dates 698 (115%) persons were detained.

Findings

Overcrowding: The negative consequences of overcrowding on living conditions are particularly evident, as, in many cells, detainees lift their mattresses during the day due to limited space, while in other cells they sleep on the floor due to lack of mattresses. In almost all cases, effective cleaning is objectively impossible.

Premises - infrastructure: Despite the few years of operation, construction defects are beginning to show. Plumbing issues and the lack of insulation cause widespread humidity throughout the facility, leading to related problems in the masonry, the load-bearing structure, and the safety of electrical installations; similar issues also arise due to inadequate thermal insulation. It should be noted that the fire safety certificate has expired, as the award of the relevant project is still pending.

Water supply: The water supply is limited, resulting in very frequent and long interruptions, especially during the summer months; detainees keep water in buckets for use in the toilets. The restrictions are intensified due to the reported overconsumption of water to cope with high temperatures, while it does not seem possible to cover the losses from the municipal network. Furthermore, the operating hours of the boilers make it impossible to supply hot water to all wings simultaneously.

Education – training: The school's facilities are evidently inadequate to cover the increased demand on the part of detainees. A separate building for a school and training workshops had been planned and founded in 2018, but the construction works has not progressed since then, for reasons that even the facility's Administration does not seem to know.

Treatment Centre for Addicted Persons: There is a KETHEA advisory unit, which also covers the adjacent Rural Correctional Facility. However, the available space is inadequate, resulting in serious limitations in the ability to serve the detainees.

Recommendations

- Completion of construction work on the basis of the existing design, in particular for the new school building.
- Identification of technical arrangements to address water supply problems, such as, inter alia, separating flows according to intended use.



Untreated wound



Foundations of the new school

4.1.3.13. Women's Correctional Facility of Korydallos

On 9 October 2024, an NPM team conducted an inspection at Korydallos II Correctional Facility. During the visit, the members of the NPM team were accompanied by members of the United Nations Subcommittee on Prevention of Torture (SPT), who performed a scheduled visit to the country. The visit took place in two parts: in the first part, the NPM members carried out the inspection following their standard methodology and practice, with the SPT members observing; in the second part the SPT members undertook to continue the inspection and the NPM members participated as observers. This report records the findings of the first part.

The visit of the UN Subcommittee on Prevention of Torture in Greece was carried out after a relevant notification to members of the Greek Council of Ministers and competent officials, and the visit also featured in the media, which eliminated the element of surprise with regard to visits/inspections in places of detention.

The Korydallos II Correctional Facility (Type A, with a capacity of 174 places) consists of three detention sections: the Women's section (pre-trial detainees and convicts), the Men's section (pre-trial detainees and convicts) and the Transgen-

der section (pre-trial detainees and convicts). On the day of the visit, the total number of detainees was one hundred and eighty-two (182), including one hundred and thirty-five (135) pre-trial detainees and seventy-two (72) foreign nationals. According to the information provided to the NPM team from the Director, the number of prisoners in the Correctional Facility reaches up to two hundred (200) at times, in case of many transfers (for health reasons, court hearings, etc.).

The detainees are accommodated in 24 wards of 4 to 16 persons on the ground and first floor. The Correctional Facility houses convicts with sentences of up to 5 years and, exceptionally, longer sentences, following a decision of the Central Transfers Committee (for reasons of education, health, safety, etc.). Those whose safety is at risk are detained in a special area on the first floor. Mothers are held at the Women's Correctional Facility at Eleonas Thiva, however pregnant detainees from the 7th month of pregnancy until delivery are transferred to the Korydallos II Correctional Facility (the birth takes place in a public hospital and then the mothers are either transferred back to Eleonas, if the good health of the newborn is confirmed, or remain in a special detention area, if it is deemed necessary for them to remain in Korydallos for a few days).

Five transgender persons and three male detainees were being held in the basement of the Correctional Facility on the day of the visit.

Since the beginning of the year, no appeals had been filed under Article 6A of L.2776/1999 (as supplemented by Article 8 of L.4985/2022) on detention conditions.

Findings and Recommendations

- **Medical care:** The National Preventive Mechanism reminds that, according to international standards and the provisions of the Correctional Code, the Administration of each detention facility must ensure that prisoners receive **medical and pharmaceutical care** of a level comparable to that of the rest of the population. In this regard, the National Mechanism draws attention to the fact that the clinic of a detention facility must make a continuous effort to **not discourage detainees from accessing it**, but instead to assess the needs of the inmates' population without projecting preconceived notions or preconceived prejudices as to the approach to cases, particularly with regard to the dimension of timely access to mental health services.

  Furthermore, it is recommended that **immediate and general information** be provided to all staff and detainees of the Korydallos II Correctional Facility regarding the implementation of the provision **on the granting of a Temporary Prisoner Health Care Number ("PAYPEK") to all detainees** who do not have one and do not meet the requirements for the issuance of a Social

Security Number ("AMKA") or a Temporary Social Security and Health Care Number for Aliens (Article 84 of L.4985/2022, JMD 16177 ref./16.5.2023, B 3274, JMD Φ80320/109864/14.12.2023, B 7280). The absence of appropriate medical coverage for inmates cannot be attributed to the expiry of the detainees' temporary social security number ("PAMKA"), since the procedure for the conversion of the above temporary number to a PAYPEK has been explicitly provided for, following the actions of authorised officials of the correctional facilities. The NPM therefore recommends that immediate action be taken by the Korydallos II Correctional Facility for the implementation of the above, in order to ensure that no detainee, foreign or Greek, is deprived of unhindered access to health care services.

- **Disciplinary procedures:** Based on the findings of the review of the disciplinary decisions of the Prison Council, **the National Preventive Mechanism expresses its concern about the recurring tension** in the Correctional facility. Incidents of injuries and self-harm indicate that the Correctional facility should seek further tools for the systematic and tactical handling and alleviation of the psychological suffering caused by imprisonment. Especially in cases with a severe medical history, appropriate professional support should be sought on a regular basis rather than on request. Furthermore, it should be clarified i**f there are spaces intended for the isolation of detainees and whether the physical restraint of detainees is imposed without the prescribed disciplinary procedure having been carried out by the competent organisation**.
- **Hygiene conditions:** The National Preventive Mechanism highlights the guidelines of the National Public Health Organisation of Greece (EODY), according to which people who are repeatedly bitten by bedbugs may experience sleep disturbances/insomnia, anxiety disorders and other mental health disorders. Furthermore, the bites of this insect carry the risk of secondary skin infection (streptococcus, staphylococcus, etc.) and may also cause an allergic reaction. Therefore, it is recommended that all necessary and appropriate measures (mainly systematic fumigation) are taken at regular intervals to eliminate bedbugs.

  The NPM strongly recommends **that the bathrooms of wards be repaired immediately** so that prisoners can wash normally, without the need to use containers to collect water. Proper hygiene conditions and access to running water must be ensured for the entire detained population at all times.
- **Persons with disabilities:** The National Mechanism recalls that, in accordance with the provisions **of the United Nations International Convention on the Rights of Persons with Disabilities** (L.4074/2012), «*States Parties shall*

ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of the present Convention, including by provision of reasonable accommodation» (article 14, para. 2). To this end, it is proposed to the Administration of the Correctional Facility to examine, in the light of the above **provision of reasonable accommodation**, any difficulties encountered by detainees with disabilities in their daily lives (e.g. provision of appropriate reclining beds, ensuring accessibility to sanitary facilities, accessibility to assistive technology for people with visual impairment, etc.).

- **Education & Training:** The NPM found that there is still no primary school in the Korydallos II Correctional Facility, although the two-teacher 21st Primary School of Korydallos has already been established for the school year 2024-2025 (JMD Φ10/89892/ΑΓ/Δ1/5.8.2024, Β 4582). Discussions with detainees highlighted the significant contribution of the Director of Education and Training Structures in the settlement of issues between detainees and educational institutions of all levels of education, as well as in their overall support for the continuation of their studies (supply of textbooks, support in the study of individually taught persons, communication with the administration of secondary education and Higher Educational Institutions, etc.). However, the NPM notes that the educational needs of the population of the Korydallos II Correctional Facility are in no way met and calls for stronger efforts for the immediate operation of the Primary School, as well as and the provision of all available educational resources to the detainees.
- **Communication**: It should be noted that the detainees' use of an internet telephony system (SKYPE) for **communication via electronic audiovisual link** may also concern persons other than those defined in paragraph 1 of article 52 of the Correctional Code (relatives up to the fourth degree). Both from the combination of articles 51, 52 and 53 of the Correctional Code and from the provisions of article 23 of Ministerial Decision 14088/15.2.2019 (Β 760), where the procedure is described in detail, it follows that detainees are allowed to communicate by video conference with spouses or parties to a civil partnership as well as with persons they are entitled or allowed to receive visiting hours in accordance with article 52 para. 1 and 2 of the Correctional Code. Therefore, the absence of a family relationship is not in itself a reason for rejecting the electronic visitation. Moreover, it is expressly provided in Article 52(2) of the Correctional Code that «The Prison Board may, on its own initiative or following a written or oral proposal of the social service or at the

request of a prisoner, allow the visit of other persons or associations that are not expected to have an adverse influence on the prisoner».

The NPM acknowledges that the issue of **interpretation** remains a significant problem in all detention facilities in the country, especially in relation to access to health services, legal aid etc. During the team's visit, problems were raised by detainees in relation to medical issues they face, which they are not able to explain properly due to the language barrier. The absence of adequate interpretation remains a topical and urgent issue and institutional solutions should be sought beyond the mediation assistance of fellow inmates.

Detainees must be **informed of their rights**, particularly of their right to file a report with the National Preventive Mechanism. The interviews conducted revealed that the detainees did not have access to any type of information or knowledge of their rights. It is reminded that the detainees' right to information is protected, inter alia, by the provisions of the Correctional Code, where article 24(2) provides that "The Director shall inform the detainee of his/her rights and obligations, as well as of the operating regulations of the Correctional Facility, and shall provide the detainee with a relevant information form, issued under the responsibility and care of the Ministry of Citizen Protection. Foreign detainees shall be informed of the above in a language they understand. The assistance of the relevant consular authority or the provision of information about their detention shall not be not excluded, provided they themselves consent." During the inspection, leaflets were distributed to all wards, in Greek and English, under the responsibility of the National Preventive Mechanism. It is suggested that detainees' rights be posted at points where they can access them daily (possibly the library) and that NPM leaflets are made available.

- **Meals:** It is the Ombudsman's consistent position for all Correctional Institutions that brunch and afternoon snacks should be added to the menu, so that the quantity of food is sufficient.
- **Employment:** The NPM acknowledges that problems are created by the practice of allocating jobs every three months, as prisoners who enter the facility in the middle of the trimester must wait in order to work; they are thus deprived for a long time of the benefit of beneficial sentence calculation. The NPM considers that the relevant institutional framework should be reviewed in its entirety, with a view to employing as many prisoners as possible at the same time. It reminds that, in any case, it is prohibited to assigning to detainees work or employment that may reasonably cause serious damage to their health, in accordance with the opinion of the facility's doctor.

