



Valtetsiou 16, Athens 10680, Greece / www.hlhr.gr / info@hlhr.gr

**PRISONS IN GREECE:
AN APPRAISAL IN LIGHT OF ARTICLE 3 ECHR**

3 September 2018

Konstantinos Tsitselikis

Professor, University of Macedonia-Thessaloniki

Member of the Hellenic League for Human Rights, former chairman (2011-2017)

Lawyer at the Bar Association of Thessaloniki

kt@uom.edu.gr

Report submitted to Council of Europe, Directorate General of Human Rights and Rule of Law, Department for the Execution of Judgments of the ECHR, for the review procedure on “the Nisiotis group of cases” by the Committee of Ministers.

The present report aims to provide information on the current status of implementation of the Nisiotis and other group of cases in which the ECtHR found violation of Art. 3 in relation to detention conditions in Greece. According to the Committee of Ministers of the Council of Europe this group of cases was put under review until the Greek government removes the causes that led to the repeatable violation of the Convention.¹ This report is being submitted pursuant to Rule 9(2) of the Committee of Ministers' Rules for the Supervision of the Execution of Judgments.

The Hellenic League for Human Rights is the oldest human rights organisation in Greece (established originally in 1936 and re-established in 1953), member of the International Federation for Human Rights. It aims at human rights advocacy, public awareness, and elaboration of legal proposals. For the past 10 years, detention conditions has been one of topics of high concern.

Summary

Detention conditions in Greece suffer from chronic and structural problems. This was especially visible until 2015 when the number of inmates 12,500 far exceeded the real capacity of the prison system. Health care also faces structural deficiencies. These major issues caused a series of judgments by the ECtHR (Nisiotis group of cases) that found violation of Art. 3. The CPT and other international organs criticized the Greek prisons for not been able to provide guarantees for human dignity of detainees. The Greek government after 2015 attempted to reduce the prison population and introduced new policies in view to comply with Art. 3. These measures, although of a positive character, still fail to attain a satisfactory threshold of compliance, which would cover all prisons. The report is structured as follows:

1. General overview
2. The situation today
 - a. Overcrowding - b. Health services and medical care - c. Other issues
3. Concluding remarks

Recommendations

¹ Recommendation Rec(2006)2 (952nd meeting, 11/1/2006) on the detention conditions, 1172nd meeting, 4-6/6/2013, decision on the execution of ECtHR judgments

1. General overview

1. In Greece there are 33 custodial institutions, operating in various areas, some of them close to big cities, some others far away from them. They are split into three main categories: general, special, and therapeutic. General custodial institutions are further divided to type A' (11 institutions, for inmates awaiting trial and for convicted inmates who serve prison sentences [imprisonment] for minor crimes [misdemeanors]) and type B' (11 institutions, for inmates convicted to prison sentences [confinement] imposed for more serious criminal acts defined as felonies, lifers included). There are special prisons including rural units (3), the central open productive unit (bakery), institutions for juveniles and young adults (4, one of them rural) and semi-liberty centres or departments. Therapeutic institutions (3) are one general hospital (operating as a first aid and long care unit), one psychiatric hospital and one drug detoxification centre. In practice, many convicted inmates stay in the prison they were held at before conviction for shorter or longer periods, even serving their sentence at its full length before their (usually conditional) release.²
2. In 2014 the number of prisoners reached the peak with an average of 12,500. In all prisons there were serious problems resulted from overcrowding and deficient health care services.
3. In the past years, since the *Nisiotis* case was filed, more than 25 judgments³ held by the ECtHR found violation of Art. 3 as regards prison conditions in Greece⁴. Also in a series

² **Rural Prisons and semi-open unit** (Agia, Kassandra, Tyrintha, Central Prison Supply Storage Centre); **Special Juvenile Establishments** (Avlona, Volos, Kassavetia [rural]); **Therapeutic Establishments** (Korydallos - Psychiatric Establishment, Korydallos-Hospital, Eleonas of Thiva-Drug Rehabilitation Centre); **Closed Prisons** (Central Prison for Women, Patras, Halkida, Corfu, Alikarnassos, Trikala, Malandrinou, Nigrita, Domokos); **Judicial Prisons** (Ioannina, Korydallos, Komotini, Korinthos [transformed to a juvenile institution], Thessaloniki, Larissa, Nafplion, Neapoli, Tripoli, Chania/Agia, Chios, Drama [not operative yet], Kos, Amfissa Preventorium). Recently (2018), the Korydallos prison (for male inmates) has been restructured in two sections one for convicts (for serious felonies) and one for pre-trial inmates and convicts for misdemeanors (not yet implemented).

