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**Report to the Government of Greece
on the visit to Greece
carried out by the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
from 27 August to 9 September 2005**

The Government of Greece has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2006) 42.

Strasbourg, 20 December 2006

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Copy of the letter transmitting the CPT's report

Strasbourg, 22 March 2006

Dear Mr Ayfantis,

In pursuance of Article 10, paragraph 1, of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment, I enclose herewith the report to the Government of Greece drawn up by the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) following its visit to Greece from 27 August to 9 September 2005. The report was adopted by the CPT at its 59th meeting, held from 6 to 10 March 2006.

The various recommendations, comments and requests for information formulated by the CPT are listed in Appendix I. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the Committee requests the Greek authorities to provide **within six months** a response giving a full account of action taken to implement them. The CPT trusts that it will also be possible for the Greek authorities to provide, in the above-mentioned response, reactions to the comments formulated in this report which are summarised in Appendix I as well as replies to the requests for information made.

The CPT would ask, in the event of the responses being forwarded in the Greek language, that they be accompanied by an English or French translation. It would be most helpful if the Greek authorities could provide a copy of the response in a computer-readable form.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Yours sincerely,

Silvia CASALE
President of the European Committee for the
prevention of torture and inhuman
or degrading treatment or punishment

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I. INTRODUCTION

A. Dates of the visit and composition of the delegation

1. In pursuance of Article 7 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment (hereinafter referred to as "the Convention"), a delegation of the CPT carried out a visit to Greece from 27 August to 9 September 2005. The visit was organised within the framework of the CPT's programme of periodic visits for 2005; it was the Committee's sixth visit to Greece and its fourth of a periodic nature.

2. The visit was carried out by the following members of the CPT:

- Mario FELICE (Head of delegation)
- Marija DEFINIS GOJANOVIC
- Pétur HAUSSON
- Andres LEHTMETS
- Vitolds ZAHARS.

They were supported by the following members of the CPT's Secretariat:

- Hugh CHETWYND
- Marco LEIDEKKER

and assisted by

- Barbara LUDWIG, Chief of Police, Canton of Schwyz, Switzerland (expert)
- Alan MITCHELL, Former Head of Health Care, Scottish Prison Service, United Kingdom (expert)
- Teuta BARBULLUSHI (interpreter)
- Eleanora CAMBAS (interpreter)
- Rhea FRANGOFINO (interpreter)
- Maria LOUCA HOUVARDA (interpreter)
- Jonathan MARKEL (interpreter)
- Alexander ZAPHIRIOU (interpreter).

B. Establishments visited

3. The delegation visited the following places of detention:

Establishments under the authority of the Ministry of Public Order

Attica prefecture

- Athens Police Headquarters, Alexandras Avenue
- Kypseli Police Station (Athens)
- Omonia Police Station (Athens)
- Drapetzone Police Station (Piraeus)
- Petro Rali Special holding facility
- Holding Areas at Athens Airport
- Hellinikon Holding Centres for aliens
- Piraeus Transfer Centre

Chios prefecture

- Chios Town Police Station
- Chios Temporary Reception Centre for aliens

Evros prefecture

- Alexandroupolis Police Station
- Peplos Special holding facility for aliens
- Ferres Border Police Station
- Soufli Border Police Station
- Tycherio Border Police Station

Corfu prefecture

- Corfu Town Security Police sub-directorate

Lesvos Prefecture

- Mytilini Police Headquarters
- Mytilini Special holding facility for aliens

Rodopi Prefecture

- Iasmos Border Police Station
- Komotini Police Station
- Venna Special holding facility for aliens

Establishments under the authority of the Ministry of Justice

- Chios Judicial prison
- Komotini Judicial prison
- Korydallos Men's Prison
- Korydallos Women's Closed Prison
- Korydallos Prison Hospital
- Korydallos Psychiatric Hospital

Establishment under the authority of the Ministry of Health

- Corfu Psychiatric Hospital

Establishments under the authority of the Ministry of Merchant Marine

- Chios Port Authority
- Mytilini Port Authority

C. Consultations held by the delegation

4. In the course of the visit, the delegation held consultations with Georgios VOULGARAKIS, Minister of Public Order, Georgios KONSTANTOPOULOS, Deputy Minister for Social Solidarity, Ioannis JOANNOS, Secretary General of the Ministry of Merchant Marine, Christina PETROU, Director General of Prisons, and Spiros KYRIAKOPOULOS, Director General, Ministry of National Defence, as well as other senior officials from relevant Ministries and Services. The delegation also met Andreas TAKIS, Deputy Ombudsman.

A list of the national authorities and non-governmental organisations met by the delegation is set out in Appendix II to this report.

D. Cooperation between the CPT and the Greek authorities

5. In terms of access to the establishments visited and the information obtained to carry out its task, the cooperation received by the delegation during the visit was on the whole good. Further, it would appear that the management of places of detention visited had been informed of the possibility of a visit by the Committee and were reasonably knowledgeable about its mandate.

The CPT also wishes to express its appreciation for the assistance provided to its delegation during the visit by Ambassadors Athanassios Theodoracopoulos and Constantine Giovas of the Ministry of Foreign Affairs, Colonel Grigorios Balakos of the Ministry of Public Order, Mrs Eftichia Katsigaraki of the Ministry of Justice, Mrs Kalliopi Mavratzotou of the Ministry of Health, Mr Constantinos Karagatsos of the Ministry of Merchant Marine and Mr Vasilios Makris of the Ministry of National Defence.

6. There were a few occasions when information provided on the spot was incomplete, and at times misleading. This was the case, for example, as regards Mytilini foreigners detention centre and Omonia police station. Similarly, the information received concerning Peplos and Venna special holding facilities for foreigners was incorrect; notably, the delegation was informed on 29 August 2005 that the Peplos centre was closed for renovation whereas, when visited six days later, it held more than 100 detainees and had been operating for some time.

In this connection, the CPT wishes to stress that the obligation under Article 8, paragraph 2 (b), of the Convention, implies that the information provided about places of deprivation of liberty should be accurate.

7. The principle of cooperation set out in the Convention also requires that decisive action be taken to improve the situation in the light of the Committee's recommendations.

The CPT notes that the Greek authorities have taken certain measures in response to the recommendations made by the Committee after previous visits (cf. for example, paragraph 31). The CPT welcomes the measures taken; however, there is still much to be done and the authorities need in particular to invest greater efforts to tackle the systemic deficiencies in the prison service and the establishments holding foreigners nationals. Consequently, the Committee has been obliged to reiterate many of its recommendations, some of which are of very long standing.

Having regard to Article 3 of the Convention, the CPT urges the Greek authorities to intensify their efforts to improve the situation in the light of the Committee's recommendations.

The CPT must stress that a persistent non-implementation of its recommendations by the Greek authorities will leave the Committee with no choice but to set in motion the procedure provided for in Article 10, paragraph 2, of the Convention¹. The Committee trusts that the action taken in response to this report will render such a step unnecessary.

E. Immediate observations under Article 8, paragraph 5, of the Convention

8. At the meeting which took place at the end of the visit on 9 September 2005, the CPT's delegation made three immediate observations under Article 8, paragraph 5, of the Convention as regards the follow-up to cases of alleged ill-treatment at Venna Special Holding Facility, the unacceptable conditions of detention in the Peplos and Mytilini Special Holding Facilities and the multiple shortcomings at Chios Judicial Prison. The Greek authorities were requested to provide the CPT, respectively, with:

- by 15 October 2005, a full report on the situation of the eleven persons who alleged that they had been ill-treated at the Venna Special Holding Facility, including the results of a medical examination certifying any physical injuries which they may bear, and a general assessment of their state of health;
- by 31 October 2005, information on the action taken to improve the conditions of detention in the Peplos and Mytilini Special Holding Facilities, including improving sanitary facilities, access to health care, the provision of purposeful activities and increased, and more diverse, staffing levels;
- by 15 November 2005, specific information on reducing overcrowding and improving material conditions, staffing, health care provision and regime, in respect of Chios Judicial Prison.

9. By letters of 9 November 2005 and 12 January 2006, the Greek authorities informed the CPT of measures taken in response to the immediate observations and on other issues raised by the delegation at the end of the visit. These responses have been taken into account in the relevant sections of the present report.

¹ Article 10, paragraph 2, reads as follows: "If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter".

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Law enforcement agencies

1. Preliminary remarks

10. The CPT's delegation visited a number of establishments under the authority of the Ministry of Public Order (police headquarters and stations, transfer centres, detention facilities for foreign nationals²), certain of them for the first time. It also visited establishments of the Coast Guard's Port Police, under the authority of the Ministry of Merchant Marine and special holding facilities for aliens under the joint responsibility of the Prefectures and the Ministry of Public Order.

11. The rules governing detention of criminal suspects by the police have not changed since the visit by the CPT in 2001 (cf. CPT/Inf (2002) 31, paragraph 10). The Committee was, however, pleased to note the circular by the Greek Chief of Police of 4 July 2003 on "treatment and rights of persons detained by Police authorities". The circular recalls the legal obligations upon the police to protect fundamental human rights of persons deprived of their liberty, and makes specific reference to both Greek and international law.