- **Transgender detainees:** The team also visited the areas of the **basement**, where the individual cells of female trans prisoners were located,[91] as well as three cells that hosted male prisoners.

  The team interviewed four (4) out of five (5) resident transgender persons, who complained about the fact that they are kept in individual cells, which means that they remain without human contact for most of the 24 hours of the day, while during the night they often feel insecure in case a health emergency arises. The cells have a bell to alert the guard, but a specific incident was reported where, in the opinion of the transgender detainee, there was no rapid response. According to another testimony, during the NPM's previous visit in 2022, the facility's administration had made a commitment in the presence of transgender detainees to consider the possibility of housing them in pairs (at least in as many cells as possible based on their floor space), however this request has not been fulfilled since then.

  The team has interviewed four (4) out of five (5) of the female trans prisoners, who complained about staying in individual cells, as they remained without any human contact during most of the day, whereas they felt insecure if a medical emergency arose during the night. The cells had an alarm button that prisoners could use to call the guard. However, a trans prisoner argued that there was a delayed response on the guard's part on one specific occasion. According to another testimony, the Administration did not examine the trans prisoners request to be placed in cells of two (at least in cells that that could be an option, based on their capacity), as it had committed to do, during the NPM's last visit (in 2022).

  The team also received complaints regarding one trans prisoner's access to the scheduled appointment with an endocrinologist/andrologist for an evaluation to restart a gender affirming therapy, on the grounds that the prisoner was a new entrant in the facility. The trans prisoner had mentioned, however, that she already had been in the C.F for three months and a further delay would jeopardize her progress significantly.

  Finally, female prisoners had complained about not being able to participate in the formal education system, due to the lack of school in the facility. Furthermore, trans female prisoners, were not allowed to mix with other female cisgender prisoners – with appeal to safety reasons and provisions of the

91. It is noted that according to article 13, par.1 of the Correctional Code (L.2776/1999), trans women prisoners were transferred to female prisons, following their application, which was examined by priority by the Central Transfers Committee (KEM)

correctional code- and, thus, they were de facto excluded from all existing educational programs, seminars and training etc. However, the trans prisoners mentioned that their right to self-determination was generally respected, since the guards were calling them with their chosen names. The director informed the team that trans prisoners were mixing with the female inmates only on holiday events.



Ward interior



Female detainee with skin problems

4.1.3.14. Correctional Facility of Neapoli, Lasithi

On 30 and 31 October 2024, a NPM team conducted a two-day inspection at the Correctional Facility of Neapoli in the Lasithi Prefecture in Crete. The facility has a capacity of 45 detainees; and on the days of the inspection it accommodated 80 detainees(180%). There is also a Women's Section where seven women were detained, six of Greeks and one of Bulgarian nationality.

Findings and Recommendations

Premises - infrastructure: The Correctional Facility of Neapoli seems to be operating satisfactorily. It is evident that there is a spirit of cooperation among the detainees and a sense of responsibility and duty, combining discipline and flexibility, on the part of the staff. In terms of building premises, there is a serious and adequate effort to maintain them at a decent level.

Hygiene: Due to frequent transfers, the team observed a problem of bedbugs, which was treated with monthly disinfections/fumigations.

Yard time: Requests recorded by a team of the National Preventive Mechanism Against Torture and Ill-Treatment in its previous visit to this Correctional Facility, specifically in the women's section, for an increase in the duration of yard time, seem to have been met following a recent decision of the Director.

Education - training: Special educational programmes such as the Second Chance School have been discontinued, as the participation of prisoners was low, usually due to their imminent release.

Understaffing: The reported shortage of both administrative and scientific staff is significant, but the fact that employees are locals, in combination with the small size of the facility, is a positive factor. It is indicative that the social service is not staffed and, following a decision of the Director dating to 2018, social worker duties are performed by the correctional officer, who holds a Sociology degree.

The NPM recommends the following:

- Rationalisation of the detainees' population based on the capacity of the facility.
- Recruitment of sufficient and appropriate personnel.
- Launch of permanent programmes that will contribute to the smoother social and labour integration after release.



Courtyard



Ward

4.2. Police Detention Facilities

In 2024, the European Court of Human Rights (ECtHR), in its decision ***H.T. v. Germany and Greece***,[92] ruled that the conditions of detention of foreigners in the Leros Police Station constituted a substantive violation[93] of Article 3 of the European Convention on Human Rights (ECHR), which prohibits torture and inhuman or degrading treatment. The decision made extensive reference to an earlier inspection report and an annual report of the NPM.[94] In a relevant press release,[95]

92. Application No. 13337/19, Judgment of the ECtHR of 15.10.2024 https://hudoc.echr.coe.int/?i=001-237290

93. Also, according to the decision, the return of an asylum seeker in 2018 from Germany to Greece, on the basis of an Administrative Arrangement Agreement between the two countries, constituted a procedural violation of Article 3 of the ECHR because the risk that the applicant would not have access to an appropriate asylum procedure and decent detention conditions was not assessed.

94. Inspection (Greek) https://www.synigoros.gr/el/category/eidikes-ek8eseis/post/eidikh-ek8esh-2015-or-prolhpsh-basanisthriwn-kai-kakometaxeirishs

95. (in Greek) https://www.synigoros.gr/el/category/deltia-typoy/post/deltio-typoy-or-oi-syn-8hkes-krathshs-sthn-ellada-ypo-ton-elegxo-eyrwpaikwn-kai-die8nwn-dikaiodotik-

the Greek Ombudsman urged the state to ensure that detention conditions are adapted to the standards of European and international conventions and organisations[96] to which it has acceded.

4.2.1. Police Departments/Stations in general

Inadequate infrastructure, old buildings, lack of repairs, and insufficient cleanliness of police station cells are common findings of the NPM's inspections in police station cells, both in Athens and Thessaloniki, as well as in other cities, e.g. in Kos, in 2024.

The relevant observations of the CPT[97] in its report, based on its 2023 visit, on decent standards regardless of the duration of the detention (maintenance and repairs of the areas, beds and clean bedding, cleanliness, natural lighting and sufficient artificial lighting, heating, good condition of sanitary facilities) and on the provision of hot water, personal hygiene items, as well as yard time in every detention beyond 24 hours, are still relevant.

The NPM stresses that the awareness of the rights of detainees, the constant concern for humane conditions on the part of the Commanders of police departments and the adequate financial and human resources from the central police administration constitute basic conditions for the improvement of conditions in police station cells.

4.2.1.1. Police Station of Lefkos Pyrgos and Harilaou, 26.02.2024.

Findings

A team of investigators carried out an inspection on 26.02.2024 at the Police Station of Lefkos Pyrgos (Aristotelous Street, Thessaloniki). The aging of the Station's facilities was evident. In response to a question, the Commander explained that currently there is no detention precisely because of these conditions, so the detention cells have been transferred. The discussion focused on issues of understaffing and ways to tackle maladministration.

Subsequently, the Ombudsman's team visited the Police Station of Harilaou - Analipsi/ Security Police Department (Alkamenous Street, Thessaloniki), in or-

wn-organismwn

96. See the specifications developed by the Council of Europe on the CPT website https://www.coe.int/en/web/cpt/standards

97. Ibid. CPT report on its visit to Greece between 20.11.2023-1.12.2023, CPT/(Inf) 2021, published on 12.07.2024, par. 59.

der to ascertain the conditions in the detention areas as well as the detention procedures. At the time of the team's visit there were no detainees in the Police Station of Harilaou - Analipsi. The detention rooms and toilets were in relatively good condition and the premises were clean, but there was no natural lighting or good ventilation. The Commander informed the team that arrested persons are being held for a few hours under flagrante delicto procedures, so there is no overcrowding.

Recommendations

Even in the case of short detention periods, possible ways should be examined to improve substantial problems regarding the conditions, such as the lack of natural lighting in the Police Station of Harilaou - Analipsi.

4.2.1.2. Police Station of Kos, 22.05.2024

Findings

First of all, it should be noted that the Kos police authorities delayed for an hour and a half allowing the entry of the Greek Ombudsman's team, despite the legislative framework applicable to the NPM and the Greek Ombudsman's inspection decision being vested with public authority power. Entry was finally allowed, however the team was not permitted to take photographs, despite this being a standard practice of the NPM to support its work. There was only one (1) detainee in the police station cells on 22.05.2024. The Kos Police Headquarters are housed in an old two-storey building of the former Italian administration, with a large atrium on the ground floor. The cells, with a capacity of up to 30 people, are located on the ground floor and are separated from the atrium area by metal bars, i.e. there is no wall between the cells and the atrium area. A transparent plastic sheet has been installed next to the bars in order to mitigate the cold in the cells in winter. However, given the lack of a wall, this measure seems highly ineffective. As a result, the detention facilities fail to ensure the protection of the detainees' dignity and privacy or to protect their health, as they are exposed to the cold. The conditions in the detention facilities were particularly poor, as there was a persistent unpleasant smell (despite the fact that one wall was made of bars) and there was a lot of dirt and soiled mattresses and bedding. The toilets were not in good condition. One of them was closed and out of use; the other one, which was the only accessible one, was of "Turkish" type and had a shower with hot and cold water but without pressure. There was a clothesline and an external electric water heater. According to the police, the area is cleaned by the detainees themselves. Bed linen is cleaned by a company. No yard time is allowed. The detainees' meals are based on the amount of 5.87 Euros per day granted by the

State. They are provided with food up to 3 times a day and a bottle of water. The amount is not sufficient for normal feeding of adults. There was a payphone in the room but it was out of order. According to the police, repairs to the toilets have been scheduled, with the aim of installing a different type of flush system. The space has been renovated only once, in 2011. Since then it has never been renovated; there have been only partial repairs to the toilets.

Recommendations

The building infrastructure of the Kos Police Headquarters needs numerous improvements, according to the above findings, in order to be considered as ensuring basic humane treatment of detainees.

4.2.1.3. Police Station of Omonia, 08.10.2024

Findings

The Police Station of Omonia was visited by NPM together with SPT on 08.10.2024. A few days before the visit, a prisoner had committed suicide (on 01.10.2024) in the cells of the first floor of the police station. This, combined with the administration's preparations in view of the SPT's visit,[98] contributed to a picture of a completely recent touch-up of the police station cells, making it de facto impossible to fully assess their actual condition under normal circumstances. In particular, the detention area was freshly painted (less than a week earlier!), the built-in beds had new mattresses, and the space was nearly empty. There were only two (2) detainees, a number that is reasonably considered low for such a centrally located Police Station in Athens. A new Commander and Deputy Commander had just assumed their duties. In addition, there was one (1) drug user who was detained in the temporary holding area. The Police Station has 4 detention cells with a total capacity of 26 persons. One cell is reserved for the detention of women. In front of the cells there is a common area – corridor, where prisoners can move around under supervision. The electric lighting of the **cells** is considered inadequate, while only two of them have narrow skylights along the entire length of one side. Heating and cooling in the cells is provided through a central system. At the end of the corridor, there is a recently renovated and clean bathroom with a shower and a water heater. The corridor of the cells is separated from the lobby by a solid metal door. In this area there is a fire extinguisher and a payphone, which detainees can only access in the presence of a guard. There's

98. According to online press reports https://www.in.gr/2024/10/05/greece/apokalypsi-eggrafo-el-gia-eksoraismo-tmimaton-en-opsei-afiksis-tis-epitropis-tou-oie-gia-vasanistiria/

no yard area. According to the information provided to the NPM team, visitors are allowed every afternoon in the same lobby, which, however, does not ensure privacy. There are active cameras in the lobby and in the corridor between the cells. The detainees' meals are obtained from the Officers' Club of the General Police Directorate of Attica. In emergencies, detainees are escorted to a hospital on duty. The NPM team looked at the detainees' register and the incident register (kept electronically) and requested data on random dates which were sent shortly afterwards. The team's initial assessment based on the detainee registers was that in recent months the number of detainees did not appear to exceed the capacity of the holding cells and also that, over the past 6 months, detainees typically seemed to remain at the police station for no more than 2-3 days. What cannot be stated with certainty, due to the low number (2) of detainees on that day, is whether detainees are held in all cells or, as a rule, only in one or two.