³ *Nisiotis*, 34704/08, 10.2.2011; *Taggatidis and Others*, 2889/09, 11.10.2011; *Samaras and Others*, 11463/09, 28.2.2012; *Tzamalidis and Others*, 15894/09, 4.12.2012; *Nieciecki*, 11677/11, 4.12.2012; *Kanakis*, 40146/11, 12.12.2013; *Tsokas and Others*, 41513/12, 28.5.2014; *Logothetis and Others*, 740/13, 25.9.2014; *Athanasiou and Others*, 36546/10, 23.10.2014; *Papakonstantinou*, 50765/11,

of friendly agreements, the Greek government admitted that there was a violation of Art. 3 in relation to living conditions in prisons. This group of cases, although surprisingly did not trigger the “pilot case” procedure, regards an important number of Greek prisons: Ioannina, Korydallos, Diavata, Alikarnassos, Patra, Larissa, Corfu, Korydallos prison Hospital, Hios, Komotini, Nafplio and Korinthos in relation to more than 1,200 applicants. In some cases there are more than one judgments finding similar grounds for violation of Art. 3 (Korydallos, Ioannina, Corfu, Patras, Larissa).

4. Interestingly, the situation prevailing in Greek prisons led the English courts to stop extradition from the UK to Greece for reasons dealing with the living conditions in a specific prison (Komotini, Nafplio, Korydallos),⁵ on grounds related to Art. 3. The Bosma case (Westminster Magistrates Court, 10/7/2013) was the first case of denial to extradite a wanted person among member states of the EU.
5. During that period of time all relevant national and international organisations and independent bodies criticised heavily the prison system in Greece⁶: The Greek

13.11.2014; Lavrentiadis, 29896/13, 22.9.2015; Lutanyk, 60362/13, 25.6.2015; Niazai and Others, 36673/13, 29.10.2015; Kalamiotis and Others, 53098/13, 29.10.2015; Bouros and Others, 51653/12, 12.3.2015; Koutsospyros, 36688/13, 12.11.2015; Karambelas, 50369/14, 15.10.2015; Filipopoulos, 41800/13, 12.11.2015; Kartelis and Others, 53077/13, 7.1.2016; Patrikis and Others, 50622/13, 28.1.2016; Adiele and Others, 29769/13, 25.2.2016; Papadakis and Others, 34083/13, 25.2.2016; Ali Cheema and Others, 7059/14, 7.4.2016; Singh and Others, 60041/13, 19.1.2017; Cela and Others, 10244/14, 20.4.2017; Oraiopoulos and Others, 326/2015, 2.6.2016; Georgiou and Others, 6813/12, 15.3.2018; Zambelios and Others, 1167/15, 17.5.2018; Abdo and Others, 22369/14, 72655/16; Iliev and Others, 9.9.2018.

⁴ Before this group of cases there was only one case dealing with living conditions in a Greek prison, see ECtHR, *Peers v Greece*, 28524/95, judgment of 19.4.2001. Some other cases raised health care in prisons: *Xiros*, 1033/07, 9.9.2010, *Kotsaftis*, 39780/06, 12.6.2008, and *Serifis* 27695/03, 2.11.2006.

⁵ Westminster Magistrates Court, *Greece v Bosma*, *Greece v McCallum*, *Greece v Biltoo* and High Court of Justice (*Greece v Marku and Murphy*).