More particularly, the circular recalls explicitly the prohibition on the use of violence, the requirement to inform the detainee of the reasons for detention, the posting of information on detainees rights while in detention (including special efforts for persons not understanding Greek). The circular also reiterates the right of detainees to communicate by telephone with their relatives or other persons of their choice, and to receive visits from *inter alia* family, NGOs, international committees and, specifically points to the absolute right of contact with lawyers. In addition, the circular reminds police officers of the serious criminal and disciplinary charges they will face for acts of violence against detainees. Finally, police officers are requested to be more sensitive in their behaviour towards "vulnerable" detainees, which include minors, asylum seekers and foreign nationals in general. The circular is evidence of the resolve by the senior police command that persons deprived of their liberty should always enjoy the rights to which they are entitled.

Regrettably, the findings of the CPT's delegation in the course of the 2005 visit highlighted that many of the above rights were not respected in practice and, moreover, that there continues to be a widespread use of violence by the police against persons deprived of their liberty.

² It should be noted that foreign nationals could be held as irregular immigrants in administrative detention at police stations, police holding facilities and "special holding facilities for aliens", the last-mentioned being operated by the Ministry of Public Order in collaboration with the Prefectures (at the time of the visit). The CPT's delegation visited these various types of facilities during its visit. The "special holding facilities for aliens" are examined under Section II.A.6 of this report.

2. Torture and other forms of ill-treatment

12. As was the case in 2001, a considerable number of persons interviewed by the delegation in the course of the visit alleged they had been ill-treated by police officers. The alleged ill-treatment consisted mostly of kicks, punches and blows with batons or various other objects, often inflicted during questioning. Certain allegations also referred to the use of excessive force at the time of arrest. In some cases the ill-treatment alleged could be considered as amounting to torture.

13. In a number of cases, the delegation's doctors found that the persons concerned displayed injuries which were consistent with their allegations of ill-treatment; for example, the CPT would like to refer to the following cases:

At Athens Police Headquarters, one person alleged he was repeatedly beaten by police officers upon arrest and while in custody during the three days prior to the delegation's visit, with kicks to the face and back of legs, punches to the stomach and blows with a stick to the back. A medical member of the delegation observed that he displayed *inter alia* a painful swelling (2 cm in diameter) on the left parietal part of the head; a blue-violet bruise on the right eyelids; a reddish-purple bruise under the left eye; two parallel linear bruises, reddish-purple in colour (6 cm x 1 cm) in the left lumbar region; two parallel linear bruises, reddish-purple in colour (6 cm x 1 cm) in the middle of the back; a large dark blue-violet bruise on the back of the right upper leg (15 cm x 10 cm); in the hollow behind the right knee the same lesion but smaller in size; a blue-violet bruise (10 cm x 7 cm) on the lower part of the underside of the left thigh, as well as in the hollow behind the left knee (5 cm x 3 cm).

Another person alleged he was beaten three days prior to the delegation's visit, on his legs, arms, back and head by four police officers, one of them in uniform, during interrogation with the handle of a broom and with batons, and that he had a plastic bag put over his head. An examination by a medical member of the delegation revealed a swelling (3 cm in diameter) on the back of the head; a violet-green bruise on the right eyelids; a dry linear laceration (1 cm long) surrounded by an abrasion on the outer part of the right eyebrow; a violet-green bruise with abrasion on the right cheek (in the region of the cheek-bone); a violet-green bruise (3 cm x 4 cm) in front of the right ear; several diffuse violet-green bruises (from 1 cm x 2 cm to 3 cm x 4 cm) on the back; diffuse linear abrasions on both arms and wrists; two parallel violet-green bruises (5 cm x 1 cm), on the underside of the right upper arm; a bruised area, violet-green in colour (10 cm x 8 cm), with two visible darker elongated traces inside, on the outer side of the upper right leg; similar bruises were visible on the left upper leg as well as both the right and left lower legs; both knees and lower legs had dry scrapes; in the outer-ear canal dry blood (he complained of earache, with a wind-like sound in his ear and an inability to hear). The condition of his right ear pointed to a rupture of the tympanic membrane, possibly caused by a severe blow to the ear.

A third person alleged he was beaten during an interrogation in the juvenile department on the 3rd floor by three male officers and a woman four days prior to the delegation's visit. He alleged that he was spat on, kicked in the genitals, slapped, punched and hit with a broom handle and a book on his head, upper body and buttocks. Upon examination by a medical member of the delegation he had pain in both shoulders, a violet-green bruise on the left eyelid; a blue-violet-greenish bruise on both buttocks (5 cm x 6 cm on left and 7 cm x 6 cm on right), with one darker elongated trace inside; he complained of earache, with a wind-like sound in his ear and an inability to hear. The condition of his left ear pointed to a rupture of the tympanic membrane, possibly caused by a severe blow to the ear.

At Omonia police station one person alleged he was punched and beaten on his back, chest, arms and legs with batons by several policemen both upon arrest and in the police station, during the night prior to the delegation's visit. A medical member of the delegation observed *inter alia* thin parallel linear reddish marks (up to 3 cm in length) on the front and lateral sides of the neck; a reddish-blue bruise (4 cm x 1 cm) on the chest, above the right mammilla; a reddish-blue bruise (3 cm x 1 cm), on the left shoulder; two parallel linear bruises, reddish-blue in colour (5 cm x 1 cm) in the middle of the under side of the right upper arm; two reddish-blue bruises (on the right side 3 cm in diameter and on the left side 6 cm x 2 cm) on the back, in the area around the shoulder blades; two parallel linear bruises of reddish-blue colour (5 cm x 1 cm) in the middle of the front and on the side of the upper right leg, as well as on the upper left leg.

Another person alleged he was beaten with batons and punched during the night prior to the delegation's visit. Upon examination by a medical member of the delegation he displayed a blue bruise on his left eyelid and scleral haemorrhage on his right eye; a blue bruise (3 cm x 1 cm) in the region of the left cheek-bone; swelling of the left side of the chin; several parallel linear reddish marks (up to 3 cm in length) on the left and front side of the neck; a few smaller blue bruises on the left shoulder and on the left part of the back; two parallel linear bruises of reddish-blue colour (5 cm x 1 cm) on the front side of the upper left leg, as well as on the same part of the right leg.

One person met by the delegation alleged that while detained at Soufli border guard station, two days previously, his foot had been stamped on by a member of staff, he had been doused with cold water and subsequently forced to sit for some 13 hours overnight in front of an open window. Upon examination by a medical member of the delegation, the detainee displayed a swelling and bruising of the dorsum of the left foot.

14. In addition, in certain cases, of persons met who were still in police custody, the credibility of the allegations of ill-treatment was supported by the detained persons' demeanour; a fear that they would be subjected to further ill-treatment if the police officials concerned learned a complaint had been made to the CPT's delegation.

It should be added that in the prisons visited the delegation heard numerous allegations of less recent instances of ill-treatment by the police in various parts of Greece. The delegation also heard allegations of ill-treatment by staff in the border guard stations of Tychero and Iasmos, which mainly concerned slaps and kicks.

15. At Hellinikon holding centre (new structure) for irregular immigrants the delegation met a man who appeared to be of Chinese origin and who had been detained for almost one and a half years without being able to communicate with anyone and, who appeared to have developed symptoms of serious mental disorder. The delegation was told by a number of detainees that this man was neglected by the staff and that it was the detainees themselves who cared for him. For example, he would only wash when they guided him to the shower facilities and he would only eat when encouraged to do so by them. Further, the delegation learned that this man had been placed in a cage-like cell (3.5m²) for several months.

When asked about this person, the director of the establishment initially informed the delegation that he was unaware of the man's presence; subsequently, he said that the man did not fall under his authority.

The CPT is very concerned about the conditions under which this person was kept. It considers that this case of serious neglect, caused by the attitude of the custodial staff and the lack of health care facilities in the centre, could amount to inhuman treatment.

By letter of 12 January 2006 the Greek authorities indicated that the man in question had been transferred to Korydallos Psychiatric Hospital on 14 October 2005, but that attempts to diagnose the man had failed as the psychiatrist found it impossible to communicate with him. Such a response is not satisfactory. **The CPT would like to be informed about the current treatment of this person.**

Further, **the CPT recommends that appropriate action be taken to avoid a repetition in the future of such a situation.**

* * *

16. The information gathered in the course of the 2005 visit concerning ill-treatment highlights the necessity for determined action by the Greek authorities to address the situation. All means should be explored to ensure that the message of zero tolerance of ill-treatment of detained persons reaches all law enforcement officials at all levels; they should be made aware, through concrete action, that the Greek government is resolved to stamp out ill-treatment of persons deprived of their liberty. The rule of law entails not only the adoption of the appropriate legal norms but also taking the necessary steps to ensure their application. The circular by the Chief of Police in July 2003, referred to above, unequivocally states the duties of the police and explicitly reminds police officers that infringements of the law will result in criminal and disciplinary sanctions. Nevertheless, the practice of the use of violence by the police on detainees continues. **The CPT recommends that the Greek authorities strenuously reiterate the above message of zero tolerance of ill-treatment of detained persons and reinforce it with a statement at the appropriate political level.**

17. As indicated in previous reports, it is essential to ensure that police officers themselves view ill-treatment as an unprofessional means of carrying out their duties, as well as being a criminal act. This implies strict selection criteria at the time of recruitment and the provision of adequate professional training, both initial and in-service.