Recommendations

The NPM recommends the use of all cells when the police station receives a higher number of detainees, in order to avoid overcrowding in the detention areas under any circumstances. Regarding lliving conditions, the relatively short duration of detention at this particular police station is taken into account; however, better lighting and ensuring privacy during visits is recommended.

4.2.1.4. Security Police Department of Omonia, 08.10.2024

Findings

The Security Police Department (SPD) of Omonia is housed in the same building as the Police Station of Omonia. The NPM team visited the detention rooms of the SPD on the second floor. During the inspection at the SPD two persons, specifically one man and one woman, were held in the cells. It should be noted that when the team left, the area of the cells had been opened and the woman had voluntarily moved to an entrance – waiting area equipped with benches. The team found unacceptable **hygiene** conditions, in particular: two toilets without a door that were out of order and dirty; there was no water supply at the sink; there was no water supply or related infrastructure in the shower area. According to the Commander, this situation has been the same for the last three years. In the NPM's team communication with a detainee, she informed the team that she had used these toilets. During the inspection, a cleaner arrived and mopped the site without taking any other action and the team was asked to revisit the site. In the **detention are** there was natural lighting (there were windows but with a cover, which reduced lighting), ceiling lamps, and a central heating – cooling system. There were built-in benches around the perimeter of the cell, with no

other equipment. The walls were unpainted, showing signs of wear and a complete lack of cleanliness. On the floor (next to the person sleeping) there were visible blood stains; on the NPM team's inquiry, they received a vague answer i.e that the stains were probably from an injured detainee. Two blankets, probably not intact, were abandoned in the area. It was not clear to the team whether a report or request for the restoration of the cells had been made or when it might have been submitted. In the cells area there was no posted **information** on the rights of detainees. Outside the cells there was a payphone in good condition. In response to a question as to whether a person who does not have a phone card can communicate, the answer was affirmative (use of a department telephone under supervision). Communication with a lawyer takes place through a small window of the cell, with the presence of a guard from a distance. The lack of use of the cells except for short detention periods was also attributed to the lack of **staff**. Any minors wait in the office until they are transferred to the General Police Directorate of Attica. The same applies if people of different genders are detained; some people are placed in the office. According to the briefing, handcuffs are not used except in cases of danger. In the office of the Officer on Duty there were cameras to monitor the detention area on a continuous basis, even in the event of a power failure. At the time of the inspection, there was a Greek woman in the detention area, who had been there from 6:00 a.m. and remained there until the end of the inspection (4:30 p.m.). She was not technically under formal "detention" despite having initially been apprehended for delinquent behaviour, as she had been released but was awaiting transport to a **psychiatric** clinic in a police vehicle. She had been transferred on 6.10.2024 to the Police Station of Nea Smyrni. An attempt was made to transfer her on 7.10.2024 to a psychiatric clinic but she was not accepted, as the clinic from where she had escaped was not on duty at that time. Communication was attempted by the NPM, but it was difficult due to her mental state. During the visit she was sleeping on the floor and requested **food**, which had not been provided to her by that time (2:20pm). It was also found that she had not been given anything (water, toiletries, bedding). Eventually, the woman who remained at the SPD was offered food and water. According to the Commander, due to the use of the cells only for periods of a few hours, there is no provision for food catering on a regular basis, but any emergency needs are covered by additional rations available at the SPD. Other items such as cigarettes etc. are provided only if available at the police officers' own expense. There is no pharmacy kit in the SPD, even for simple analgesics, nor there is any cooperation with a doctor. Any serious incident is taken to hospital. A broad-spectrum painkiller may be provided if available to staff. In response to a question from the team, the Commander stated that if a detainee has an absolute need to wash his/her face or use the toilet, he/she is taken downstairs to the Police Station. As stated,

upon entry to the cell, a body search is carried out and any dangerous objects (shoelaces, belts, etc.) are removed. If the detainee is a woman, since there is no female police officer serving at the SPD, one is called from the Police Station or, if no female police officer is available there either, from Hellenic Police patrol units. When asked about the procedure in the case of a **minor**, it was stated that the parents, legal guardians or the Minors' facility (in the case of an unaccompanied minor) are informed, however, the examination process proceeds normally without waiting for the parents to come and without their presence. No information note is provided regarding the detainee's rights in general. They are simply asked to sign a form in Greek, which includes a reference to what is provided for in the legislation. There is no information leaflet for minors who come into contact with the police. In response to a question regarding any actions taken by the SPD to cover the needs of the department (repairs, replacement of equipment, consumables), it was mentioned that the process is complex and time-consuming. As a result, repairs may be performed even by employees themselves who have relevant technical knowledge. It was reported that the SPD is operating with less staff than the required number, while some police officers have been assigned to external duties (such as personal security protection). As a result, shifts in this very busy department are barely covered. There are no interpretation services available – any such needs are met through relatives of police officers who speak certain languages. A cleaner provides services to the SPD on a daily basis for the office areas. According to the Commander, the cells area is cleaned every two days, but this does not correspond to the image of the place during the inspection.

Recommendations

Hygiene conditions in the Security Department of Omonia are unacceptable and completely unsuitable even for a short stay. Care must be taken to repair the sanitary facilities, improve cleanliness and renovate the cells.



Police Station of Omonia - sanitary facilities



Security Police Department of Omonia - sanitary facilities



Security Police Department of Omonia - cells

4.2.2. Administrative detention of immigrants in police station cells

The NPM starts from the basic principle arising from the case law of the European Court of Human Rights (ECtHR), namely that police stations are unsuitable for detention aiming at implementing the administrative measure of deportation or return, which in practice can last for months.[99]

The established case law on the unsuitability of police station cells for the administrative detention of foreigners was also confirmed in 2024: in the judgment **Bayram and Astoiani v. Greece** of 16.05.2024 the ECtHR found a violation of article 3 of the ECHR due to detention for more than one month, referring to the very nature of police station cells which are intended for short detention periods.[100]

At the end of 2024 there were 144 foreigners in administrative detention in police stations in the country.[101]

The **four Immigration Management Departments (IMD)** of the Aliens Directorate of Thessaloniki visited by the Independent Authority in 2024 show some consistent shortcomings compared to previous years. Despite the heating and other facilities available, the complete lack of interpretation and yard time and the inadequate cleanliness remain recurrent issues in the findings of the NPM. In 2024, the small number of detainees combined with the short stays in these Departments make living conditions less onerous.

However, the cells of the **Aliens Directorate of Thessaloniki in Menemeni**, which are used as a de facto detention centre prior to return, can accommodate more than 80 detainees, as has happened in the past, and it is unthinkable that, for years in a row, they are housed in a building that is unsuitable due to the lack of yard time and without having resolved the problem of a total lack of beds, which results in foreign detainees sleeping on the floor in the second largest city in the country. The NPM is at the disposal of the Hellenic Police for cooperation in finding an operational solution for this chronic issue.

99. Judgment of the ECtHR Horshill v Greece, 1.8.2013 (application no.70427/11), para.47: "police stations are not places suitable for the detention of persons awaiting the execution of an administrative measure. By their very nature, these are places intended to accommodate people for very short periods of time."

100. Judgment Bayram and Astoiani v. Greece of the Third Chamber of the ECtHR, in Chamber, 16.05.2024, para.13 (applications no.31030/19 and 61775/19).

101. Data of detainees as of 01.01.2025 by the Immigration Management Directorate.

Another key problem, which emerged in 2024 in relation to the administrative detention of foreigners in police stations, is the low amounts allocated for food, specifically 5.87 Euros per detainee per day. This amount has remained constant for twenty years despite the increase in the cost of food, and is now completely disproportionate for the adequate feeding of detainees in police stations where no economy of scale is created, such as in Pre-Removal Detention Centres for aliens ("PROKEKA"). The immediate increase of the amount of 5.87 Euros per day per detainee is necessary in order to avoid inhuman treatment of detainees due to malnutrition, and possibly indirect discrimination against foreigners in administrative detention, who constitute the usual population of police stations for a much longer period than that corresponding to flagrante delicto procedures compared to other potential detainees.

4.2.2.1. IMD of Agios Athanasios, Municipality of Chalkidona, 1.10.2024

Findings

In this Department there are two **cells**, with a capacity of nine (9) people each, and a corridor. Each cell has a toilet and separate showers. There are air conditioners installed. In winter, there is central heating. Hot water is continuously provided from solar and electric water heaters. During the inspection, two (2) administrative detainees were found, adult males, one of Georgian and one of Albanian nationality. Detention in this Department is usually short, up to five days, and the detainees are then transferred to mass detention facilities, mainly to the detention facility of the Thessaloniki Aliens Directorate in Menemeni. Food is provided by means of an amount of 5.87 Euros per day, which the detainees spend at will, ordering meals. It is noted that this amount, which has remained unchanged for years, is no longer sufficient to cover full meals per day (breakfast, lunch, dinner), while there is no canteen in the Department to enable the purchase of items at special low prices. **Cleaning** is carried out by the detainees, who are provided with cleaning materials by the Police, who also carry out the frequent fumigations required by law. Nevertheless, the lack of clean air and adequate cleanliness was evident. The windows were fitted with screens. There is no possibility of **yard time**, however the cells are large. There are **television** devices installed. Bed linen is provided by the Department, which also ensures they are sent for washing to the Diavata prison. **Medical care**, if needed, is provided by the Health Centre of Diavata and, in more serious cases, by the Papageorgiou Hospital of Thessaloniki. The Department has a basic supply of medicines and a defibrillator, and there is staff trained in its use. In the absence of an **interpreter**, communication is carried out in Greek, English, or by signs, assisted by any serving police

officer or detainee who can help. Detainees cannot use their mobile phones, but they can purchase a phone card and use the **payphones** located outside the cells and very close to the enclosure (railings).

Recommendations

In conclusion, major problems that need to be addressed are the lack of yard space and the insufficient amount provided for detainees' food. However, the Department is not overcrowded to a degree that would cause real discomfort.