⁶ *Hellenic Commission for Human Rights*, Report on the rights of detainees and the incarceration conditions of prisons, 2008, (page 30, para 3) [in Greek] <www.nchr.gr/images/pdf/apofaseis/sunthikes_krathseis/apofasi_eeda_sofronistiko2008.pdf>; *Greek Ombudsman*, Annual Reports of 2012, 2013, 2014, 2015 <<http://www.synigoros.gr/?i=stp.el.annreports>> Report 2014: <<http://www.synigoros.gr/resources/docs/ee2014-00-stp.pdf>> [pp. 157-8], report of 2015 <<http://www.synigoros.gr/resources/docs/ee2015-00-stp.pdf>> [p. 134] [in Greek]. *Greek Ombudsman*, a. Penal incarceration and human rights, Nomiki Vivliothiki, Athens, 2011 [compilation of reports, in Greek]. b. Report on the hospital of the Korydallos prison, 26.10.2012 published in March 2014, <www.synigoros.gr/resources/ekthesi-autopsias.pdf> [in Greek]; c. Prevention of torture and ill-treatment Special Report 2015 <http://www.synigoros.gr/resources/docs/npm_2015_en.pdf>.

Ombudsman, the Hellenic Commission for Human Rights, the Committee of the Greek Parliament, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the UN Committee against Torture, not to mention the human rights non-governmental organisations. Politically speaking, the governments until 2015 did very little to change the situation that is described hereinafter, according to the systematic findings of all relevant institutions and courts.

6. Given the material conditions and the short comings in different domains of the penitentiary system, the CPT found the situation critical and on 15th March 2011 issued a Public statement concerning Greece, a strong warning about detention policies⁷. However, the government defied the statement and the situation remained critical.
7. After the new government was elected in January 2015, the then MoJ, prof. Nikos Paraskevopoulos, declared that the prisons in Greece need special attention and structural changes in order to attain human rights standards.⁸ Highly qualified staff moved from the Greek ombudsman Office to the MoJ to achieve the new goals. Indeed, new policies and measures were under way towards addressing the urgent nature of important parameters of the Greek penitentiary system, regarding the treatment of special, vulnerable groups of prisoners (drug addicts, minors, patients, disabled people, etc.). Nevertheless, no positive changes were visible during the first semester of 2015, and serious deficiencies and long-standing problems of the past persisted (see following paras).
8. The Greek Ombudsman, acting also as the National Torture Preventive Mechanism (NPM) said in its 2015 report, published in 2016, that “overcrowding of the Greek prisons remains a critical issue for ensuring the hard core of the fundamental rights, in particular with regard to the unsuitability of the largest part of the building infrastructures, the

⁷ Par. 8: The CPT has emphasised time and again the need to address the structural deficiencies in Greece’s detention policy, and has attempted to exercise its preventive function by recommending practical measures to ensure that all irregular migrants deprived of their liberty are held in decent conditions. However, the Committee has been met by inaction from the Greek authorities in addressing the very serious concerns raised.

Par 9: The same is true with regard to the situation in prisons. The CPT has observed a steady deterioration in the living conditions and treatment of prisoners over the past decade [...].

⁸ MoJ, 6.10.2015, Paraskevopoulos, Statement before the parliament, www.ministryofjustice.gr/site/el/%CE%91%CE%A1%CE%A7%CE%99%CE%9A%CE%97/tabid/64/ctl/details/itemid/2426/mid/797/.aspx

insufficiency of medical care and the lack of specialised staff. This issue must be addressed not only with emergency measures for the immediate decongestion of the detention facilities but also with the adoption of corrective - remedial mechanisms for the beneficial calculation of the penalty”.

9. In the 2016 report (visit of 2015), the CPT underscores all issues that remained problematic if not exacerbated if compared to the findings of 2013:

The findings of the 2015 visit highlight that the main problems of overcrowding and chronic shortage of staff persist and that the Greek prison system is reaching breaking point. These two overarching problems compound the many additional serious shortcomings in the prisons visited, and particularly the insufficient and inadequate provision of health-care services. The situation has now deteriorated to the point where over and above the serious ill-treatment concerns under Article 3 of the European Convention on Human Rights (ECHR), there are very real right to life issues under Article 2 ECHR, in as much as vulnerable prisoners are not being cared for and, in some cases, are being allowed to die. The CPT acknowledges the recent steps taken by the Greek authorities which have resulted in a noticeable reduction in the prison population. Nevertheless, further efforts need to be made to promote alternatives to imprisonment and to move away from the current situation whereby prisons in Greece are merely acting as warehouses. To this end, the CPT welcomes the Ministry of Justice’s commitment to devise a strategic plan for the prison system and recommends that such a plan be drawn up within six months, following a needs assessment and consultation with all relevant parties. While almost no allegations of physical ill-treatment of inmates by staff were received, inter-prisoner violence and intimidation remains a serious problem; cases of hospitalisation of inmates due to severe injuries inflicted by other inmates were a feature in all the prisons visited. [...]The time has come for the Greek authorities to recognise the extent of the problem and to tackle it forcefully, by devising an effective national strategy to prevent inter-prisoner violence and intimidation. This will require radically increasing staffing levels, introducing a dynamic security approach and rigorously investigating and prosecuting the perpetrators.