In its response to the 2001 visit report the Greek authorities provided the CPT with a detailed list of the various human rights courses followed by police officers and constables. However, theory and practice are often very different, and new recruits may find it hard to apply the theory on the ground. For this reason, **the CPT recommends that the Greek authorities seek to integrate human rights concepts into practical professional training for high-risk situations such as the apprehension and questioning of suspects. Further, it recommends that specific training be provided to those police officers who carry out custodial duties, emphasising their duty of care and the responsibility they have for all detainees during their time of detention in police stations.**

18. One of the most effective means of preventing ill-treatment by law enforcement officials lies in the diligent examination by the competent authorities of all evidence of such treatment brought before them³ and, where wrongdoing emerges, the imposition of appropriate disciplinary and/or criminal penalties. This will have a strong deterrent effect. Conversely, if the relevant authorities do not take effective action upon complaints referred to them, those minded to ill-treat persons deprived of their liberty will believe that they can act with impunity.

The fact that few formal complaints of ill-treatment are recorded is not necessarily a reliable guide as to the extent of the problem. Once again, several persons interviewed by the delegation stated that their attempts to complain to the prosecutor or judge, before whom they had been brought during or at the end of their custody, had met with no response. Others indicated that they had been discouraged from complaining, including by their own lawyers, on the ground that it would not be in their best interests.

19. As the CPT has stressed in previous reports, it is axiomatic that prosecutors and judges should take appropriate action when there are indications that ill-treatment by the police may have occurred. In this regard, **the CPT recommends once again that whenever criminal suspects brought before a prosecutor or judge allege ill-treatment by law enforcement officials, the prosecutor/judge record the allegations in writing, order immediately a forensic medical examination and take the necessary steps to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries. Further, even in the absence of an express allegation of ill-treatment, the prosecutor/judge should request a forensic medical examination whenever there are other grounds to believe that a person brought before him could have been the victim of ill-treatment.**

Appropriate steps must also be taken to ensure that persons who may have been victims of ill-treatment by law enforcement officials are not dissuaded from lodging a formal complaint.

³ The allegations of ill-treatment received at Venna Special Holding Facility for Aliens was an occasion when such a diligent examination should have taken place (cf. paragraphs 52 to 56 below).

20. Further, **the CPT wishes to receive statistics for the period 2004 and 2005 regarding criminal and disciplinary sanctions against police officers concerning excessive or irregular use of force, as well as the number of sworn administrative examinations opened, and statistics on the follow-up taken in respect of these cases.**

More particularly, in light of the letter of 9 November 2005, whereby the Greek authorities informed the CPT about the opening of sworn administrative examinations in respect of the Committee's findings in border guard stations (Ferres, Iasmos, Soufli and Tychemo) and special holding facilities for aliens (Mytilini and Venna), **the CPT would like to receive information on their outcome.**

21. The CPT has in the past emphasised that systems for the inspection of detention facilities of law enforcement agencies by an independent authority can also make a significant contribution towards the prevention of ill-treatment of persons in custody and, more generally, towards ensuring satisfactory conditions of detention. To be fully effective, visits by such an authority should be both frequent and unannounced, and the authority concerned must be empowered to talk in private with detained persons.

In its response to the 2001 visit report, the Greek authorities made reference to the Ombudsman, UNHCR and NGOs. However, with the exception of the Ombudsman, who has a specific mandate, the other organisations referred to do not have the competence or the mandate to carry out visits in the manner outlined by the CPT. In fact, during the 2005 visit, the CPT's delegation found no evidence to suggest that any independent body is regularly exercising on-the-spot supervision of places of detention of law enforcement agencies. Consequently, **the CPT recommends that the Greek authorities establish a system of regular visits to law enforcement establishments by an independent authority, having regard to the preceding remarks.**

3. Conditions of detention

a. introduction

22. The CPT has, in the course of previous visits to Greece, found the conditions of detention in police establishments to be, in general, less than satisfactory, and in certain cases has described the situation observed as amounting to inhuman and/or degrading treatment. Many recommendations by the CPT have been aimed at improving the conditions of detention, notably in relation to occupancy rates, material conditions and levels of hygiene and outdoor exercise⁴. The findings of the 2005 visit highlight that there still remains a long way to go before the conditions of detention in police establishments can be considered as satisfactory.

b. situation in establishments visited

23. It is worth recalling that the detention facilities in the establishments visited were designed for holding criminal suspects for short periods. However, in practice the delegation observed that such facilities were used for holding persons for prolonged periods (i.e. up to three months or on occasion even longer), in particular immigration detainees.

i. *police headquarters and stations*

24. Conditions were, on the whole, acceptable for short periods of time at Athens Police Headquarters (3rd floor – Juvenile Department) and at Chios Town⁵, Corfu Town and Komotini Town police stations. Cells had artificial lighting and ventilation, and enjoyed some access to natural light; they were clean and in a reasonable state of repair. Further, appropriate sleeping arrangements (plinths, beds, and/or mattress, and clean blankets) were available for detainees held overnight in custody. That said, basic repair work to ensure showers and lighting functioned was sometimes needed. Further, the small holding cell (measuring less than 4m²) in Komotini police station should only be used for very short periods.

The cells in the police station at Alexandroupolis had virtually no access to natural light and the toilet area was insalubrious. The conditions in Mytilini Police Headquarters would be acceptable if the detention area were properly cleaned, clean blankets provided, the lighting improved and the toilet area enlarged⁶. The delegation was informed that both these police establishment would be re-located to new buildings, Alexandroupolis within a short period and Mytilini within a year.

⁴ cf. *inter alia* CPT/Inf (94) 20, paragraph 88; CPT/Inf (2001) 18, Part I, paragraphs 44, 45 and 46, CPT/Inf (2001) 18, Part II, paragraph 40, and CPT/Inf (2002) 18, paragraphs 36 to 39.

⁵ The delegation visited the new police headquarters which was due to open in 2006. These new facilities included a much larger detention unit and a small exercise yard, and some initial remarks on the layout and use of the cells were provided to the Chief of Chios Town Police. The delegation had some reservations over the intended use of the small windowless cell just outside the main cell area, noting it was totally inappropriate for holding juveniles. If properly equipped and closely supervised it could be used for short periods to allow violent/drunken persons to calm down.

⁶ The delegation also noted that the conditions in which the custodial officers had to work were far from ideal, and not at all conducive to a professional working environment.

At Athens Police Headquarters (7th floor) and Drapetzona Police Station, the material conditions appeared to have improved since the 2001 visit. Nevertheless, additional efforts need to be made in respect of cleanliness, and women detainees should be provided with sanitary napkins.

Conditions in Athens Police Headquarters are not suitable for holding persons for more than a few days, due *inter alia* to the absence of outdoor exercise facilities; yet the delegation noted that in the month of August 2005 alone, some 55 persons spent more than three days in detention, and one person 22 days; overcrowding is also a constant problem. It appeared that Drapetzona Police Station was used almost exclusively for the purpose of holding immigration detainees, and sometimes for prolonged periods. While there was an integral covered exercise area in both the men's and women's cell blocks, there were absolutely no activities nor any reading material, television or other distractions.

At Kypseli Police Station, the renovations since the 2001 visit had improved the conditions in the basement detention area. However, access to natural light and artificial lighting were still inadequate and the ventilation poor, and more could be done to maintain hygiene and cleanliness. The CPT is particularly concerned to note that immigration detainees were being kept in the cells for periods up to three months with no access to any exercise yard or activities. This is unacceptable.

25. The conditions of detention at Omonia Police Station in Athens were deplorable. The cell block, located on the first floor, comprised six cage-like compartments and had an official capacity of 34 (27 men in five cells and 7 women in one cell). There was no call bell and normally there were no police officers inside the cell area or even on the same floor. Despite denials from the senior police officer on duty, the delegation noted from the records, and from interviews with detainees and staff, that frequently the cell block accommodated over 40, and on occasion more than 50, detainees overnight; for example, the seven detainees in one cell, measuring 20.5m² (with seven concrete plinths), explained to the delegation how only three days earlier an additional eight persons had been crammed into the cell overnight, and claimed that none of them had been provided with mattresses or blankets.

There was virtually no natural light and the artificial lighting was inappropriate leaving the cells in semi-darkness; it was hot and humid with no fresh air; the ventilation, switched on during the delegation's visit, was extremely loud and appeared ineffective. There were many complaints about the lack of food and water, and some female detainees claimed they had to drink water from the toilet. For the male detainees there was a single communal toilet and shower, and many of them complained that access to the toilet was not possible at night (one cell had integral sanitation but the toilet was broken). More generally, the whole facility was dirty, extremely stuffy and dilapidated.

The vast majority of the persons being kept in this police station were immigration detainees, and the delegation met four persons who had been there more than 75 days; spending up to three months in such conditions with no access to an exercise yard nor to any activities could be considered as amounting to inhuman and/or degrading treatment.

In the holding room, on the floor above the detention area, the delegation noted a pair of handcuffs attached to one of the metal legs of the bench running the length of the wall. A handcuffed person would have been forced either to lie on the floor or to sit, doubled over, on the bench in an uncomfortable position. **There can be no justification for such placement of handcuffs.**

26. As far as Piraeus Transfer Centre is concerned, conditions remained squalid, a state of affairs already noted in many previous CPT reports. The Committee was very pleased to learn by letter received on 12 January 2006 that the centre had been closed down.

ii. border guard police stations

27. The conditions in the border guard stations visited were, on the whole, acceptable for short periods. At Tychero the two cells (35m²) had good access to natural light and ventilation, and mattresses and blankets were available; however, the toilet and shower area was filthy and without any lighting. In Soufli the two cells (54m²) possessed concrete plinths with 16 mattresses and clean blankets in both cells; access to ventilation and natural light was good, and the integral sanitation was particularly clean. In Iasmos the two cells (15m² and 20m²) had good access to natural light and ventilation, but the sanitary facilities were dirty.