4.2.2.2. IMD Thermi, 4.10.2024

Findings

The Department is located approximately one kilometre north of the settlement of Nea Raidestos of the Municipality of Thermi, in a relatively inaccessible location and is housed in the **space** of the Hellenic Police vehicle maintenance and repair factory. On the day of the inspection, three (3) persons were being detained, all adult men, one Pakistani and two Albanians. In general, the Department does not have a significant **number** of detainees; it was characteristically reported that, on the day before the inspection, there were no detainees at all. The stay of detainees only lasts for **a few days**, for Albanians up to five days maximum, and for citizens of other nationalities even less. They are transferred to another place of detention or given a period of time to leave the country voluntarily. The Department has two detention **areas** with a total capacity of twelve (12) persons. One cell can accommodate five people and the other seven; on the day of the inspection, the detainees were at the latter. Each area has a toilet and separate showers. The beds are built-in. Bed linen (blankets) are provided by the Department, which ensures they are sent for washing at the Diavata Prison. Hot water is provided through solar water heaters and there is air conditioning with cooling and **heating**, while in winter there is also central heating. There are t**elevision** devices installed. The **cleanliness** of the Department is maintained daily by a cleaning lady, while the prisoners can clean their own living spaces using means provided by the Department. Detainees receive an amount of 5.87 Euros per day for **food**, which they order themselves from nearby shops. It was pointed out that this amount, which has remained unchanged for many years, is now much too small to cover their daily nutritional needs. There is also no police canteen selling items at special low prices. However, the prisoners also use their own money to cover their needs. The detention areas are very bright and spacious, which compensates to a certain extent for the lack of any **yard time**. Detainees are able to **contact** a lawyer and use the payphones located that are just outside the enclosure (railing) of the detention cells and are readily accessible, but not

their mobile phones. Large posters (in several languages) are also posted at the entrance of the Department, explaining all the rights that detainees are entitled to. **Medical** care is provided by the Local Health Centre or by an on-call hospital in case of more serious situations, and the Department has basic pharmaceutical support at its disposal. During the conversation between the NPM members and the detainees, no comments, requests or protests were made. **Interpretation** is not provided and communication is carried out using English and signs, with the assistance of fellow inmates or police officers who can help.

Recommendations

In conclusion, although the detention cells are spacious and bright, they are substandard in terms of the premises standards (i.e. yard) and cleanliness. The low amount available for detainees' meals and the insufficient bedding are also noted. The short stay of the detainees and their small number mitigates the discomfort of their stay.

4.2.2.3. IMD Thessaloniki (Kordelio), 06.11.2024

Findings

On the day of the inspection, there were two detainees in the same area, namely a Syrian who had been arrested on the same day under the *flagrante delicto* **procedure**, together with an Egyptian; one was detained for irregular entry and the other for the trafficking of a foreigner. At the time of the inspection, the Egyptian was before the Thessaloniki Public Prosecutor, while the Syrian had requested asylum and was awaiting for the relevant administrative procedures to be concluded (issuing of the return and detention decision, subsequent suspension of the return and issuing of a voluntary departure order), by the Aliens Directorate of Thessaloniki, in order to be released. It was found that he could not communicate at all, and all he would say was that he needed to make a call. It was clarified by the Commander that he had already seen an **interpreter** in Arabic, whom the Department had used from the list of interpreters from the courts of Thessaloniki, in the context of the immediately prior Court procedure. In the lobby of the two detention facilities there a young **mother** with two infants (under 5 years old), a citizen of Georgia, who had declared that she wished to return home through the IOM programme and had voluntarily gone to the Department on the IOM's instructions. It was clarified that she remained in the area in the context of her being "brought in" for illegal stay, until the completion of the administrative procedure for a voluntary return decision by the Directorate of Aliens. Her stay there would not exceed 4 hours.

Recommendations

- In the absence of interpreters, there is a need to strengthen written information on asylum and return procedures, the rights of detainees, as well as organisations that can help them, by providing written instructions in several languages.
- The NPM's reservation should be noted regarding the procedure of apprehending at the station, even for a few hours, those who come to the Department voluntarily in the context of IOM voluntary return.
- The amount of the allowance for meals needs to be increased.

4.2.2.4. IMD of Mygdonia, 05.11.2024

Findings

This Department has been designated as the identification point for unaccompanied minors found on the street, within the framework of the National Emergency Response Mechanism ("EMEA").[102] On the day of the inspection, there was no minor in the area. As the Commander stated, one to two unaccompanied minors per week are detained in the Department for a few (3-4) hours until their identification is completed. From the beginning of the year through the end of September 2024, the Department was called upon to manage sixty-four (64) unaccompanied minors, all boys. Seven (7) had been transferred there by NGO ARSIS under the «Street work» programme, while fifty-seven (57) had been transferred from Police Stations. Twenty-five (25) were from Pakistan, sixteen (16) from Syria, nine (9) from Egypt, five (5) from Afghanistan, while there were also other nationalities. From there they are transferred to the Emergency Accommodation Facility in Polygyros, which is run by the IOM. It is noted that a significant percentage of unaccompanied minors transferred from Police Stations had interrupted their stay in a Facility.

102. According to article 66, case 33 of L.4939/2022, *"National Emergency Response Mechanism. (E.M.E.A.). (...) 2. The purpose of E.M.E.A. is the identification and the immediate referral and placement in emergency accommodation facilities of homeless unaccompanied minors or minors living in precarious conditions, pursuant to art.43 of L.4760/2020 (A 247) on the abolition of the protective custody of unaccompanied minors. (...) 5. E.M.E.A. is responsible for: (a) managing housing requests submitted by reporting bodies or natural persons regarding homeless unaccompanied minors or minors living in precarious conditions and coordinating their transfer to emergency accommodation facilities, (b) locating and identifying homeless unaccompanied minors, in cooperation with the police or port authorities or other competent authorities, as well as with non-profit legal entities governed by private law that run homeless shelters or groups for the protection of children on the street (...).*

Recommendations

- It is recommended that the amount of the allowance for meals be increased immediately, as it currently cannot cover the nutritional needs of adults and minors.
- The condition of the cells should further improve, especially if they are used primarily for minors.
- In particular, beds need to be built so that minors do not sleep on mattresses on the floor. Also, the ceiling of one of the toilets needs to be repainted, as there is visible rust.

The NPM notes the ECtHR judgment W.S. v. Greece of 23.05.2024,[103] which concludes that there has been a violation of article 3 of the ECHR, both for the fact that an unaccompanied minor had been left alone for a while in 2019 without being provided with suitable accommodation, as well as for the period of 3 weeks during which he was under «protective custody» in a police station. This judgment confirms the established case law of the ECtHR on unaccompanied minors (Rahimi v. Greece, 05.04.2011, among others) and concerns the situation prior to the introduction of the aforementioned E.M.E.A. institution under L.4939/2022 and the introduction of Guardianship under L.4960/2022.

4.2.2.5. Detention Centre of the Aliens Directorate of Thessaloniki, Menemeni, 07.11.2024

Findings

In the absence of a Pre-removal Centre in Thessaloniki, foreigners to be returned are held in the detention facilities of the Aliens Directorate in Menemeni, on the first floor of the same building that houses the Sub-Directorate for Court Transfers. On 07.11.2024, 12 persons were being detained, all men, adults, in multiple cells. There are 8 **cells,** each with a capacity of 10 people, used as detention wards. The first cell is used as a multi-purpose room. This is where the physical search is carried out upon entry to and exit from the detention facilities. It is additionally used as a waiting area before a transfer and it was also stated that it is used as a "quiet room" if a prisoner needs it; this latter wording raises reasonable concernss about disciplinary-type isolation measures. Outside the detention facilities, in the single corridor, there were large fans and **televisions**, as well as a payphone for each cell. There were no built-in **beds** in the cells and the detainees

103. Judgment of 23.05.2024 of the 5th Section of the ECtHR in council (application no. 65275/19).

slept on mattresses placed on the floor. The temperature was comfortable. **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 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. The floor in the corridor was clean, however inside some cells, where prisoners were still sleeping, it was not as clean. The guards provide the detainees with personal hygiene products and laundry detergent. According to the officer in charge, there is a relatively sufficient stock of personal hygiene products in the storerooms. The **meals** of detainees are provided by a catering company (noon, evening) and the canteen (twice a day) and the detainees receive 5.87 Euros a day for food expenses. 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.

Recommendations

Given that the same technical issues and shortcomings were identified as in previous years, mainly concerning the logistical infrastructure, namely the lack of beds and the lack of access to outdoor space, the consistent stance of the Ombudsman remains that the facility is unsuitable for use as a de facto pre-removal detention centre.



Immigration Management Department of Kordelio

4.2.3. Pre-Removal Detention Centres for aliens ("PROKEKA")

The NPM notes that the CPT, in its latest report on Greece, notes a link between proportionality in the imposition of detention pending return and safeguards against ill-treatment: "*As regards safeguards against ill-treatment, the Greek authorities should review their approach towards the detention of foreign nationals under immigration detention to ensure that it is appliedonly as a measure of last resort in practice*".[104]

Regarding Pre-Removal Detention Centres for aliens («PROKEKA»), **the CPT stresses** the unsuitability of most areas and the inadequacy of trained staff and, in general, notes that: "*The lack of interpretation services remains acute and most detained foreign nationals complained that they were not sufficiently informed of their rights and of their situation. All detained foreign nationals should be granted the safeguards against ill-treatment as from the very outset of their deprivation of liberty. This includes access to free legal aid and the possibility to*

104. See above section 1.3. for partnerships with international organisations

keep, or be granted regular and frequent access to, their own mobile phones". This last proposal requires a change in the legal framework for the operation of PROKEKAs[105]. The current ban on the use of mobile phones for security reasons does not appear, based on the experience of the NPM, to be enforced in all Detention Centres. Furthermore, the NPM's proposal, which is repeated also in this report, for the free provision of phone cards to all prisoners to ensure equal access to the right to communicate, has not been accepted.[106]

A total[107] of 1502 persons were detained in the country's seven (7) PROKEKAs, of which 692 in the two PROKEKAs of Attica (Tavros and Amygdaleza). There is a significant decrease compared to the previous year (the total was 2091 persons at the end of 2023, of which 921 in the two PROKEKAs of Attica). This reduction does not necessarily mean less frequent use of the measure of administrative detention. We note, however, the inversely proportional 22% increase in arrivals at the country's borders in 2024[108] which affects the detention of illegal migrants for return after rejection of an application for international protection.