[...] The CPT is particularly concerned that there has been no improvement in the provision of healthcare services in prisons. Underlying the widespread deficiencies is a severe shortage of health-care staff and a complete lack of integrated management of health-care services. The Committee recommends that the Ministries of Justice and Health jointly review the state of health-care services in prisons and draw up a detailed plan to ensure that prisons meet the general principle of equivalence of care. Further, a series of recommendations are made inter alia to reinforce healthcare staffing levels, guarantee medical confidentiality and ensure that HIV-positive prisoners are treated equally with other prisoners. The Greek authorities should also put in place a practice of carrying out effective investigations into deaths in custody, starting with the cases raised in the report by the CPT. The situation in Korydallos Prison Hospital was so drastic at the time of the 2015 visit, notably in terms of overcrowding, extremely poor hygiene and understaffing, that the place could be compared to a dumping ground for sick prisoners who are subsequently neglected and not provided with the care required. The Greek authorities should take immediate steps to undertake, as a matter of urgency, a full review of the prison hospital and put in place a plan to resurrect it as a place of care. Moreover, the

Committee makes recommendations to urgently review and increase staffing levels in all prisons, improve prisoners' contact with the outside world and introduce a formal complaints system.

10. These recommendations addressed to the Greek government were received with good intentions and political will for changes. The issue that matters most though is whether these efforts resulted in material changes that effectively removed those causes that affected inmates as a violation of Art. 3. It is important to see whether the efforts made by the present government have overturned the negative record of the past 10 years that made living conditions in Greek prisons non-compliant with requirements set by Art. 3.

2. The situation today

a. Overcrowding

11. Although the number of inmates dropped by 20%, structural problems remain and lack of sustainability puts at risk the positive steps taken during the past three years.
12. By the end of 2015 the number of prison population dropped due to early releases according to Law 4322/15. On 1st July 2016, the number of prisoners was 10,027 and the official total capacity of prisons was for 9,886 prisoners while the actual number⁹ of places is approximately 9,050 (for all categories, male and female, pre-convicts and convicts) as certain wings in a series of prisons are not operational due to lack of staff and financial resources. On 15th January 2018 the number of prisoners was 9,988. On 15th June 2018 the number was 10,198. Last, on 16th August 2018 the number was 10,298.
13. The MoJ measured the capacity of all prisons in Greece in view to set new reliable standards. The capacity according to the MoJ varies: in the regular statistical data available every 15 days at the website of the MoJ it would be 9,782 and the capacity of Korydallos prison 1,222. According to a document “on the capacity of prison establishments” dated 22 May 2017¹⁰ the overall capacity would be 9,815 and the

⁹ Approx. 800 places are not available, mostly due to lack of staff.

¹⁰ MoJ, *Capacity of prison establishments*, 22 May 2017. http://www.ministryofjustice.gr/site/Portals/0/uploaded_files/uploaded_25/%ce%94%ce%a4%20%ce%91%ce%a0%2022-05-2017.pdf

capacity of Korydallos prison 1,396. However the capacity of the Korydallos prison a few months earlier (statistical data by the MoJ, 2016) was 800. This unjustified fluctuation of data is not caused by real changes in the premises of the prison. Data on capacity have been changed in accordance to new calculations of the minimum occupancy per cell which is not any more 6 sq.m. required by law but approximately 4 sq.m. Moreover, in some cases the new measurement amounts to manipulation of numbers covering incapacities for sustainable policies. In Alikarnassos prison, per instance, where there are 105 cells of single capacity, measuring each 7 sq.m. (including bed and furniture), the official capacity was 105. After the new measurement, the capacity became 210 –without any extension of the prison facilities-, considering that having 2 inmates per cell does not violate Art. 3. The manipulation of numbers results in a paradox. If the new measurement complies with the letter of the Mursic judgment (that furniture can be included in the free surface of 3 sq.m.), it does not align with the spirit of human rights, CPT (which suggests a minimum of 4 sq.m. per inmate) and the Convention. An inmate living within a cell having a bed, a table and a chair, all occupying 3 sq.m., there is no free space at all to move.