The facilities at Ferres border guard station have improved significantly since the CPT's last visit in 1999; the two cells in use, one for men (45m²) and one for women (29m²), were well ventilated and had good access to natural light; however, the toilet and shower facilities were filthy. The delegation also noted that the 15 men in detention at the time of the visit had access to only 12 mattresses. The delegation was informed that the remaining two cells were used for storage; certainly, in their current condition, the cells were totally unfit for detention.

The delegation noted the absence of heating devices in the detention facilities in Ferres and Iasmos, and the **CPT would like to be informed about the arrangements for heating these facilities during the winter months.**

The delegation observed that irregular migrants, especially family units and women, could be held up to three months in Ferres and Iasmos stations. Given the lack of appropriate facilities and infrastructure in these border guard stations, including untrained custodial officers, nobody should be held in these establishments longer than a few days (cf. paragraph 31 below).

iii. holding facilities for aliens

28. The delegation visited Hellenikon holding centre for irregular immigrants, which now consists of two separately managed centres; the old structure with a capacity for 75 detainees and a new structure with a capacity for 123 detainees. At the time of the visit the centres held 60 and 117 persons respectively. The material conditions in the old structure were comparable to those observed in previous CPT visits, except for the welcome installation of plinths for placing mattresses.

29. Hellenikon holding centre (new structure) had seven cells; six of them each measuring 32m² and containing 18 beds, and the seventh measuring some 21m² and containing 12 beds. Such occupancy rates are too high (cf. paragraph 32). In general, the cells had adequate lighting and sufficient ventilation; however, many mattresses needed replacing and clean bedding was not provided. Further, the sanitary facilities were outside the cells, requiring a police escort for every visit and many detainees complained about problems of access. That said, the major defects, given that most persons spent up to three months or more in the centre, were a total lack of purposeful activities and no health care service.

The delegation also came across a cage-like cell of some 3.5m² whose purpose was not clear. A cell of such a size should not be used to accommodate detainees for more than a short period. **The CPT would like to receive clarification as to the purpose of this cell as well as information on the frequency of its occupancy.**

iv. holding areas at Athens International airport

30. The facilities at the new Athens International airport consisted of a short-term holding room (5m²) in the departure lounge, a holding area comprising a three-roomed apartment and three dormitories, and a nine-cell block. The latter two facilities were in the new police headquarters one and a half kilometres from the airport terminals. Conditions inside the holding area were adequate with the rooms and dormitories having access to sufficient natural light and ventilation, clean bedding, satisfactory sanitary facilities (separate for men and women). However, there was no exercise yard, a significant failing given the length of time persons could spend in the holding area.

The conditions in the separate cell-block are of concern to the CPT's delegation. Each cell (measuring 9.5m²) had an official capacity of five persons, already too high. In fact, the registers showed that on many occasions, for example in May and June 2005 the occupancy rate reached six and even as high as nine persons per cell. An examination of the cells seemed to indicate that originally they had been designed for one person as there was only a single plinth in the cells – certainly no more than three persons, preferably no more than two, should be held overnight in such cells. The sanitary facilities were outside the cells and the delegation heard many complaints that the police guards did not respond rapidly to requests to go to the toilet; further, access to the shower appeared extremely limited, and five persons, in the same cell, claimed they had not had a shower in seven days – the overbearing hot, sweaty stench lent much credence to their allegation. The delegation also met a man who had spent one and a half months in one of the cells with no change of clothes, no access to fresh air nor any exercise nor any purposeful activity. Such treatment is unacceptable.

c. assessment

31. Efforts are being made by the Greek authorities to improve conditions of detention in police establishments; the recent construction of new facilities in Chios Town and improvements in other police stations⁷ bear witness to this fact. However, certain police stations continue to hold detainees in unacceptable conditions despite previous CPT recommendations pointing out glaring deficiencies; it is necessary to ensure that appropriate conditions exist in all police detention facilities.

As stated in previous visit reports, the current arrangements are particularly unacceptable for persons who remain in custody for weeks on end, in facilities such as those described above. Conditions in law enforcement establishments will frequently - if not invariably - be inadequate for prolonged periods of detention. Hence, it goes without saying that immigration detainees should not be held for extended periods, but instead should be transferred to establishments able to offer the full range of facilities and activities appropriate to their status.

Having regard to Articles 3 and 10 of the Convention, **the CPT calls upon the Greek authorities to take determined action to implement the recommendations outlined below in respect of the places visited and, if necessary, other places.**

32. Cells should be of a reasonable size for the number of persons they are used to accommodate; for example, cells measuring 10 m², such as those at Athens Police Headquarters and Airport, should preferably hold no more than two persons overnight and never more than three. The objective in multi-occupancy cells should be to offer a minimum of 4m² per detainee. Cells should have adequate lighting (i.e. sufficient to read by, sleeping periods excluded) and ventilation and preferably should enjoy natural light. **The CPT recommends that the situation as regards cell occupancy rates, lighting and ventilation be reviewed, in the light of the above remarks.**

Cells should be equipped with a means of rest (e.g. a chair or bench) and persons obliged to stay overnight in custody should be provided with a clean mattress and clean blankets as well as bed sheets during summer months. **The CPT calls upon the Greek authorities to comply with its longstanding recommendations that all persons detained overnight be provided with a clean mattress and blankets (and bed sheets during summer months). This implies that arrangements should be made to clean mattresses and blankets at appropriate intervals.**

⁷

cf. the response of the Greek authorities to the 2001 visit report CPT/Inf (2002) 32, pages 17 to 20.

Cells should be kept in a satisfactory state of repair and in a clean and hygienic condition. Persons in custody should be allowed to comply with the needs of nature when necessary, in clean and decent conditions, and be offered adequate washing facilities. Toilet facilities should offer an adequate degree of privacy. Consequently, **the CPT recommends that firm instructions be issued to ensure that cells and sanitary facilities used by detained persons are kept in a reasonable state of cleanliness, and that such persons have ready access to a proper toilet facility at all times. Detained persons should also be in a position to wash and, in appropriate circumstances, to change their clothes and take a shower; persons detained for an extended period should also be provided with toiletries (e.g. soap and towel, toothpaste, etc.).**

Further, the CPT recommends that all persons detained for 24 hours or longer be offered the opportunity of outdoor exercise every day.

33. The CPT also wishes to recall that detained persons should have ready access to drinking water and should be given food at appropriate times, including at least one full meal (i.e. something more substantial than a sandwich) every day. In general, findings from the 2005 visit confirmed that detainees were receiving sufficient food⁸ although in some police stations it was not regular and warm meals were served cold. On the other hand, access to drinking water was a source of concern in many establishments visited.

The CPT recommends that clear instructions be issued with a view to ensuring that detained persons receive appropriate food at regular intervals (including at least one full meal every day), and that they have ready access to drinking water at all times.

34. Finally, **the CPT recommends that the Greek authorities take immediate steps to bring to an end the practice of holding persons, in particular immigration detainees, for prolonged periods in ordinary law enforcement agency detention facilities; they should be accommodated in centres specifically designed for such use, taking due account of the criteria repeatedly advanced by the CPT.**⁹

d. Petro Rali special holding facility

35. The delegation had an opportunity to visit this new facility in Athens, which will have a capacity to hold 180 prisoners undergoing transfer around the country, and some 380 individuals being held for administrative detention for periods up to three months. At the time of the visit the facility had not yet opened¹⁰.

The 560 detainees would be held in two different Wings, located respectively on the second and third floors of the building (200 and 180 on the second floor, and 180 on the third floor). Half the second floor was for remanded and sentenced prisoners undergoing a transfer or awaiting a court appearance, and whose stay would be short-term; the other half of the second floor and the whole of the third floor would accommodate irregular foreigners. There were two open-air exercise yards.

⁸ The daily allowance of 5.97 € per detainee for food still applied.

⁹ cf. CPT/Inf (2001) 18, Part II, paragraphs 35 and 36 and CPT/Inf (2000) 31, paragraph 25.

¹⁰ The facility was scheduled to be inaugurated on 27 September 2005.

36. The main concern of the CPT delegation was that the facilities for irregular foreigners were not suitable for stays longer than a few days. The design of the Petro Rali Special Holding Facilities was extremely poor, with rows of cells giving on to a narrow corridor, reminiscent of a gigantic police station rather than a centre meeting the needs for the administrative detention of aliens.

This particular layout, combined with a total lack of communal spaces for recreational purposes and the difficulties of access to the exercise yards, leads to the inevitable conclusion that detained persons will remain in their cells for most of the day. In addition, there were no in-cell sanitary facilities or call bells. Further, the visiting facilities were of a closed nature, preventing any physical contact, and the pierced metal dividing screen was so dense that it would be difficult to properly see any visitor.