In a meeting with the **Aliens Directorate of Attica**, a NPM team was informed that a total of 791 adults were under administrative detention in Attica on 02.12.2024, specifically 517 adult men, 38 women and 5 families in the PROKEKA of Amygdaleza, 164 men in the PROKEKA of Tavros, and 72 in various Police Stations in Attica pending transfer. It was clarified that there are no detained minors, as they are immediately referred to the Referral Departments and special structures of the Ministry of Immigration and Asylum. According to the Director, the overall reduction in the number of detainees is due, among other things, to deferrals of removal for Syrian citizens, as well as to the legislation that has entered into force[109] and allows for the legalisation of those who have remained in the country for a number of years. It was noted that the detention facilities of the Aliens Directorate of Attica are in constant and significant need of renovation. For example, the living conditions at the PROKEKA of Amygdaleza are inappropriate, as extensive wear and damage is observed. The construction of communal toilets/bathrooms has been planned in the near future in order to keep the sanitary facilities in good condition. The NPM highlighted the need for consistent and

105. Art.20 para.4 of the PROKEKA Regulation, JMD 8038/23/22-ιγ΄/ Β΄118/21.01.2015

106. See below inspection report on the PROKEKA of Tavros.

107. Data of detainees as of 01.01.2025 by the Immigration Management Directorate.

108. According to the statistics of the Ministry of Immigration and Asylum for mixed flows of migrants and refugees, there were 56,066 arrivals in the country in 2024 compared to 46,095 in 2023, an increase of 22% statistics 2024 migration.gov.gr.pdf

109. Art. 193 of L.5078/2023

state-supported provision of clothing and footwear, so that administrative detainees can live in conditions of dignity. The same was pointed out for the need for medicines in all PROKEKAs and for phone cards in police detention areas. Subsequently, in a meeting with the responsible Head of Department, it was stated that legal support will soon be provided to administrative detainees through the AMIF. It was also stated that the detention period in the two PROKEKAs in Attica is 6-8 months, while efforts are being made to transfer families to structures of the Ministry of Immigration and Asylum in the mainland (e.g. Pyrgos, Ritsona).

The NPM confirmed also for 2024 the main difference in living conditions in the PROKEKAs, depending on whether the prisoners have continuous access to an outdoor yard, natural light and air, living in containers (Amygdaleza, Kos) or whether they are confined in a detention building, often outdated, with little yard time (Tavros), which makes the deprivation of liberty for months much more onerous.

Differentiation is also observed in the free communication and use of mobile phones, as mentioned above. Moreover, even in cases where there is access to interpretation, it seems to serve specific procedures (asylum, IOM) and administrative detainees do not seem to have comprehensive and consistent information about rights and procedures on an individual basis. Another consistent feature of detention in a PROKEKA is the inadequate provision of medicines, nursing services and/or medical services, especially psychiatric ones, as well as the virtual absence of adequate clothing and footwear for detainees. The NPM reiterates that PROKEKAs, as detention facilities, are not appropriate for proper treatment of families, persons with mental or physical disabilities or other vulnerable persons. The duration of detention in PROKEKAs is a key factor contributing to the onerous nature of the measure of deprivation of liberty and falls under the specific competence of the Ombudsman as the national mechanism for the External Monitoring of Return procedures of aliens, in accordance with EU law.[110]

110. See the Ombudsman's annual special reports on Forced Returns of third country nationals, based on article 8(6) of Directive 2008/115/EC (Returns Directive) and article 23(6) of L.3907/2011.

4.2.3.1. Pre-Removal Centre of Tavros, 02.12.2024

Findings

Regarding the **population** of the PROKEKA of Tavros, with a total capacity of 200 persons, it is noted that on 02.12.2024 164 aliens (adult males) were detained. The main groups of national/ethnic origin of detainees in the PROKEKA of Tavros, on the day of the inspection, were as follows:

Egypt	46
Pakistan	40
Bangladesh	13
Georgia	8
India	7
Albania	5
Iraq	5
Iran	5
Turkey	5
Algeria	4

There are **visiting hours** for detainees' relatives in a special room, where lawyers are also served without any time limit. The use of mobile **phones** is not allowed, and the detainees communicate using the payphones available in the wings. In the past, the International Red Cross used to supply phone cards, but now they have left and therefore there are great shortages in the supply of items to the PROKEKAs. Some phone cards were provided by the «Onisimos» Prisoners' Support Association. Efforts are being made by the social worker of AEMY to find sponsors. Special cleaning crews are responsible for **cleaning**, while fumigation is carried out on a monthly basis. Cleanliness is considered satisfactory, both in the corridor and wing inspected, as well as in the yard. **Yard time** is scheduled per wing, morning and evening for 1 hour, except on Sundays when it is only for 1 hour. Interpretation needs are covered by the interpreters of AEMY. **Meals** are being prepared in the Police Officers Club located on the ground floor of the building. Regarding the premises, it is noted that on the 2nd floor, wing D3 (capacity 44 persons) there are 42 persons, wing D4 (capacity 49 persons) there are 36 persons and wing D5 (capacity 55 persons) there are 51 persons. Wing D2 is not in use as it is currently being renovated. On the 3rd floor, 32 people are held, including 2 patients (separately). Overall, it was found that the premises have been partially renovated – the walls were recently painted (on the 2nd floor only) – but further major work needs to be done, e.g. replacement/repair of the flooring, the

toilets (which are in a very poor condition) and the doors. There is a special laundry room, mainly for washing bed linen. Each wing consists of six cells, with a capacity of 4 - 7 people, with shared toilets and showers (and hot water). Outside the wing there is a small cooler from which detainees can obtain drinking water. In each wing there is a large TV set in the corridor (which, however, is not visible from all cells) and payphones. In each cell there are 5 beds (built-in), with mattresses and bedding in good condition. It was stated that **legal support** is provided by the Greek Council for Refugees (GCR) and Solidarity. **Medical and social services** are provided by the AEMY team, which is staffed by 1 doctor (medical examiner), 3 nurses, 1 health visitor, 1 psychologist, 1 social worker, 1 administrative officer and 2 interpreters (for Urdu/Punjabi and Arabic). AEMY services are housed in separate offices on the same floor as the detainees' cells (2nd) floor. The space is minimally equipped with desks, computers and a small library. It was noted that the team was fully staffed, however there was a shortage of materials, such as **phone cards**, which are necessary for the communication of prisoners with their relatives. **Clothing/footwear** is provided through sponsorships, while **medicines** - in addition to the expenditure through AEMY and the Hellenic Police are supplied by social pharmacies (e.g. social pharmacy of Tavros, World Pharmacists). The detained population has increased needs for psychiatric support and medications. A weekly visit by a psychiatrist who monitors the cases and prescribes medication is carried out through OKANA (however, there is no possibility of prescribing medication that requires a prescription with a double red mark). In addition, every Friday, a special therapist from OKANA holds a group session with those detainees who wish to participate. It was noted that only an estimated 10% of psychiatric treatment needs are covered. The supply of medicines does not adequately cover the needs of the detainees, although the Hellenic Police includes a special expenditure in its planning. The approval of the relevant expenditure by AEMY is also expected. Shortages occur in psychiatric medicines that are prescribed by the visiting psychiatrist and not by the AEMY doctor. Eighty out of 150 prisoners are treated with psychiatric medicines. Police vehicles are used in case of referrals to hospitals. The senior investigators also visited the clinic, which includes an examination area with basic equipment (examination bed) and an office for administrative procedures. Conversations with workers revealed shortages in logistics equipment, such as computers and internet, as well as in the provision of heating. The clinic provides its services daily from 07.00-16.00, while there is also a nurse until 20.00. On Saturdays there is a morning hospitalisation shift. On average, 15 people visit the clinic every day, while every medical act, prescription, referral and any other action is recorded in the electronic records kept in the AEMY archive. Regarding the procedures to be followed, the following are noted: initially, the first screening is carried out by

the health visitor in order to identify any health problems that need immediate treatment or are contagious (e.g. tuberculosis) and to fill in the health card in the AEMY system. Those suffering from a contagious disease are kept separately in the wing of the 3rd floor, for the protection of both themselves and other prisoners. In cases where further examinations are needed, the cases are referred to the Polyclinic in Omonia (which belongs to Evangelismos Hospital).

Recommendations

- Detention conditions are also directly linked to the duration of detention. It is worth noting CPT's observation that the detention areas in this PROKEKA, which are structured as rows of cells with metal bars, are suitable for detention lasting some days, not weeks or months[111]. For the purpose of greater decongestion of the cells, it is advisable to make use of all available wings. Similarly, the longer the duration of detention, the greater the need for the provision of activities (common gathering area, a place of worship, an adequately equipped outdoor space, educational/recreational activities).[112]
- The Ombudsman's team pointed out that the duration of detention depends on the speed of processing applications for international protection (asylum) or residence permits (immigration) and better coordination is needed.
- As for the detention conditions, it was found that the cells on the 2nd floor have been renovated and appear to be clean. However, renovation is needed in the communal toilet and shower areas, where damages were evident.
- On the issue of communication, care should be taken to provide phone cards to all prisoners, as they have no other way of communicating with their relatives. During discussions with them, it was mentioned that they have not been in touch with their relatives for a long time and are experiencing intense anxiety. It is noted that in the relevant CPT report,[113] the Committee recommends that the Greek authorities should extend the possibility for detainees to keep their mobile phones or at least have regular and frequent access to them, as well as to consider the possibility of using free video conferencing via Voice over Internet Protocol (VOIP).

111. CPT, CPT/Inf (2024)21, Report to the Greek Government on the visit to Greece carried out by the CPT from 20 November to 1 December 2023, 12 July 2024, p. 3, 22-23 (available at https://rm.coe.int/1680b0e4e1)

112. Ibid p.25

113. Ibid p.15

- As mentioned in a previous inspection report, more yard time should be provided, taking into account i) the unsuitability of the detention facilities for long periods of time, ii) the small number of detainees, iii) the fact that the detainees do not have free access to an open space (open door regime), as is the case in other PROKEKAs (e.g. Amygdaleza).
- Regarding the provision of medical services, care should be taken for further staffing of the AEMY team (e.g. with the presence of a second doctor) and especially with the constant presence of a psychiatrist so that the needs of the prisoners can be covered. It should be noted that the psychiatrist who visits the PROKEKA also monitors the cases from the PROKEKA of Amygdaleza. At the same time, for the proper operation of the clinic, the logistical conditions (equipment, heating) should be improved and a steady supply of medicines should be provided.

4.2.3.2. Pre-Removal Centre of Amygdaleza, 25.11.2024

Findings

In the PROKEKA of Amygdaleza, the total number of detainees on the day of the inspection, according to the data provided, amounted to 555 persons. A large number of adult men (490) were detained, as well as adult women (44) and families (6), while there were no unaccompanied minors.