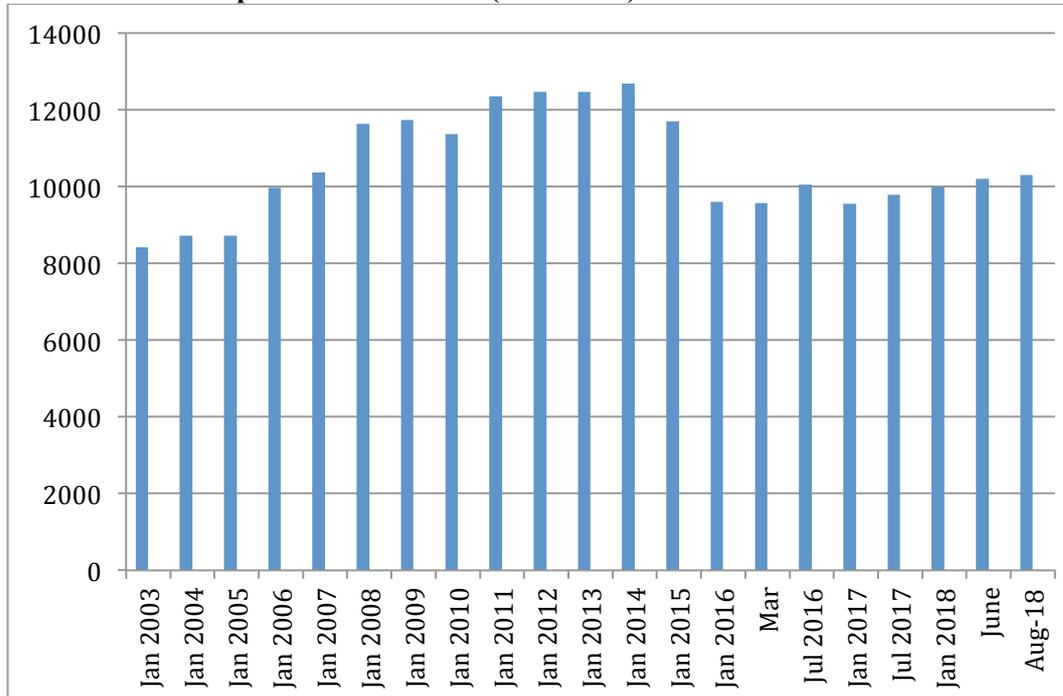
14. Because of the overcrowding another 100 (or more) pre- and post-conviction prisoners are held in police stations' cells, especially in Northern Greece¹¹. When the number of prisoners exceeds 10,000 then the phenomenon of detainees held in police stations for a few weeks-months starts to become visible. As the Greek Ombudsman has stated, the mere fact that inmates are held for a long period of time in a police cell constitutes *per se* a violation of article 3 of the ECHR.¹² In addition to these data another 200-500 prisoners should be taken into account, those who are in daily transfer from prison to prison and to public hospitals¹³.

¹¹ As Manfred Nowak, the UN Rapporteur on torture stated in 2011, “there is no separation between pre-trial and convicted detainees”. The issue is stressed by the Hellenic Commission for Human Rights (2011 Report, <www.nchr.gr/media/ektheseis_eeda/EKTHESI_EEDA_2011.pdf>, p. 54) which says that pre- or post- convicted persons are held in police stations even in border police stations. As regards the situation on non-separation between convicts and non-convicts the situation remains in many prison facilities the same.

¹² Among others see: Hellenic League of Human Rights: <www.hlhr.gr/details.php?id=127>, European Union Agency for Human Rights: <http://184.107.130.30/files/Greek-border-situation-report2011_EN.pdf>.

¹³ Interview, prof. Koulouris 15.6.2016.