The CPT considers the Petro Rali facility as a missed opportunity for the Greek authorities to construct an appropriately designed centre for the administrative detention of aliens. The Committee reiterates that for such a centre care should be taken in the design and layout of the premises to avoid as far as possible any impression of a carceral environment. As regards regime activities, they should include outdoor exercise, access to a day room and to radio/television and newspapers/magazines, as well as other appropriate means of recreation (e.g. board games, table tennis). In its current layout and design, Petro Rali is not suitable for holding persons longer than a few days; if persons are to be held any longer, a wholesale redesign of the facility is required.

The CPT recommends that the Greek authorities take the necessary steps in light of the above remarks.

4. Safeguards against the ill-treatment of detained persons

a. introduction

37. In previous visit reports, the CPT examined in detail the formal safeguards against ill-treatment which are offered to persons detained by the law enforcement agencies in Greece and their operation in practice. The Committee has placed particular emphasis on three fundamental rights, namely the right of detained persons to inform a close relative or another third party of their choice of their situation, to have access to a lawyer, and to have access to a doctor. It is equally fundamental that persons detained by the law enforcement agencies be informed without delay of all their rights, including those mentioned above.

These rights exist in Greek law and the circular by the Chief of Police, referred to in paragraph 11 above, reiterates the duty of the police to facilitate their practical application. Regrettably, the findings from the 2005 visit highlighted that all too often they remained rights in theory only, rather than in practice.

b. notification of custody

38. The information gathered by the CPT's delegation indicated that persons deprived of their liberty were being offered the possibility to inform their relatives, and on occasion other third parties of their choice of their situation, as from the outset of their custody. However, there were complaints from a number of persons, particularly those with injuries, that they had not been informed of their right to inform their relatives of their situation nor given the opportunity to do so. The CPT has taken note of the previous responses by the Greek authorities on this issue that, through an analogous application of Article 105 of the Code of Criminal Procedure, restrictions of the rights of detained persons may be imposed if there is a "danger of damage to the work of investigation in order to find out the truth"¹¹.

The CPT is not convinced that the denial of this right, in the cases examined, always stemmed from the legitimate demands of the investigation. **The CPT recommends that the Greek authorities clearly circumscribe in law when the exercise of the right to inform a third party of one's custody can be delayed and that any such a delay be made subject to appropriate safeguards (i.e. any delay to be recorded in writing along with the reason, and to require the approval of the prosecutor or judge) and strictly limited in time.**

¹¹ cf. CPT/Inf (2001) 19, pages 79 to 80 and CPT/Inf (2002) 32, page 21.

c. access to a lawyer

39. The Greek authorities have reiterated in their responses that the right of access to a lawyer is inviolable and should apply as from the outset of deprivation of liberty¹². Despite this clear legal obligation, the CPT's delegation heard a number of claims that access to a lawyer had been delayed for periods up to three days. In most of these cases, the persons concerned alleged that they were ill-treated during their arrest and interrogation. Many, though not all, of these persons were foreigners. In this connection, it is also incumbent upon the authorities to ensure that an interpreter is made available for persons not speaking Greek so as to enable them to communicate with a lawyer, a duty recognised by the authorities in their response to the 2001 visit report¹³.

The CPT recommends that the Greek authorities reiterate to all law enforcement personnel the legal obligation to grant access to a lawyer from the very outset of a person's deprivation of liberty and, when appropriate, to arrange for the presence of an interpreter.

d. access to a doctor

40. The legal provisions concerning the right of access to a doctor are satisfactory. However, in the light of the information gathered by the delegation, it is clear that the right was not fully effective in practice.

Police stations do not have a doctor visiting regularly to screen new arrivals or enquire whether there are detainees with particular medical problems. Instead the practice seems to be that the arresting police officers decide whether a person has a medical problem and, if so, to take them to hospital. Thereafter, it was up to the individual to request to see a doctor but, according to persons seen by the delegation, these requests appeared to be filtered by the police officers and sometimes the doctors did not come. Further, the delegation heard in several establishments visited that detained persons were not receiving the medication prescribed to them if they were not in a position to pay for it.

By way of example, at Omonia Police Station a woman who was eight months pregnant claimed that she had requested to see a gynaecologist but apparently had been granted access only after she had fainted; thereafter, as she stated, she could not obtain the prescribed medication as she had no money. At Athens Police Headquarters a man with asthma complained to the delegation that he had informed the duty officers of his need for an inhalation spray, but had had no response. Further, four of the five persons held in these two establishments and referred to in paragraph 13 above alleged that they were denied access to a doctor.

¹² *ibid.*, and Circular of 4 July 2003 by the Greek Chief of Police (No. 4803/22/44).

¹³ *cf.* CPT/Inf (2002) 32, page 22.

41. In these circumstances, the CPT feels it necessary to reiterate that requests to see a doctor must be promptly met; law enforcement officials should not seek to filter such requests. It should also be recalled that all medical examinations of persons in police custody should be conducted out of the hearing and, unless the doctor concerned requests otherwise in a specific case, out of the sight of police officers, and that the results of every examination, as well as relevant statements by the detained person and the doctor's conclusions, should be formally recorded by the doctor and made available on request to the detainee and his/her lawyer. Further, medication should be provided free of charge to detained persons who do not have the resources to pay for it themselves.

The CPT recommends that the Greek authorities review the existing arrangements concerning access to a doctor and the provision of health care for persons held in police stations, in light of the above remarks.

e. information on rights

42. Information sheets setting out the rights of detained persons exist in a range of languages; however, there were many instances of detainees in police stations claiming they had never seen such a sheet. The Greek authorities **are invited to remind police officers that such sheets should systematically be given to all persons deprived of their liberty at the very outset of custody.**

Further, as regards irregular migrants the delegation received a number of complaints that the slips of paper that persons had to sign acknowledging they had been informed of their rights were only provided in Greek. In addition, in the border guard stations visited, particularly Iasmos and Soufli, the delegation heard allegations that detained persons were either coerced physically or threatened with ill-treatment in order to ensure the slips were signed. Such behaviour would be unacceptable. **The CPT recommends the Greek authorities take the necessary measures to ensure that any such practice is ended, and that the information sheets and receipts exist in sufficient quantities in the relevant languages.**

f. custody records

43. The findings of the delegation in 2005 mirror those of previous visits. The information kept in the existing registers tended to be superficial and, frequently, incomplete or inexact. The introduction of an individualised custody record would not only reinforce the practical application of the fundamental safeguards afforded persons in custody but also facilitate the work of the police.

Such a single and comprehensive record should contain information on all relevant aspects of a detainee's custody and action taken regarding them (time of and reason(s) for the apprehension; time of arrival on police premises; when informed of rights; signs of injury, health alert issues given with the consent of the detainee etc.; contacts with and/or visits from next of kin, lawyer, doctor or consular official; when offered food; when questioned; when brought before the relevant judge, when transferred, released, etc.). For certain matters (for example, the removal of personal belongings, the fact of being informed of his/her rights and of invoking or waiving them), the detainee's signature should be obtained and, if necessary, the absence of a signature explained. The detainee's lawyer should have access to such a custody record

The CPT recommends that the Greek authorities develop and introduce such an individualised custody record.

44. The CPT has recommended in the past that a Code of Conduct for interrogations be drawn up.¹⁴ The adoption of a Code of Police Ethics by Presidential Decree (254/2004) is a welcome step as it lays down the general principles of behaviour for police officers. However, it does not deal sufficiently in detail with the issue of interrogations.

The CPT recommends that the Greek authorities draw up a Code of Conduct for interrogations, in accordance with the proposals made by the Committee.

¹⁴ cf. CPT/Inf (94) 20, paragraph 46.

5. Establishments under the Ministry of Merchant Marine

45. The Coast Guard is responsible for apprehending persons attempting to enter Greece irregularly by sea and, once on land, for processing such persons prior to transferring them to police custody. The Port Authorities generally only have a single cell for holding persons arrested within the jurisdictional area of the port, although in recent years some have acquired containers to hold persons during the period of processing. When faced with large groups of persons the Coast Guard, with the assistance of the local authorities, will establish temporary holding centres in schools, warehouses or other public buildings, as foreseen under the "Poseidon Plan".

46. The CPT's delegation visited the Port Authorities of Chios and Mytilini. The single cell in the Chios Port Authority building was adequate given its limited use for very short periods of time. The main holding facility was a container of some 28 m², devoid of any equipment. Such a facility could be rendered acceptable for stays of a few hours, providing that it is equipped with suitable seating arrangements and appropriate ventilation. Regrettably, large numbers of persons had remained in the container more than 24 hours, particularly over weekends; for example on 21 June 2005 some 25 persons spent more than 24 hours in the container. The delegation was informed that the Coast Guard had proposed the construction of a new, appropriately equipped, permanent structure.

The Committee would like to receive a copy of the plans of the new structure and to be informed of its proposed capacity. Further, the CPT recommends that containers of the type used in Chios should never be used to hold persons for more than a few hours and should always be equipped with suitable seating and adequate ventilation.

The Port Authority of Mytilini possessed one cell measuring 6m², which was dilapidated and dirty with virtually no natural light or ventilation; further, the toilet and basin, in an adjoining cubicle, did not function. In its current state, the cell is not appropriate for keeping detainees, even for short periods. **The CPT recommends that the cell be taken out of use until such time as it has been properly renovated.**

47. The recording of detention also left a lot to be desired in the Port Authorities. In all Port Authorities a specific custody register should exist to accurately record the detention of persons (reason for detention, time of arrival; when informed of rights and in which language; signs of injury, health alerts given with the consent of the detainee; contacts with and/or visits from lawyer or doctor; when offered food; when transferred, released, etc.). **The CPT recommends that the Greek authorities take the necessary steps in light of the above remarks.**

6. Special Holding Facilities for Aliens

a. introduction

48. The CPT visited the special holding facilities for aliens in Mytilini, Peplos, Venna, and the Chios Temporary Reception Centre for aliens. These holding facilities serve as places for the administrative detention for immigration detainees. Usually irregular migrants are brought to these centres after a short stay in a border guard station or after processing by the coast guard, and can remain in these facilities for up to three months.