Sector	Detainees	Places
A΄	490 men	
B΄ women	44 women	
B΄ families	6 families (21 people, including 7 children)	
TOTAL	555	1100

The maximum capacity of the centre is 1100 seats. In the corresponding visit one year ago, on 16.11.2023, 724 persons were detained in the same centre; on 08.12.2022 a total of 1084 persons were detained; while on 04.11.2021, a total of 584 persons were detained in the same centre. While talking to male detainees in a wing, the Ombudsman's team received requests for interpretation in relation to administrative documents, for expressing their will to apply for asylum, etc. These requests were transferred to the PROKEKA detainees' management office and the team was informed accordingly. According to the data provided, the main groups of national/ethnic origin are as follows:

Egypt	158
Pakistan	113
Bangladesh	32

Regarding procedures, it was discussed that in recent times it has been observed that the largest population group of detainees are Egyptian citizens. According to the information received, the average detention period is 3-4 months and the practice is to transfer them from the PROKEKA of Corinth to the PROKEKA of Amygdaleza and then to a PROKEKA in Northern Greece, in order to avoid over-concentration of one nationality in a single Centre. With regard to the **duration** of the detention, specific information was requested regarding the exceedance of the initial three months or even six months of detention, from which the following can be inferred: Eight (8) persons (including one woman) were detained for more than a year, fifty-nine (59) persons (including two women) were detained for more than six months, while ninety-eight (98) persons (including one woman) were detained for more than three months. As for **families**, they had all been arrested in November 2024. The main issue that emerged during discussions with the Centre's Administration concerned the **damages** of the containers and the difficulty of continuous repairs and replacement of materials. It was mentioned that the area where the PROKEKA is located is leased from the Municipality of Acharnes and therefore no permanent structures (buildings) can be erected. The Administration's immediate plans include the construction of communal sanitary facilities (toilets/showers) in order to avoid damage within the containers, as there is a possibility that communal areas will not be damaged due to their individual use by detainees. The issue of adequate financing and utilisation of available resources/funds appeared to be of key importance for the proper functioning of the Centre. During the discussion, it was suggested that additional funding solutions (e.g., from programmes that fund return procedures) should be sought in order to cover both fixed as well as possible emergency needs, as the population within the Centre is constantly changing in terms of its composition and the stay at the Centre may, in some cases, last for several months. In terms of **premises**, the Centre is accommodated within the Hellenic Police Academy and is administratively supervised by the Attica Directorate for Aliens. At the time of the visit, wings 1-9 were in use, while wing 15 was intended for families. Wings 10-13 are closed for reconstruction and are expected to be operational by March 2025 (currently 700 places are operational). The team visited a) a single men's wing, b) the single women's wing, c) the wing designated for families, d) the premises of AEMY (clinic, dental clinic, psychologist's-social worker's office,

warehouses), e) the offices of the Asylum Service and other communal areas. Each container can house up to 8 people, while major damage was found on the flooring, in the bathrooms (in some of them there was no shower, one of them was not in use), while some windows or heating/cooling radiators were broken. In some containers there was no door and improvised structures (e.g. hanging blankets) were used. In general, the yard still has no shelter and there are **no workout** and/or activity areas available. Detainees sometimes play with balls or play cricket. During the previous visit in 2023, the team has been informed that there was provision for garden creation activities by detainees, but no such activity was found to exist. In wing 15 there are **families** with whom the Ombudsman's team discussed. Access to this wing is by another passageway and the wing is isolated from the other wings of the Centre. Due to the lack of proximity to the rest of the Centre - and the unavailability of police escorts - children do not visit the playground. The family members complained about the lack of information from the Administration about whether and when they would be moved to another facility. At its discussions with the Administration, the team was informed that the stay of the families only lasts for a few days until another accommodation facility is found. In any case, the living conditions are unsuitable for families, especially in cases where there are children, as the wing is isolated, fenced with barbed wire, without suitable areas. There is access to wi-fi internet connection and mobile phones are allowed, which allows detainees to **communicate** and engage in various activities. A TV area has been created in each wing (in the 1st container). According to the briefing, **the cleaning** of the premises is carried out by a crew of 6 people on a daily basis. As for the **provision of material items**, according to the briefing, there is a sufficient supply of mattresses and blankets, however during the inspection in the materials area it was found that the mattresses were in poor condition. The blankets are generally given to an external partner for washing. Each newcomer is provided with **basic necessities**, but there was a severe shortage of **clothing**, footwear and other sanitary items. According to the briefing, the provision of these items is covered by donations, following an initiative of the AEMY staff, but these are not sufficient and are not regular. **Meals** are provided by the Police every day, specifically from the Officers' Club (Petrou Ralli Street). During discussions with the detainees, some of them expressed their dissatisfaction with the food. A small canteen visits the Centre on Mondays - Wednesdays and Saturdays. As mentioned, the PROKEKA is **guarded** 24 hours a day, in 8-hour shifts, while a camera system operates in the premises. In addition, frequent patrols are carried out in each wing. **Medical care, psychosocial support and interpretation services** are provided every day, except Saturday and Sunday, by AEMY. The Clinic is staffed by 1 doctor (non-specialist), 1 dentist, 4 nurses, 2 psychologists, 2 health visitors, 2 social workers, 1 adminis-

trator and 1 interpreter for Arabic and French (and there was also an interpreter for Urdu-Bangla). The Ombudsman's team visited the clinic and discussed with the doctor and the nursing staff. In terms of procedures, each newcomer to the Centre initially undergoes a first examination/assessment (screening) by the health visitor and then, for any medical problem, they are referred to the AEMY doctor and, if necessary, to an outpatient clinic or a hospital. The main problem recorded is the doctor's inability to prescribe medicines - even for detainees who have a Social Security Number (AMKA) - as he does not have prescription codes for the IDIKA system. Any medication is administered from the stock available at the clinic, which is however not sufficient to meet the needs of the resident population. The main problems identified are a) the lack of medicines, b) the inadequate equipment, c) the large number of psychiatric cases, which are treated by visiting the psychiatrist available from OKANA at the Aliens Directorate in Petrou Ralli Street, where 3 cases per week are transferred from the PROKEKA of Amygdaleza. But apart from medical monitoring, there is also a great need for the administration of psychiatric drugs, which is not covered by the supplies of the AEMY clinic. The dental clinic was found to be fully operational, with adequate equipment and staffing. In particular, information was provided by the psychologist and the social worker on the procedures for the registration and assessment (screening) of new arrivals at the Centre, referral of unaccompanied minors, as well as other cases in need of protection. Particular emphasis was placed on the procedures followed for particularly **vulnerable** cases - on the day of the visit there was a case of a single woman with a disability, suffering from dementia, who was transferred to the PROKEKA but without the appropriate structures to serve her. A case of a woman with a severe fracture who could not move, and who is staying at the PROKEKA with her minor grandson after a car accident, was also mentioned. Efforts were being made by the AEMY Team to meet her needs and complete the asylum procedures. In general, it was found that the AEMY staff make efforts to refer detainees to appropriate accommodation (Ministry of Immigration and Asylum) or support structures (EKKA, psychiatric hospitals) as soon as possible.

Recommendations

- On the day of the visit, the Centre was not at full capacity (555 detainees out of a total capacity of 1,100); however, it is recommended that the renovation of the wings that remain closed be completed soon, in order to achieve decongestion within containers and better living conditions.
- In order to improve living conditions, higher and regular funding should be provided for the full restoration of damages and/or replacement of damaged

containers, so that conditions ensure the health and hygiene of detainees, especially when detention lasts for many months.[114]

- Detention of families, even for a short stay, should be avoided, as on the one hand they are not initially subject to reception and identification procedures (article 38 of L.4939/2022) and, on the other hand, the general rules on material reception conditions and medical care are not met (art. 50 of L.4939/2022). According to the above rules, material reception conditions "*ensure that applicants have an adequate standard of living, which guarantees their subsistence and protects their physical and mental health, based on respect for human dignity. The same standard of living is also ensured in the case of applicants in detention*", while special care is taken in the case of vulnerable persons (e.g. single-parent families). Although the stay, according to the information obtained, only lasts for a few days, the needs of this population (children, elderly, single-parent families) are increased and cannot be covered by the services and facilities of a PROKEKA (a typical example is the absence of a paediatrician or the non-use of the playground).
- Care should be taken to ensure that the clinic is fully staffed and equipped to meet the needs of the population. Both the issue of the inability to prescribe and the issue of the lack of medicines create precarious conditions for detainees, especially in case of emergencies or injuries, which are treated by transfer to a hospital on duty (sometimes a patrol car is used if there is a long waiting time for an ambulance). The presence of medical specialists, particularly of a psychiatrist, and the presence of nursing staff is imperative for the provision of essential medical services on a daily basis and the effective handling of emergencies.
- Ensuring a steady supply of hygiene items, clothing and footwear, either through the Hellenic Police or AEMY,[115] will ensure decent living conditions for detainees, as well as a decent movement/transfer of those that will be included in operations of return to their country of origin.

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114. Ibid. report of the CPT, p. 24: *"All cells or rooms and sanitary annexes should provide decent minimum conditions in terms of hygiene and repair and be regularly maintained. In particular, broken doors, windows, heating systems, lights and/or beds as well as broken showers and toilets or leaking pipes should be repaired swiftly. To this end, the necessary funding should be made available."*

115. Ibid, p.24 "The CPT recommends that the Greek authorities ensure that every foreign national deprived of their liberty in a pre-removal facility is provided with sufficient and suitable clothing adapted to the season. This will require proper management and coordination between the relevant authorities at all levels of responsibility (Hellenic Police and the Ministry of Health)." at https://rm.coe.int/1680b0e4e1

4.2.3.3. Pre-Removal Centre of Kos, 23.05.2024

Findings

The centre is located next to the closed controlled facility (former military camp), about 15 kilometres from Kos town, on a hill near the village of Pyli. The commander and the deputy commander of the centre stated that on 23.05.2024, 21 foreigners were being detained in their premises, namely 9 citizens of Pakistan, 4 of Syria, 3 of Egypt, and 1 each of Moldova, Afghanistan, Russia, Nigeria and Palestine. The earlier admitted detainees were 2 Pakistani citizens (detained from 05.07.2023) and the most recent one was a Nigerian citizen (detained from 14.05.2024). Police officers stressed that the situation is generally quiet, as the number of detainees is small compared to the total capacity. The **detention areas** included 12 containers configured as small houses which can accommodate 8 people and one container designated as a place of worship. Some containers were empty and closed, but in all of them there was visible damage to walls, doors, wiring, pipes, beds, toilets, etc. According to the police, cleaning is done by a cleaner from Monday to Friday, while clothes and bedding are washed by the detainees in basins. Detainees are provided with personal hygiene items (soap, toothpaste, toothbrush). If they need a doctor, they are escorted to the doctors in the adjacent facility or transferred to the hospital. Detainees have access to the yard all day long and keep their mobile phones in their possession, but the ability to take photos or videos has been removed. Some detainees complained that police officers broke the camera of their **mobile phone** and showed the Ombudsman's representative their devices, in which the cameras were broken. Meals are provided by the catering service of the adjacent facility and a supermarket van regularly passes by the detention centre. Access to legal assistance and interpretation is available, mainly through the services of IOM and NGO Metadrasi. The Ombudsman's representative spoke with detainees who, in addition to complaining that police officers had damaged the cameras on their mobile phones, also raised complaints about the food, the lack of adequate clothing, and the absence of means to spend their time, such as at least a ball. In particular, detainees reported that the food includes rice every day, is often not well cooked and has a bad smell; they stated that they had never been served chicken and had received meat only once.

Recommendations

The premises of the Pre-removal Centre are in a much better condition than the detention cells of the Kos Police Department, but they also have shortcomings and problems, especially regarding cleaning, maintenance/repair, and provision for activities for the detainees. If the above are not taken care of, these spaces

will also soon be unfit for accommodation. Furthermore, the detention authorities need to investigate complaints from detainees of the centre about the poor quality and small quantities of food, as well as complaints about the destruction of their mobile phone cameras by police officers.