Chart: Number of prisoners in Greece (2003-2018)¹⁴



15. Overcrowding is still the major canvas on which all kind of deficiencies and shortcomings of the Greek penitentiary system have to be considered and assessed. In the most recent Greek cases the Court upheld that “It is also clear that such scarcity of space cannot be seen as short, occasional and minor within the meaning of the Court’s case-law”. According to the statistical data provided by the MoJ, during 2018 prison population is more than 10,000.¹⁵ This practically speaking means that in a series of prison facilities, many sections house by far more than the maximum capacity and therefore Art. 3 is breached. According to these data, in some prisons, capacity reaches 200% (the most overcrowded prisons are: Korydallos, Diavata, Ioannina, Kos, Nafplion, Alikarnassos, Larissa, Tripoli, Amfissa, Komotini, Kerkyra). The personal space allocated to each inmate is on average limited to the surface of their own bed and one or two more square meters.

b. Health services and medical care

¹⁴ Sources: Ministry of Justice < <http://www.ministryofjustice.gr/site/el/ΣΩΦΡΟΝΙΣΤΙΚΟbrΣΥΣΤΗΜΑ/Στατιστικάστοιχείακρατου μένων.aspx> >, CPT Reports of 2006, 2008, 2010, 2012, 2014, 2016.

¹⁵ Statistical data by the MoJ, *ibid*.

16. Health care service in prisons is one of the most crucial areas of inmate treatment, as various decisions of the European Court of Human Rights and findings of the CPT show. Any acute health incident can be treated only after a transfer at the nearest available state hospital and only for a limited period of time, necessary for the immediate treatment of the acute incident (with inadequate facilities for aftercare or long term treatment). Ill inmates held at any prison of Greece who suffer from chronic diseases are held at the hospital or the psychiatric clinic of Korydallos prison. As already said, there are no other clinics incorporated in the prison system in Greece.
17. The hospital and the psychiatric division of the Korydallos prison compound are not subject to the national health system (NHS), lacking consequently adequate supervision and support by the Ministry of Health (up to date Act 3772/2009, which provides for the submission of both medical institutions to the NHS has not been executed.) Both institutions don't have a clear legal scope to serve, namely to cure or to detain inmates. According to the Permanent Special committee on prisons of the Greek Parliament (2016), “[t]he hospital is unable to deal with emergencies, because the medical doctors work only in the morning. It is necessary that a modern and operational multifaceted health-diagnostic centre is established and linked to the Health National System. The St. Paul hospital of the prison of Korydallos is not a real hospital”.¹⁶
18. According to the report of the Initiative for prisoners' rights (drafted after a visit to Korydallos, February 2017,¹⁷ “the hospital has received some positive interventions such as painting, changing of infrastructure material, removal of the bunk beds. However, these positive changes cannot overturn the overall negative living conditions and health services: Overcrowding of the inmates is still experienced not allowing free space between the beds and the auxiliary furniture. The ‘hospital’ is not a real hospital, but just a prison where chronic ill and seriously ill or disabled persons are held”.

¹⁶ Report, *Permanent Special committee on prisons*, Greek Parliament, 2016, http://www.parliament.gr/UserFiles/510129c4-d278-40e7-8009-e77fc230adef/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97_1_2_3_4.pdf

¹⁷ Press release, *Initiative for prisoners' rights, Visit to the hospital Ag. Pavlou*, Athens 27.2.2017, http://www.tokeli.gr/2017/02/blog-post_27.html

19. The CPT and the Greek Ombudsman also shared serious concerns about the situation in both the Psychiatric clinic and the hospital of Korydallos, for this period of time. The CPT recommended that “urgent steps are taken to resurrect the prison hospital as a place of care” (CPT report, as mentioned above). The most comprehensive case depicting the problems in Korydallos hospital is the *Zambelios and others* case (1167/15, 17.5.2018). The ECtHR’s judgment has dealt with the living conditions and the provision of health services at the hospital of Korydallos prison for the period of time 2011-2017. According to the Court,

1. [...] It is further noted that in the documents adduced by the Government, the prison authorities acknowledged that the conditions of detention in the Prison Hospital had improved after 2015. In view of the above and keeping in mind that all the services and activities within a prison will be adversely affected if it is required to cater for more prisoners than it was designed to accommodate, the Court is not convinced by the Government’s assertion, which is not supported by conclusive documentary evidence, that the applicants’ wards remained unaffected by the existing overcrowding and that the conditions of detention which the applicants had been afforded complied with Convention standards.