At the time of the visit, Special Holding Facilities for aliens were operated under the auspices of the Region (i.e. the Prefecture was responsible for providing the buildings, furnishings, hygienic products, health care, etc.), while the Police was responsible for the custodial duties.

However, the new Law on Aliens (Law N° 3386) entered into force in January 2006, and Article 81 foresees that all decision making with respect to alien detention centres be taken at the national, as opposed to the regional, level. More specifically, the central government shall also decide on the specifications and terms of operation of the detention centres.

In the course of the 2005 visit, the delegation noted that the roles of the police and the prefectures lacked coordination and there appeared to be no minimum operating standards for the centres. **The CPT would like to be informed about the arrangements for managing and operating the foreigner detention centres under the new law.**

49. Centres for holding foreigners should offer material conditions and a regime appropriate to their legal situation and should be staffed by suitably-qualified personnel. Obviously, such centres should provide accommodation which is adequately furnished, clean and in a good state of repair, and which offers sufficient living space for the numbers involved. Further, care should be taken in the design and layout of the premises to avoid as far as possible any impression of a carceral environment. As regards regime activities, they should include outdoor exercise, access to a day room and to radio/television and newspapers/magazines, as well as other appropriate means of recreation.

These minimum parameters should underpin every centre that is established in Greece for holding foreigners¹⁵. Instead, with respect to the centres visited, which were all opened during the last four years, the CPT was concerned to observe that its previous recommendations in this field have not been taken into account, and the conditions under which foreigners were detained could in certain cases be qualified as inhuman and degrading.

¹⁵ cf. "Twenty Guidelines on forced return", in particular Guideline 10 parts 1 and 2 adopted on 4 May 2005 by the Council of Europe's Committee of Ministers (CM (2005) 40).

50. The CPT understands that in the first couple of years when the numbers of irregular migrants entering Greece rose dramatically, the Greek authorities had to take immediate *ad hoc* measures to cope with the sudden influx. Hence, the use of police stations and holding facilities on a short-term, temporary basis was comprehensible. However, given the location of Greece in Europe and its long land and sea borders it has been evident for some years now that the influx was likely to remain high.

The building of the new special holding facilities for foreigners thus represented an opportunity for Greece to adopt an approach more in line with the norms and standards developed within Europe. Regrettably, the authorities have maintained a carceral approach, often in threadbare conditions and with no purposeful activities and minimal health provision, for persons who are neither convicted nor suspected of a criminal offence and who have, as described by many Greek interlocutors, often experienced harrowing journeys to arrive in Greece.

The CPT recommends that the Greek authorities fundamentally revise their approach towards the accommodation of immigration detainees, in the light of the above remarks.

b. ill-treatment

51. The delegation heard allegations of ill treatment by staff in both the Mytilini and Venna special holding facilities for Aliens.

52. In the Venna Special Holding facility, in the Rodopi region, the CPT's delegation met eleven foreigners who claimed to have been ill-treated by the staff of the facility. Two medical members of the CPT's delegation examined all eleven persons individually on 4 September 2005; by way of example, reference is made to three persons:

- a) One person alleged that he was repeatedly beaten with a stick and kicked on his legs, in the six days prior to the visit by the CPT's delegation, in the yard adjacent to the wards; he displayed two purple bruises on the left posterior thigh (12 cm x 9 cm and 2 cm x 2 cm, respectively); a reddish-purplish bruise (8 cm x 4 cm) on the right lower leg; a purplish bruise (2 cm x 2 cm) on the right posterior thigh; a purplish-blue bruise (9 cm x 1 cm) on the left inner thigh; and a bruise (2 cm in diameter) under the left eye;
- b) Another person alleged that he was beaten with a stick on his shoulder and arm four days prior to the delegation's visit; he bore two identical tramline red bruises (4 cm x 2 mm) on the left sub-scapular region; and an area of bruising (7 cm x 7 cm) on the left upper arm;
- c) A third person alleged that he was beaten with a stick on his back and shoulder and received a blow to the forehead with a knee two days prior to the delegation's visit; he displayed two identical tramline bruises (21 cm x 2 mm) across the middle of the back; two tramline bruises (10 cm by 2 mm) in the right scapular region; two tramline bruises (10 cm x 2 mm) on the left anterior abdomen; and a linear abrasion (2.5 cm) on the right forehead.

The eight other foreigners examined by the two medical members of the CPT's delegation displayed injuries of a similar nature.

In each of the eleven cases the clinical findings were consistent with the allegations made.

53. Given the seriousness of the allegations the delegation requested an immediate forensic-medical examination of the detainees concerned, and their protection from further possible ill treatment (i.e. regular medical examinations for the duration of their detention). To this end, the CPT's delegation provided the names of the eleven detainees to the highest ranking officer of the Rodopi police, as well as to the CPT's liaison officer in the Ministry of Public Order in Athens.

However, in a follow-up visit to Venna Special Holding Facility two days later, on 6 September 2005, the delegation was concerned to note that the forensic doctor called by the police had not examined the detainee with the most pronounced injuries (as described in paragraph 52 (a) above).

54. On 9 September, at the final talks with the Greek authorities, the delegation received the findings of the medical examination by the head of the forensic medical service of Thrace, in the form of cursory steno-style notes. The delegation noted glaring differences between the conclusions of the doctor with those of the two medical members of the CPT's delegation. In particular, it was stated that only five of the eleven detainees displayed any injuries; that the injuries noted appeared to be some 20 to 25 days old at the time of examination – meaning that they were inflicted prior to arrival in Greece. Moreover, the injuries noted did not correspond with the CPT's findings – in terms of description, type or timing.

Further, not only did the names of two persons examined by the forensic doctor not correspond with the list of names handed over to the Greek authorities, but the person with the most pronounced injuries had still not been examined by him.

55. The CPT's delegation, once again, transmitted the list of names to the Greek authorities on 21 September 2005. By letter of 9 November 2005, the Ministry of Public Order informed the CPT that the names had been mixed up but that all eleven foreigners had been examined by the doctor. However, the subsequent explanation and corrections relating to information provided previously, can only be described as confusing, incoherent and inconsistent and, therefore, totally unsatisfactory.

Further, the CPT has noted that systematically in the correspondence from the Rodopi Police the wrong names were listed, despite the efforts made by the delegation to ensure the correct names were handed over. Moreover, during its follow-up visit the CPT's delegation was told by the individual with the most pronounced injuries that he was explicitly forbidden from seeing the doctor by the guards.

56. In light of the above, and with particular reference to the results of the forensic medical examination that the CPT's delegation had requested the Greek authorities to carry out on the eleven foreigners, the Committee feels the necessity to point out:

- Its concern that the Greek forensic doctor recorded no injuries in respect of six of the foreigners, when only the day before the medical members of CPT's delegation found that all six of them displayed recent injuries;
- Its disagreement with the conclusion in the Greek forensic medical report that the injuries displayed in respect of the five foreigners occurred some 20 to 25 days prior to the examination.

Moreover, the Committee considers that the superficial and cursory nature of the forensic medical report is not in line with good practice in this field¹⁶. A forensic medical examination should include the following minimum elements: demographic data on the patient; the patient's account as to how the injuries were sustained; a detailed description of each injury; a reasoned conclusion as to the cause and time of the injuries. This was not the case with the report by the head of the Thrace Forensic Medical Service as submitted to the CPT.

The Committee would like to receive the comments of the Greek authorities.

57. In Mytilini special holding facility two persons claimed a senior police officer, not based at the facility, inflicted blows upon them with a wooden baton, following a hunger strike in early July 2005. The delegation found a baton, as described by the detainees, behind a chair in the guard's room. The guards explained that it was "only used to intimidate detainees".

58. As the CPT has already emphasised (cf. paragraph 18 above) one of the most effective means of preventing ill-treatment by law enforcement officials lies with the diligent examination by the competent authorities of all evidence of such treatment brought before them and, where wrongdoing emerges, the imposition of appropriate disciplinary and/or criminal penalties. In this connection, by letters of 9 October 2005 and 12 January 2006 the Greek authorities informed the CPT that they had opened Sworn Administrative Examinations in respect of the Committee's findings in both the Mytilini and the Venna special holding facilities for aliens. **The CPT would like to receive information on the outcome of these sworn administrative examinations.**

Further, **the CPT recommends that the Greek authorities ensure that the recommendations made in paragraphs 16 and 17 are implemented equally vis-à-vis law enforcement officials charged with supervising special holding facilities for foreigners.**

¹⁶ cf. Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly Resolution 55/89, December 4 2000).

c. material conditions

59. The special holding facilities for aliens in Mytilini, Peplos, Venna were converted (agro-) industrial warehouses/complexes which, with some refurbishment, have been turned into detention facilities. The Chios Temporary Reception Centre for irregular immigrants consisted of ten furnished containers and was located half-way up a hill, overlooking the straits towards Turkey.