PROKEKA of Tavros



PROKEKA of Tavros - sanitary facilities



Amygdaleza Pre-removal Detention Centre

4.3. Psychiatric facilities

4.3.1. Korydallos Psychiatric Hospital for prisoners

During its visit to Greece in October 2024, the SPT conducted a surprise inspection at the Korydallos Psychiatric Hospital for Prisoners on 09.10.2024, accompanied by the NPM. The October visit confirmed the detailed findings of the NPM stated in its previous report regarding the poor conditions and complete inadequacy of health services for mentally ill detainees.[116] A few months later, the Government proceeded with the upgrade of services at the Korydallos Psychiatric Hospital for Prisoners, which, as of 01.02.2025 and pursuant to L.5129/24, will operate as a forensic psychiatric unit comprising four clinics. It will be placed under a special scientific administration and staffed by six psychiatrists specialised in forensic psychiatry, with the number expected to soon increase to nine, under the responsibility of the 2nd Regional Network of Mental Health Services of the Ministry of Health.[117]

Given that only male detainees are admitted to the Korydallos Psychiatric Hospital for Prisoners, the **suicide of female** detainees with mental health problems cannot be considered a coincidence. In the case of the October 2024 suicide of a detainee who had been discharged from the Dromokaiteio Psychiatric Hospital of Attica while her transfer from the former Korydallos Hospital for Prisoners to a Psychiatric Hospital was pending, the relevant prosecution authority ordered a preliminary investigation for exposure to danger against two correctional officers, as well as a disciplinary investigation which must be brought to the attention of the Greek Ombudsman once it is completed.[118]

116. See NPM Report 2022-2023 p. 168 https://www.synigoros.gr/en/category/eidikes-ek8eseis/post/annual-special-report-2022-2023-or-national-preventive-mechanism-against-torture-and-ill-treatment

117. https://www.moh.gov.gr/articles/ministry/grafeio-typoy/press-releases/13151-dhl-wsh-toy-yfypoyrgoy-ygeias-k-dhmhtrh-bartzopoyloy-sxetika-me-thn-antimetwpish-twn-psyxiatrodikastikwn-peristatikwn-sth-xwra-mas

118. Under the specific powers of the Ombudsman as the National Mechanism for the Investigation of Arbitrary Incidents monitoring internal disciplinary investigations into acts and omissions, inter alia, of correctional officers, see https://www.synigoros.gr/en/category/eidikes-ek8eseis/post/annual-report-or%20national%20mechanism%20for%20the%20investigation%20of%20arbitrary%20incidents%202023

The NPM notes that the Women's Psychiatric Department of the Eleonas Correctional Facility of Thiva, as provided for by law,[119] is still in the process of being established.

The inclusion of the psychiatric units of prisoners in the National Network of Mental Health Services, pursuant to article 6 of L.5129/2024, constitutes a first step in the right direction, namely, viewing beneficiaries first and foremost as mentally ill patients, and only secondarily as criminal detainees, is in line with the guidelines of the UN[120] and the Council of Europe.[121]

The NPM points out that a necessary condition for the success of this reform is for it to be accompanied by adequate mental health services in practice, so that detainees can be primarily treated as patients.

4.4. Areas of De Facto Detention

According to the SPT, which issued in 2024 the General comment No. 1 on article 4 of the Optional Protocol to the UN Convention against Torture (OPCAT) regarding NPMs' access to places of detention,[122] the concept of "place" for the purpose of this provision, which is a rule of higher force than statutory law, includes places where a person may have a legal right to leave but cannot de facto exercise that right. This right is only theoretical because of person's vulnerability (children, elderly, hospital patients, disabled people) and the serious human rights risk in case of exercising such right.

These observations on de facto confinement apply not only to **welfare** institutions, but also to the closed structures of foreigners newly arrived in the country (CCF, CCAC), which continues to consistently be a gateway to the EU for mixed

119. Provided for by the reform of the Correctional Code by L.4985/2022, article 14(4). The adoption of the joint ministerial decision is pending, in accordance with the enabling provision of art. 79(3)(d) of L.5129/2024, which will determine the details regarding its integration and coordination with the other mental health service structures of the relevant Regional Health Administration (D.Y.PE.).

120. *UN Guidelines on the right to liberty and security of persons with disabilities, Annex to the Report of the Committee on the Rights of Persons with Disabilities to the General assembly (A/72/55), 2017.*

121. See in particular CPT standards, health care services in prisons, *CPT/Inf(93)12-part., Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules.*

122. https://www.ohchr.org/en/documents/general-comments-and-recommendations/catopgc1-general-comment-no-1-2024-article-4 see above in section 1 for the competence of the NPM

flows of migrants and refugees. The NPM observes that the **Closed Controlled Facilities (CCFs) for asylum seekers** indicate a gradual shift of the focus from reception to detention of aliens irregularly entering in the country, despite the fact that the majority of new arrivals submit an asylum claim.[123] During the conversion of the Reception and Identification Centres into closed, controlled access centres,[124] CCFs are envisaged[125] on five islands as regional services of the Reception and Identification Service of the Ministry of Immigration and Asylum. The NPM has already observed[126] that security remains in the focus of attention (private security companies, high-security double fencing, CCTV surveillance system, magnetic entry gates, turnstile doors etc.) The closed nature of the CCFs is multiply confirmed[127] by the Ombudsman's visits to the CCF of Samos[128] in 2022 and to the CCF of Kos in 2024. A significant development is the **imposition of a fine for video surveillance systems in the CCFs, by Decision 13/2024 of the Hellenic Data** Protection Authority (HDPA).[129] The HDPA ruled, inter alia, that "*the facilities in question cannot be characterised as public spaces to which Presidential Decree 75/2020 applies", that is, "open spaces (fenced or not) that are freely accessible to an indefinite number of persons and are put to common use in a lawful manner". The importance of this decision lies in the protection of the privacy of persons accommodated in facilities where security issues seem to prevail, as mentioned above, and where they have no real possibility to react, as noted by the HDPA: «processing of data for surveillance purposes, for which breaches of the provisions of the GDPR are found to have occurred, involving a large number of subjects, including staff and persons with vulnerability charac-*

123. See, for example, the legislative provisions on "Closed Temporary Reception Facilities", L.4636/2019, and on "Closed Controlled Facilities on the Islands", L.4686/2020.

124. Art. 28 of L.4825/2021

125. Art. 12 of PD 77/2022

126. NPM Special Report 2022-2023 p.47 and Ombudsman's special report "The challenge of migratory flows and refugee protection", April 2024, Athens, funded by EEA, p. 50 https://www.synigoros.gr/el/category/ekdoseis-ek8eseis/post/ek8esh-or

127. See case b of para. 3 of Art. 14 of L.3917/2011.

128. See NPM Special Report 2022-2023 p.164.

129. https://www.dpa.gr/el/enimerwtiko/prakseisArxis/aytepaggelti-ereyna-gia-tin-anaptyxi-kai-egkatastasi-ton-programmaton The HDPA's ex officio investigation into the "Centaur" integrated digital electronic and physical security management system and the "Hyperion" integrated entry/exit control system using a reader in combination with fingerprints (i.e. with biometric data processing) at the premises of the above-mentioned facilities for inmates, staff, and certified NGO members, identified shortcomings both in the cooperation of the Ministry of Immigration and Asylum and in the Data Protection Impact Assessments.

teristics, who have a real difficulty in exercising their rights and in filing any complaint." Regarding the actual possibility of exercising the freedom of movement and other rights of vulnerable persons in the facilities, the NPM also highlights **a recent court decision**[130] on objections against the detention of a minor in the Safe Zone for Minors of the Samos CCF; the decision accepted that the nature of his confinement in the facility, beyond the prescribed period (maximum 25 days) of registration and identification, constituted de facto detention.

More specific observations from the Ombudsman's 2024 visits to places of de facto confinement are presented below.

4.4.1. CCF of Kos for asylum seekers, 23-24.05.2024

Methodology

The visit included a meeting and discussion with the Commander of the facility, the Deputy Commander, relevant officials, an inspection of the premises and discussion with residents, as well as taking photographs, copies of documents and statistical data.[131] The inspection focused on issues related to the reception and registration procedures of incoming foreigners, asylum procedures, as well as issues of capacity, staffing, infrastructure and the operation of the facility in general. In addition, the Ombudsman's team toured the premises and observed the distribution of food. Based on the meetings with the competent officials and the teams operating within the facility, the observation of procedures, the tour of the premises, and the data provided, the following findings and observations emerged.

Findings

The CCF is developed on an area of about 90,000 square metres near the village of Pyli, at the site of the former military camp «Makriyannis», on either side of the old Reception and Identification Centre (RIC). Its nominal capacity is 2,923 places, but its operational capacity is 1600 places. The facility comprises the old RIC as a registration area, the new premises, and a PROKEKA site. The premises are divided into wings A1 (360 operational places), A2 (560 operational places), C1 (340 operational places) and C3 (240 operational places). Wing A1 accommodates families and wing A2 mainly accommodates men. Two buildings, however,

130. Administrative Court of First Instance of Syros Decision No.7/2025

131. It should be noted that a representative of the NGO Metadrasi (active in interpretation) was instructed by the central administration of the organisation not to talk to members of the Ombudsman's team.

from wing A2 have been allocated for the accommodation of families. In addition, there is a separate safe zone for unaccompanied minors, with a **capacity** of 100 persons. In this area, there are 25 rooms of four persons each, with a bathroom in each room, while there is also a restaurant. The CCF also includes administrative offices, a guardhouse and a restaurant. The buildings are prefabricated from a metal frame. Apart from the Commander, the facility is staffed by 12 permanent employees of the Reception and Identification Service and 10 employees with fixed-term contracts, 5 persons working under the Social Benefit Programmes of the Greek Public Employment Service (DYPA), and 13 persons seconded from the EU Agency for Asylum. NGOs provide important services to the facility.[132] On the day of the inspection, there were 1191 **persons** on the premises. Of these, 872 were adults (705 men and 167 women) and 319 were minors (225 boys and 94 girls). Also, according to the facility's data, 61 families were residing there. According to the data provided to the Ombudsman's team, the number of persons who were residing there on the day of the inspection and who were characterised by at least one element of vulnerability amounted to 261. Of these, 14 were disabled, 3 elderly (over 65 years old), 2 with mental or psychological disabilities, 5 pregnant women, 3 women in postpartum phase, 7 persons suffering from a serious illness, 1 victim of torture, 55 single women, 98 members of single-parent families, 82 unaccompanied minors and 11 separated minors. The registered population by nationality on the day of the inspection was as follows:

132. Metadrasi provides legal services (2 lawyers) and interpretation services (4 interpreters); the Greek Council for Refugees provides legal assistance (1 lawyer). Additionally, ZEUXIS provides services in the field of unaccompanied minors with 1 coordinator, 5 caregivers, 2 psychologists, 1 social worker, 1 interpreter, 1 lawyer, while PRAKSIS operates within the CCF with 1 lawyer and 1 psychologist. There is also a doctor providing services on behalf of the Greek Red Cross. Equal Rights Beyond Borders is active outside the facility. In addition to NGOs, representatives of the UN High Commissioner for Refugees and the International Organization for Migration (IOM) are also active in the CCF.