2. In the circumstances, the Court finds established the inadequate physical conditions and sanitation facilities for the applicants detained in the Prison Hospital, which increased the risk of their contracting contagious diseases. In the Court’s view, the above-mentioned conditions coupled with the applicants’ vulnerability and the duration of their detention, ranging from seven to fifty-two months, went beyond the unavoidable level of hardship inherent in detention and reached the threshold of severity required by Article 3 of the Convention. Therefore, in so far as the applicants might be said to have had sufficient space, the Court concludes that there has been a violation of Article 3 on the basis of the rest of the conditions of the applicants’ detention.

20. Today living conditions and health care services have been improved, if compared to the pre-2015 situation, but not to the point of removing structural problems. As stated by prof. Koulouris, president of the Scientific Council on Prisons by the MoJ “in general, the prison service cannot afford the necessary means to undertake all the steps of the complex procedure, involving prison medical doctors, prison administration, prison hospital medical doctors, prison hospital administration, the national emergencies centre, perimeter security staff and the police for escorts, followed in case of an inmate transfer to a public health care structure. Serious infrastructure and staffing problems have not been sufficiently dealt with. The current staffing numbers are inadequate to care for the enormous numbers of inpatients and outpatients (hundreds of inmates are registered as in- and outpatients each month). This situation, in combination with the described in-prison system deficiencies, even in regular health care provision, shows that the danger of a failure in an inmate’s treatment is high, especially when serious and complex health

problems should be dealt urgently”.¹⁸ Although the law provides for the integration of Korydallos Psychiatric Hospital for Inmates and the Prison Hospital, as well as the special treatment facilities for drug-addicted prisoners to the (Public) National Health System (NHS) of the Ministry of Health, in practice prison medical services still belong to the prison administration structure. After long waiting time, a presidential decree for the incorporation of the Korydallos hospital in NHS has been drafted by the MoJ in March 2018, but it is not in force.

c. Other issues

21. Lack of custodial staff, training and special education, have all direct impact on the security of inmates. Cases of violence cannot be adequately dealt with, as inmates – especially during the night- have no access to the guards. Protection of prisoners is interrelated to guards and violence prevention measures. Overcrowding does not allow for the separation of any inmate into single cells. Low staff level could not guarantee any swift or immediate intervention to stop any attack or harassment among inmates. There is not a central policy of prisoners’ segregation based on nationality or ethnic origin criteria. As regards the cases of uprising and violence among inmates the former Minister of Justice, N. Paraskevopoulos, said that overcrowding and understaffing are the main causes of such violence in prisons.¹⁹
22. Although statistical data are not available by the MoJ. according to the European Prison Observatory there were 61 attempted suicides in Greek prisons in 2012. Data for the number of committed suicides, probably including the number of attempted ones, is not available.²⁰
23. No dining room is available in most prison facilities. Therefore, the inmates have to eat their meals on their bed. Quality of food is low; Hot water for bathing is available for a short period of time per day. Hygiene conditions are not good; Toilets in cells lack door;

¹⁸ Interview, prof. Koulouris, 24 August 2018.

¹⁹ MoJ, 6.10.2015, Paraskevopoulos, op.c.

²⁰ W. Aloskofis & N. Koulouris, “Prison Conditions in Greece”, report 2014, at: <www.prisonobservatory.org/index.php?option=com_content&view=article&id=14&Itemid=118> In the Council of Europe SPACE statistics it is referred that in 2014 there were 6 suicides out of 29 deaths in custody (Table 13.1., http://wp.unil.ch/space/files/2017/04/SPACE_I_2015_FinalReport_161215_REV170425.pdf).

Heating is provided for about two-three hours per day; Very limited, if not none, psychological and psychiatric support; Recreation creative opportunities are provided only sporadically.²¹

24. Last, just satisfaction granted by the Court is in general terms allocated in due time. However just satisfaction is not granted to those applicants who are still undocumented migrants. This is happening because they have no rights to authorize a lawyer for the purposes of the execution of the respective judgments.