60. Peplos consisted of three large dormitories with an official capacity of 70; at the time of the visit it accommodated 128 detainees. Mytilini had an official capacity of 200 and was holding 112¹⁷ detainees in four large concrete hangars (men) and two dormitories (women) – the women's dormitories were out of sight and hearing of the custodial staff and there were no call bells. Both centres were extremely dirty and in a squalid state of repair¹⁸. The delegation found dysfunctional or no heating systems, an absence of warm water and broken windows. Further, both facilities had defective sanitary and shower arrangements; in Peplos this meant that the 128 detainees had to make use of a single functioning shower.

In Peplos detainees were forced to sleep on the floor as no beds were available, and for a significant number of detainees there were not even mattresses; due to the cramped conditions, some of the detainees were forced to sleep next to the leaking shower and toilet facilities. The detainees spent most of the day locked up and access to the small outside yard was rarely provided.

In both Mytilini and Peplos the blankets and the mattresses were decrepit and bug-infested, and should be replaced immediately. Moreover, the detainees were locked in their living areas most of the day, apparently receiving less than an hour of outdoor exercise every day.

61. At the time of the visit Venna was accommodating 92 irregular migrants for an official capacity of 400 and, in general, the material conditions were slightly better as the site was better maintained. The six dormitories for men had access to a sizeable outside yard, but access was rarely provided and detainees were often locked up for days with no outdoor exercise. The dormitory reserved for women had a private yard, fenced off from the men's section, but it was only opened when female guards were on duty. Also, in an attempt to economise on costs no warm water was available.

62. Each container at the Chios centre was subdivided into three small rooms, a shower and a toilet; one of the containers was reserved for women. At the time of the visit the centre held 127 detainees for a capacity of 120. During the day detainees had free access outdoors and at night only the women's unit was locked. In general the hygienic conditions appeared satisfactory. However, many complaints were heard about the quality and quantity of the food, and the water supply was irregular which meant that, at times, there was no drinking water.

¹⁷ The delegation noted from the register that on 1 January 2005 the centre was holding 588 foreigners, which rose to 602 in the middle of the month and stood at 437 on 31 January 2005.

¹⁸ With the exception of the women's dormitories in Mytilini, which were in a good state of repair.

63. In Mytilini (men), Peplos and Venna the shower and toilet facilities were extremely filthy. The CPT was told that it was the responsibility of the detainees to keep their living space clean. At the same time there were insufficient and, at times, a complete absence of detergents and other cleaning products, as well as products for personal hygiene; for instance, in Peplos detainees had to share tooth brushes, which in itself represents a known risk for the transmission of HIV and other transmissible diseases.

Neither clothes nor footwear were supplied by the authorities, but instead came from charitable organisations on an *ad hoc* basis. Most of the detainees had only one set of clothes and, at times, as was the case in Mytilini, one pair of shoes had to be shared by three to five detainees.

64. In the course of the visit the CPT's delegation made immediate observations under Article 8, paragraph 5, of the Convention, requesting the Greek authorities to take immediate steps to remedy the shortcomings observed at the foreigner detention centres of Mytilini and Peplos. The Committee asked to receive, by 31 October 2005, information on action being taken in response to this immediate observation.

By letters of 9 November 2005 and 12 January 2006 the Greek authorities informed the CPT that in Peplos the windows and toilets had been repaired and that a central (air) heating system for the whole winter period is operating. No information with respect to the Mytilini centre has been received.

With respect to all the centres visited the CPT recommends that:

- **repair work is carried out immediately so that:**
 - **all centres have functioning toilet and shower facilities with a constant supply of water, including warm water;**
 - **windows, doors etc. are in place and function effectively to shield detainees from inclement weather and wind;**
 - **properly functioning heating systems are installed, where absent.**
- **all detainees are allocated a bed and provided with a mattress and clean bedding;**
- **all detainees are provided with the necessary products and equipment to keep their accommodation clean, as well as with products for personal hygiene (i.e. toilet paper, soap, toothpaste, toothbrush, etc.);**
- **those detainees without appropriate clothing and footwear are provided with the requisite items;**
- **all detainees spend a large proportion of the day outside their cells and have at least one hour of outdoor exercise a day; in times of overcrowding they should benefit from a far more generous outdoor policy.**

Further, the Committee wishes to emphasise that the provision of products, in sufficient quantities, for personal hygiene can contribute significantly towards the prevention of the spread of transmissible diseases.

As the CPT has stated in previous visit reports, the fact that all the centres lack even the most basic commodities such as toilet paper, tooth paste, shampoo and soap should be an indication to the Greek authorities that the arrangements made are not working properly, and must be revised immediately. Further, the Greek authorities should recognise its responsibility to provide adequate clothing and footwear for detainees.

The CPT recommends that the Greek authorities take the necessary measures in light of the above comments.

d. health care

65. In the course of the visit the CPT's delegation met some dedicated medical personnel but the overall provision of health care was totally inadequate in all the facilities visited. With respect to the health care staff employed by the centres, it was noted that only Venna had a full time doctor and a nurse; the other centres had doctors visiting for a couple of hours twice a week.

From the medical notes and interviews with medical personnel, there was a high prevalence of skin disease in the centres. Moreover, the delegation's doctors encountered several detainees, with fever, physical injuries and dental problems, who were in need of medical treatment. Given the specific population of these centres, with detainees travelling to Europe in often harsh conditions, the level of medical staff in the centres was totally insufficient.

The CPT recommends that the Greek authorities carry out a thorough assessment without further delay into the appropriate level of health care staff in these facilities, taking into consideration the above remarks.

66. While the coast guard carried out some initial screening of irregular migrants, there was no systematic medical screening in any of the centres visited, although the delegation did hear about a new initiative by Mytilini hospital to provide medical examinations for all irregular migrants. The delegation was pleased to observe that the centres of Venna and Peplos had been visited by a Ministry of Health inspection team focusing on infectious diseases. However, such an inspection cannot substitute for an initial medical examination. The case of a border guard in the Evros region who had apparently contracted a transmissible disease in the course of his work indicates that the authorities are taking significant risks in not systematically performing medical examinations on all new arrivals. Screening is carried out both in the interests of the detainees and staff, and is also a preventive public health measure.

The CPT recommends that a systematic medical screening of all detained foreigners, including for transmissible diseases, be introduced. Such screening should be carried out in a way that respects medical confidentiality.

67. In none of the centres were medical files kept in an orderly manner. Further, most doctors wrote all their observations in individual note books, a clear impediment to providing for continuing health care in the case of a transfer.

The CPT recommends that a personal and confidential medical file be opened for each detainee, containing diagnostic information as well as an ongoing record of the foreigner's state of health and of his treatment, including any special examinations he has undergone. In the event of transfer, the file should be forwarded to the doctors of the receiving establishment.

e. regime

68. There was no regime worthy of its name in any of the facilities visited; no recreation rooms existed and no purposeful activities were organised or provided; no books, newspapers or other reading material were provided; and television sets, if available, often did not work. **The CPT recommends that the Greek authorities take the necessary steps to provide an appropriate range of activities for persons detained in the special holding facilities for aliens.**

f. safeguards

69. The CPT's delegation observed that all the centres possessed leaflets explaining the detainees' rights in various languages (though further efforts could be made to expand the range of languages and to provide the information concerning their rights in a pictorial format). However, the delegation noted that the right to apply for asylum was absent from the leaflet. It was explained to the delegation on various occasions that an alien could not apply for asylum once detained in a special holding facility; applications for asylum could only be lodged immediately after apprehension by the border guard or coast guard.

The CPT takes issue with this explanation. The Committee's understanding of the responses given by the Greek authorities to the visit reports of 1997 and 1999, namely that "recourse to the asylum procedure is possible in all cases", is that there are no time limits on applying for asylum. **The CPT requests that the Greek authorities clarify this issue.**

70. As to contacts with the outside world, in Chios and Mytilini the detainees had access to a telephone whereas in Peplos and Venna there was no such access. Moreover, the delegation received a number of complaints that non-governmental organisations were denied access to the centres. **The CPT would like to receive the Greek authorities' comments on these points.**

g. staff

71. The staff of centres for immigration detainees have a particularly onerous task. Firstly, there will inevitably be communication difficulties caused by language barriers. Secondly, many detained persons will find the fact that they have been deprived of their liberty difficult to accept. Thirdly, there is a risk of tension between detainees of different nationalities or ethnic groups. Consequently, the CPT attaches particular importance to the careful selection and appropriate training of supervisory staff in centres for immigration detainees. As well as possessing well-developed techniques of interpersonal communication, the staff concerned should be familiarised with the different cultures of the detainees and at least some of them should have relevant language skills. Further, the staff should be taught to recognise possible symptoms of stress displayed by detained persons (whether post-traumatic or induced by socio-cultural changes) and to take appropriate action.

72. The above-mentioned criteria were far from being satisfied in the centres visited. Besides the irregular presence of medical staff (Venna excepted), the only staff present at the Special Holding Facilities were border/police guards and representatives of the Prefecture, who were in charge of the provision of bedding, clothing and hygienic products. None of the staff were provided with any special training in working with foreigners from different cultures and backgrounds. Further, the border guards did not even possess the minimal training required for custodial duties.

In addition, the staff arrangements were totally inadequate; for example, at the Mytilini and Chios centres there were two police officers per shift, while in Peplos there were five; further, the women's sections in the centres of Mytilini, Peplos and Venna should be staffed by female custodial staff. A representative from the Prefecture was present for only a few hours a day, if that, in all the centres visited.