COUNTRIES	PERCENTAGE %
SYRIA	57.01
AFGHANISTAN	10.33
EGYPT	9.32
STATELESS	7.05
PALESTINE	6.63
YEMEN	6.05
IRAQ	1.18
KUWAIT	0.76
SOMALIA	0.17
ERITREA	0.59
SUDAN	0.42
IRAN	0.08
ALBANIA	0.17
ALGERIA	0.17
MOROCCO	0.08

Regarding the legal status of the accommodated persons, on the day of the inspection and based on the data provided, 457 asylum seekers were residing in the CCF, while an additional 211 individuals were in the process of registration. **Meals** are provided by a catering company (5 staff members), under a contract with the Ministry of Immigration and Asylum. There are two restaurants in wing A2 (which houses single men and a few families) and one restaurant in wing A1 (which houses families). The weekly meals for diabetics and non-diabetics were posted on the door of the restaurant. Three meals per day are provided, distributed once a day along with bottled water (three litres per person). In the summer the distribution takes place twice a day: lunch is distributed at noon, while dinner, together with the next day's breakfast, are distributed in the evening. Milk powder is distributed for babies under six months, while pregnant women are given extra milk. The Reception and Identification Service provides newly arrived people with beds and mattresses. However, there are shortages of **personal hygiene items**. clothing and footwear. The EODY team at the facility provides **medical** and psychosocial support. According to the briefing, the team includes a military doctor, who is responsible for registrations, and another doctor (haematologist) who provides primary care. In addition, services are provided by two nurses, a social worker and an interpreter. The members of EODY provided services under the

PHILOS II programme. In the clinic there is an examination bed, a cardiograph, oxygen and a defibrillator. As it was explained, the CCF is **guarded** by an External Guarding and Security Team of the Hellenic Police, while security services have also been assigned to a private security company. **Maintenance** services are provided by a technical team consisting of a refrigeration technician, two plumbers, an electrician, a general labourer and an on-call technician. During the tour of the Ombudsman's team, damages to containers were found, such as broken doors and leaks from plumbing installations. In particular, it was observed that a container where families were staying was flooded to such an extent that the families has to be moved elsewhere. In addition, the container that formerly housed washing machines was empty. It was reported that all the washing machines had been taken away for repair, resulting in guests complaining that they were forced to wash their clothes themselves. **Cleaning services** are provided by a private company, with a staff of 43 cleaners. The collection of **waste** is carried out by the Municipality, with which it was mentioned that there is good cooperation. The facility is surrounded by a NATO-style **fence**. All those who enter the CCF pass through a magnetic gate and their personal belongings are x-rayed; they then pass through turnstile-type gates, after the special card they carry is checked through an electronic reader. The facility has a Closed Circuit Television (CCTV) System. The entrance and exit of the residents is allowed from 7am to 9pm. Near the gate of the CCF there is a city bus stop, with which residents can travel to the urban area every day. NGO ZEUXIS is active and provides services in the safe area for unaccompanied minors, with funding from the Swiss state and in cooperation with the General Secretariat for Vulnerable Persons and Institutional Protection. At the time of the visit, eighty-two (82) **unaccompanied minors**, of which two (2) were girls, were staying at the facility. Of these, nine (9) children were separated from their relatives. For one of them, an order had been issued by the competent prosecutor, in order to entrust the child's actual care of the child to a relative, while for the remaining eight (8) the relevant order was pending. Of the total, the youngest child was ten (10) years old and the rest were between sixteen (16) and seventeen (17) years old. The minors stay in the safe area, where there is an external guard and 24-hour security which is independent of the security of the rest of the facility. They cannot move outside the safe zone or go outside the facility. According to the information provided to the team, they stay there for about twenty (20) days and then METADRASI accompanies them to facilities for unaccompanied minors in the rest of Greece. Two (2) Guardians have been appointed for all the children. There are twenty-five (25) rooms designated for unaccompanied minors, each having four (4) beds (bunk beds). There is one bathroom per room. The bunk beds are sparsely spaced and, in conjunction with the thin mattresses used, make sleeping particularly difficult. That is, the mattress

«sinks» and does not hold the body properly, resulting in children complaining. It was found that in order to be able to sleep, the minors use the door frames and put then on the boards to cover the gaps. The rooms had air conditioners, some of which were not in good condition. In general, the impression was given that the rooms were not adequately maintained and cleaned. A restaurant operates within the safe area. The food is distributed twice a day, first at noon and then in the evening along with the next day's breakfast, while a croissant and tea are additionally provided by ZEUXIS every morning. The weekly meal plan does not include separate meals for minors that are adapted to children's preferences, such as pizzas, burgers, etc. The minors eat in a dining room; there is no refrigerator available and ZEUXIS has submitted to the facility's administration a relevant request. The minors stay in the safe area, where there is an external guard and 24-hour security which is independent of the security of the rest of the facility. In the evening there are two caregivers. Because of their short stay, the minors do not attend formal education courses. However, speech and stress management groups are organised and projector screenings are held in a designated area equipped with couches and games, where children can spend time and engage in activities. There is also a basketball court, but the surrounding area is paved with asphalt, there are no trees or a patio with benches or seats that would enable children to stay outside in the open space and in the shade. Children receive a health card on which their vaccinations are recorded. They are also issued with an asylum seeker card and a «PAAYPA».[133] In the event that a private doctor is needed, the costs are covered by ZEUXIS and minors are transported by private car upon referral by EODY.

Recommendations

- The CCF is located far from the urban area, in this case from the town of Kos; therefore there are obvious difficulties in accessing goods and services. Public transport is available for a fee. It is appropriate to reiterate the recommendation[134] to take initiatives, such as the hiring of transport means by the Reception and Identification Service or the coordination of the competent services of the Ministry of Immigration and Asylum with the adjacent municipality, in order to create infrastructures for safe transfers in order to mitigate any practical problems that arise.

133. Temporary Social Security and Health Care Number for Aliens

134. See Ombudsman's special report "The challenge of migratory flows and refugee protection", April 2024, Athens, funded by EEA, p. 49 https://www.synigoros.gr/en/category/eidikes-ek8eseis/post/report-or-the-challenge-of-migratory-flows-and-refugee-protection-reception-conditions-and-procedures

- As it has been observed in previous inspections in CCFs and Temporary Accommodation Facilities,[135] the accommodation units have suffered significant damage and there is difficulty in repairing or replacing worn parts or appliances. Regular assessment of their condition and the allocation of fixed funds for repair can be measures to keep applicants living in decent accommodation.
- It was observed that there are no shaded areas and shelters –both outside the housing units as well as in the CCF as a whole– which would be necessary to protect residents and staff from the heat in the summer months and the rain and cold in the winter months. Also, there are no green spaces for shade or recreation. In the unaccompanied minors' zone in particular, the lack of shaded areas in the surrounding area prevents children from remaining in open space, with obvious consequences for their psychological situation, which is already strained. It is appropriate to create shelters and shaded areas throughout the CCF for the benefit of residents and employees.
- **Checks upon entry to and exit from the CCF is essential for the safety of residents and staff. However, there are concerns about the proportionality of the security measures applied. The double fence that ends in a NATO-type barbed wire fence, the turnstile gates, the X-ray scanning and the double access control system (via ID and fingerprint) bring to mind a correctional detention facility rather than a reception area for asylum seekers. The Ombudsman reiterates the recommendation[136] to use less stringent means of control and security.**
- There is understaffing of permanent staff in the RIS. The needs are mainly served by fixed-term contractors through programmes for the unemployed, as well as staff made available by the EU Agency for Asylum. The existence of permanent staff, who will gradually gain experience, is considered appropriate in order to strengthen the Service and improve the services provided.
- As far as meals are concerned, the enrichment of the diet with meals for groups with special dietary needs is considered necessary, especially in view of the fact that the facility houses a population of significant vulnerability. Especially for minors, there should be provision for brunch, while a larger quantity of milk should also be distributed.

135. Ibid p.48

136. Ibid p.50

- Cleanliness conditions are satisfactory, while the water supply, fire safety and biological treatment facilities seem to meet the needs of the CCF. However, abandoned items and metal objects seen at the drilling site must be removed, as there is a risk of contamination of the aquifer. Repair is also needed on a section of the fire protection system that was leaking.
- Regarding the dormitories of minors, efforts should be made to purchase new beds with an adequate and robust design to support the mattress.

It should be noted that later in 2024 (12.07.2024) the CPT made public the observations from its visit to CCFs in November 2023. Specifically for the CCF of Kos, the CPT's observations concerned issues of overcrowding[137] combined with basic deficiencies that made living conditions inhuman and degrading, issues of insufficient care for minors, especially in terms of safety, etc. The NPM notes the CPT's critical remarks and in particular the picture of barbed wire fencing of the areas where vulnerable persons are held in the CCFs.



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137. See report https://rm.coe.int/1680b0e4e1 The Government in its response to the CPT attributes the overcrowding observed in November 2023 to the conjuncture of increased migration flows in September 2023 https://rm.coe.int/1680b0e4e4.

4.4.2. Nursing homes

Due to the significant experience of the Ombudsman in health and social solidarity issues[138] that are of great concern to Greek society, the NPM is alert to the rights of the elderly in places where they are de facto confined.

In 2024, the Greek Ombudsman visited an elderly care unit in Attica, as part of an inspection into the actions of staff of the Region's competent social service. It was noted that the social consultants of the Region thoroughly examined the basic problems of this unit, in terms of the deficiencies in cooling and heating infrastructure, in clothing storage, in the sanitary conditions and premises, in nutrition, in the guests' individual records, in security measures and in the staffing of the unit. Some of the Region's key observations led to a decision to close the unit, which nevertheless continued to operate without a permit.

It is not the first time that a social care unit operates illegally, causing serious problems to its guests in terms of decent living.[139] This fact is indicative of the need for the NPM strategy to be oriented towards issues of human treatment in welfare institutions **in order for the State to turn its attention to the protection of children, the elderly, people with disabilities, and other persons who due to their vulnerability are placed under social care but instead end up doubly vulnerable due to undignified living conditions in what are essentially confinement spaces, where they have objectively little room to claim their human treatment.**

138. The Greek Ombudsman is also the Ombudsman for Health and Social Solidarity under Article 18 of L.3293/2004.

139. See NPM report 2022-2023 p. 176 ff.

ABBREVIATIONS

ABBREVIATIONS

AEMY	Anonymous Health Units Company (A.E.M.Y. S.A.)
AMIF	Asylum, Migration and Integration Fund (EU)
CCAC	Closed Controlled Access Centres
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Council of Europe)
CF	Correctional Facility
CCF	Closed Controlled Facility for temporary accommodation of asylum seekers
DF	Detention Facility
DYPE	Regional Health Administration
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EKKA	National Centre for Social Solidarity
ELAS	Hellenic Police
EMEA	National Emergency Response Mechanism
EODY	National Public Health Organisation of Greece
EU	European Union
FRA	EU Agency for Fundamental Rights
GADA	General Police Directorate of Attica
HDPA	Hellenic Data Protection Authority
IMD	Immigration Management Department
IOM	International Organization for Migration
NGO	Non-Governmental Organisation
NPM	National Preventive Mechanism against Torture

OKANA	Organisation against drugs
PD	Police Department/Station
PROKEKA	Pre-removal detention centre for aliens
RIS	Reception and Identification Service
SPD	Security Police Department
SPT	UN Subcommittee on Prevention of Torture
TAMEY	Migration and Home Affairs Funds (EU)



Correctional Facility of Amfissa



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