4. Concluding remarks

25. The governments of the past years sought to build new prisons or to reduce the number of the inmates. Indeed new prisons have been opened (such as in Nigrita, Agia, or Domokos, but partially remain non operational) and laws passed for early release and favourable arrangements for inmates in cases where smaller sentences are imposed (see Annex). A series of measures helped to drop the total number of inmates, but still it is more than ten thousand, a critical threshold affecting the whole prison system in Greece.

26. Measures taken by the present government –unfortunately and despite the good intentions- do not tackle efficiently the issues. Improvements have been done, sporadically and sectorially, but still living conditions in an important part of Greek prisons cannot be seen as in line with article 3 requirement and CPT’s guidelines. The Government’s latest action report to the CM shows that deficiencies are at least acknowledged. The action report lists a series of positive interventions that are sporadic and sectorial. The “Strategic plan for the prison system 2018-2020” that the government has elaborated amounts to an action plan or guidelines. It has been entered into force in January 2018 but still it has not been implemented. It has to be encouraged but by itself it can not be seen as a material evidence of change. Allocation of funds is a requirement the fulfillment of which is still missing. Overcrowding and deficient health care are enduring

²¹ W. Aloskofis & N. Koulouris, op.c. The findings of that report in relation to psychological report and recreation facilities are still valid, prof. Koulouris, interview, 24 August 2018.

structural problems, affecting a large number of detainees throughout the Greek prison facilities.

* * *

Recommendations:

- Guarantee allocation of funds for prisons: As regards upgrading prison premises and staff.
- Ensure “free space to move” of at least 3 sq.m. to each inmate. Re-calculate and allocate the real capacity of prison facilities. Make operational those sections in prisons which remain closed.
- Enforce the “Strategic plan” of the Government (para 26, above) through a specific timetable.
- Ensure incorporation of the Korydallos hospitals to the NHS and guarantee proper medical care to all prisoners.
- Guarantee just satisfaction to all applicants, as awarded by the Court. Undocumented migrants still do not have access to just satisfaction.
- Conduct regular training on security, crisis management, health issues etc, in relation to prison to all existing staff and hire additional custodial (trained) staff.
- Lower sentences as provided for by the Criminal Code. Reducing sentences ex post facto, can not be assessed as sustainable measure for controlling prison population.

Konstantinos Tsitselikis
Professor, University of Macedonia



ANNEX

Legislative measures adopted in view to reduce the number of prisoners in Greece

- a. The expansion of favourable conditions in view to ease service at one of the rural prison facilities, partly becoming closed prisons (Law 4043/12, Law 4111/13);
- b. The early release of prisoners (Law 4322/15, extended until August 2018);
- c. The introduction of electronic surveillance for home confinement through tagging for both indicted inmates and convicts (Law 4205/2013 amended article 282 par. 2 of the Penal Procedure Law).

The first measure resulted in the limitation of the capacity of rural prisons in Greece and the ‘export’ of overcrowding to the only prison facilities that comply with human rights standards. Nonetheless, less prisoners apply to be placed in rural prisoners as they are located in remote areas, far from their families.

The second measure (*ad hoc* decongestion measures) is implemented for a limited period of time (for 12 months), renewable in the past three years until March 2016, and then again until August 2017²²). Approximately 1,600 prisoners have been released in 2015. The overall number of prisoners was considerably (10-15%) decreased by mid-2015. The early release measure terminated in August 2018. It’s up to the government to prolong it. Similar measures adopted in the past have failed in the long run as they had always a short lasting effect.²³

The third measure (electronic tagging devices) has started to be implemented as a pilot phase. The measure would apply to 200 prisoners all over Greece. At present, only a few prisoners have the device (12?). After the pilot phase is achieved, there is no given schedule when it will finish and when it will apply to all prisoners. According to the law, the measure would apply to prisoners having a permanent address in Greece. In 2017 it was extended to beneficiaries of early release.

²²According to Law 4489/2017 (art. 43), which is in force until the 28th August 2018 (http://www.ministryofjustice.gr/site/Portals/0/uploaded_files/uploaded_25/nomos1.pdf).

²³ As regards the implementation of similar previous measures, no official statistics were available.