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**Addendum to our**  
**Communication dated 13 January 2022**  
**In accordance with Rule 9.2 of the Rules of the Committee of Ministers**  
**Concerning Nisiotis group of cases (34704/08)**

27 January 2022

Hellenic League for Human Rights

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1. The present submission is an addendum to our report dated 13 January 2022 and contains a response to the Greek government's reply dated 21 January<sup>1</sup>. It deals with the reliability of our information and assessment as presented in our first submission.
  
2. The Legal Council of the State refers to the "updated **Action Plan**"<sup>2</sup> dated 11 January (Point 3 of the Response), which in fact was drafted for the purpose of the examination of the *Nisiotis group of cases* before the Committee of Ministers. This document, though, is a descriptive text which does not meet the standards of an action plan, namely it does not set particular goals and does not specify the necessary steps to achieve them within a definite timetable. Moreover, regarding the "**Strategic Plan** on prisons 2021-2023", it is not clear when it has been approved and what its content is. Additionally, this (three year) Strategic Plan is referred to with important delay, one year after it should have entered into force. This document is still not available to the public.
  - a. However, rendering *official* a government's act or document presupposes publication and public accessibility and, at least, an announcement or a press release regarding its adoption and the main issues addressed. The document related to the current government policy on prisons is neither published nor accessible anywhere. The General Secretariat for Crime Policy and prison staff unions' websites do not mention its existence. It is then impossible even to assume that the Strategic Plan exists and has been approved. The previous Strategic Plan (2018-2020) had been presented to the Parliamentary Committee for the Penitentiary System and Other Detention Structures, it had been printed by the National Printing Office and it was available at the MoJ website and it had been translated into English (attached). The current government policy on prisons is not accessible on the website of the Ministry of Citizen's Protection or elsewhere. We ask the CM to request the Greek authorities to indicate if, when and where this document became available to the public, and, if it is not available, to publish it as soon as possible.

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<sup>1</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680a54954](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a54954)

<sup>2</sup> [https://hudoc.exec.coe.int/eng?i=DH-DD\(2022\)61E](https://hudoc.exec.coe.int/eng?i=DH-DD(2022)61E)

- b. Should the Strategic Plan on Prison be an official document it would be known as belonging to the agenda of the competent ministry, mentioned and commented at high level. On the contrary, the new Secretary General for Crime Policy (Mr. K. Papathanasiou), after he took office on the 3d January 2022, has never referred to the Strategic Plan. The former Secretary General (Ms. S. Nikolaou) while handed over the office, also did not make any reference to the Strategic Plan, although she summarized the work she carried out in office.<sup>3</sup> Last, the Minister himself (Mr. T. Theodorikakos) did not even mention the Strategic Plan for prisons when referring to the priorities on crime policies.
- c. Last, there was no public consultation with social stakeholders preceding the referred approval of the Strategic Plan , and no information was made public on the ongoing drafting processes. Such a strategic plan on prison before becoming official, normally would have been submitted for consultation to the National Commission of Human Rights and other civil society organizations, public bodies, independent authorities etc, which never happened.
3. At point 3 of the Response, it is reported that the Strategic Plan “constitutes a roadmap that defines the goals and includes the major steps which will be taken in order to achieve them”. However, a Strategic Plan cannot be a “road map”, it needs to make clear references to the current situation of prisons, the vision and the mission of the authorities, the goals to be achieved, the available means and resources, and the timeframe of particular actions.
4. Under point 4, the Response comments on our assessment on future prison occupancy which is related to “more strict sentences” adopted by the government. Of course, the government disposes the margin of appreciation and the political autonomy to adopt policies on crime prevention and control. However, the specific measures adopted in the past two years combined with the limitations to alternative sentences and the early release scheme will result in increasing the prison population, as we explained in our submission. It is

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<sup>3</sup> [http://www.mopocp.gov.gr/index.php?option=ozo\\_content&lang=&perform=view&id=7683&Itemid=732](http://www.mopocp.gov.gr/index.php?option=ozo_content&lang=&perform=view&id=7683&Itemid=732)

widely known and documented that measures increasing the use and the length of imprisonment, exactly as the recent amendments of the 2019 Criminal Code do, signify expansionist prison policies. This was the case in Greece in the first 15 years of the 21<sup>st</sup> century, when the prison population almost doubled in comparison with the 1990's after the introduction of similar, tougher and longer custodial sentences for drug trafficking and organized crimes, aiming at crime deterrence.

5. As regards point 5 of the Response, on the standard of floor surface per detainee in multi-occupancy accommodation, we mention that in 2017 (when a recalculation of prisons capacity took place) the relevant document by the Secretary General on Crime Policy stated as follows: "For the calculation of the maximum capacity of prison the criteria which were taken into account were those adopted by the CPT, namely 4 sq.m. per prisoner, 6 sq.m. for the first prisoner plus 4 sq.m. for each additional prisoner in multiple occupancy cells, bathroom/toilet excluded (CPT / Inf [2015] 44)".<sup>4</sup>

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<sup>4</sup><https://www.ministryofjustice.gr/wp-content/uploads/2019/10/%CE%88%CE%BA%CE%B8%CE%B5%CF%83%CE%B7-%CE%A5%CF%80%CE%BF%CF%85%CF%81%CE%B3%CE%B5%CE%AF%CE%BF%CF%85-%CE%94%CE%B9%CE%BA%CE%B1%CE%B9%CE%BF%CF%83%CF%8D%CE%BD%CE%B7%CF%82-2017.pdf>