Moreover, in two of the facilities visited the language barrier was such that the CPT's delegation was addressed directly by detainees expressing their wish to return voluntarily to their country of origin, and was asked to assist with medical examinations. Having access to persons with the relevant language capabilities is an essential requisite for all foreigner detention centres.

The CPT recommends that the Greek authorities take resolute action to ensure the foreigner detention facilities are adequately staffed by properly qualified and trained persons, taking into consideration the above remarks.

B. Prisons

1. Preliminary remarks

73. In the course of the 2005 visit, the CPT's delegation visited Korydallos Prison Complex¹⁹, as well as Chios and Komotini Judicial Prisons. At Korydallos the delegation focused its attention on Korydallos Women's Closed Prison, Korydallos Prison Hospital and Korydallos Psychiatric Hospital, but also undertook a targeted follow-up visit to Korydallos Men's Prison. In September 2005 these institutions, taken together, contained more than one third of the prisoner population in Greece.

74. At the time of the visit, the prison population stood at 9,465 whereas the official capacity of the prison estate was 5,584 prisoners. The Greek prison system was thus operating at 170% of its official capacity. The effects were evident in all the institutions visited by the CPT's delegation and can best be visualised by the example of Korydallos Men's Prison, where cells originally designed for single occupancy for the most part held three or four inmates; on 16 August 2005 the Men's Prison held 2,102 persons for a capacity of 640.

The situation in Korydallos Men's Prison may be extreme but the deleterious effects of overcrowding were apparent in all the prisons visited. Further, from the information made available to the delegation and from the accounts of numerous prisoners, it is evident that many more of Greece's prisons suffer from severe overcrowding.

75. The delegation was also deeply concerned by the inadequate provision of health care in all institutions visited, the very low staffing levels (and the concomitant effects this had upon professionalism and morale), and the lack of any appropriate regime. The overcrowding currently afflicting the prison system may be an impediment to the development of adequate measures to address these problems. However this phenomenon should not be allowed to generate an overall defeatist approach within the prison service.

¹⁹ Korydallos Prison Complex has been visited previously by the CPT in 1993, 1997, 1999 and 2001.

76. The CPT's delegation was briefed on the Ministry of Justice's plan, revolving around four axes, to ameliorate the prison service. The *first axis* focuses on decongesting the prison system, through a combination of building new prisons and working with neighbouring countries to enable the repatriation of foreign prisoners to serve their sentences in their home countries²⁰. At present under international law prisoners can only be transferred to their countries of origin to serve out their sentences on a voluntary basis. Consequently, it is far from clear whether it will be viable to transfer a sizeable percentage of the prison population to their countries of origin. It is also evident, including from the delegation's own findings, that none of the countries in question are in a position to receive additional prisoners under satisfactory conditions without considerable investment in their existing prison estate and management. Therefore, the possibility of a future arrangement to reduce the numbers of foreigners within the Greek prison system should not in any way diminish the efforts that are incumbent upon the Greek authorities today to resolve the problem of overcrowding.

The construction of new prisons has long been a central tenet in the approach by the Greek authorities to tackling the problem of overcrowding. The prison capacity has risen from 3,900 in 1993 to 5,000 in 2001 to 5,584 in 2005. However, the rise in the prison population continues to outpace the increase in capacity. Even the current plans to open six new prisons before the end of 2007, which will provide an additional 2,400 places, will in all probability be largely insufficient to meet future needs.

77. As the CPT has stated previously, the building of additional accommodation is unlikely, in itself, to provide a lasting solution to the challenge of overcrowding. A comparison with other European countries illustrates the difficulty of attempting to resolve the issue of overcrowding solely through increasing capacity. By contrast, the promotion of policies to limit and/or modulate the number of persons being sent to prison has tended to be an important element in maintaining the prison population at a manageable level.

In its 2001 visit report²¹ the CPT drew the attention of the Greek authorities to Recommendation No. R (99) 22 of the Council of Europe's Committee of Ministers on this issue. Besides laying down some basic principles, the recommendation also suggests a number of specific tools which can be used to reduce prison overcrowding or to control prison population inflation.

The CPT, therefore, recommends that the Greek authorities continue to pursue vigorously multi-faceted policies designed to put an end to overcrowding in prisons, having regard *inter alia* to the principles set out in Recommendation No. R (99) 22 and other pertinent Recommendations of the Council of Europe's Committee of Ministers to members States²². The Committee would like to receive detailed information on the measures being taken by the Greek authorities in this respect.

²⁰ On 16 August 2005, foreigners comprised some 42% of the prison population, the vast majority of whom originate from Albania, Bulgaria, Romania, Serbia and Montenegro and "the former Yugoslav Republic of Macedonia".

²¹ cf. CPT/Inf (2002) 31, paragraph 57.

²² cf. Rec.(2000) 22 of 29 November 2000 on improving the implementation of the European rules on community sanctions and measures and Rec. (2003) 22 of 24 September 2003 concerning conditional release.

78. A *second axis* of the prison system reform programme involves the application of a classification of inmates and its subsequent monitoring. The introduction of a comprehensive classification system is positive and should be viewed as a first step towards the development of an individualised risk and needs assessment for every prisoner. Such an assessment instrument should report on each prisoner's needs for: care and resettlement; security and supervision; and personal development. The introduction of such an approach requires an investment in training for prison officers and treatment staff. However, it is clear that even a rudimentary classification process will be difficult to operate properly in an environment where the primary challenge is to find enough space for beds to accommodate new prisoners.

Nonetheless, the **CPT recommends that the Greek authorities pursue their efforts to develop and introduce a comprehensive classification system, followed by an individualised risk and needs assessment, for each prisoner; it would also like to receive an indication of the timetable for the implementation of the proposed classification system.**

79. The *third axis* refers to enhancing the possibilities for the provision of education and professional training for prisoners, working in close collaboration with the Ministries of Education and Employment. Particular emphasis is to be placed upon those skills required for sectors of the economy seeking employees. The *fourth axis* aims to promote the organisation of cultural events for, and by, prisoners. Encouraging prisoners to express themselves through art work, music and theatre is positive, and increasing such opportunities is to be welcomed.

The CPT could only welcome these developments, as a lot of work needs to be done in these areas. In fact, one of the stark findings by the CPT's delegation was the total dearth of meaningful activities for prisoners, both sentenced and remand. In the prisons visited by the delegation, the vast majority of prisoners whiled away their days idly in their cells or dormitories, with no opportunities to participate in education or professional training or work. **The Committee would like to receive a copy of the envisaged programme under axes three and four for the year 2006 generally and, more specifically, for those prisons visited by the delegation.**

2. Ill-treatment

80. At Chios and Komotini Judicial Prisons as well as at Korydallos Men's Prison, the Prison Hospital and the Psychiatric Hospital the delegation received practically no allegations, and found little other evidence, of ill-treatment of prisoners by staff.

By contrast, some complaints of ill-treatment were received at Korydallos Women's Prison. Several prisoners alleged that they had been roughly treated (e.g. slapped) by male members of staff; a particular case of 4 May 2005, concerning the alleged actions by (.....) was brought to the attention of the delegation. The delegation was informed that an investigation had been undertaken; however, it is unfortunate that the person concerned had not been transferred to other duties pending the outcome of the investigation. It is note-worthy in this regard that the delegation heard more recent allegations of ill-treatment by this same (.....) .

The CPT recommends that the Greek authorities deliver the clear message to staff at Korydallos Women's Prison, in particular male prison officers, that both physical ill-treatment and verbal abuse of prisoners are not acceptable and will be dealt with severely. Further, the Committee recommends that when allegations of ill-treatment are brought to the attention of the prison management those staff members concerned should be transferred to duties not requiring day to day contact with the prisoners, pending the results of the investigation.

81. The Committee was also concerned to learn that at Korydallos Women's Prison prisoners were systematically subjected to an examination of the bodily orifices, every time they left the prison (e.g. to court or to hospital accompanied by at least two prison guards) and on their return. Such an approach is certainly disproportionate and could well be considered as degrading. Examinations of this nature should be conducted exceptionally on the basis of a risk assessment, not systematically. Further, an intimate internal examination should be conducted by a medical practitioner only²³, it being understood that this medical practitioner should not be the doctor who would treat the patient with respect to health related issues. Also, such examinations must be conducted in a way that fully respects the dignity of the prisoner. The delegation was similarly concerned by the systematic practice of giving all new arrivals laxatives, placing them in the isolation unit for five days and monitoring their use of the toilets by video camera. This degrading practice should be ended immediately.

The CPT recommends that the Greek authorities review the practice of intimate internal examinations at Korydallos Women's Prison and ensure: that they are only carried out when absolutely necessary; that they are performed by a medical practitioner, who is not the treating doctor of the person concerned; and that they are done under conditions which respect human dignity. The Committee also recommends that the Greek authorities immediately end the practice at Korydallos Women's Prison of giving all new arrivals laxatives and monitoring their use of the toilet by video camera.

82. The Committee's delegation observed that inter-prisoner intimidation/violence was a significant phenomenon in the various prison establishments visited.

In Chios Judicial Prison one group of inmates appeared to be able to act with impunity in imposing its will upon other prisoners and less than a week after the visit by the CPT a serious stabbing incident occurred between prisoners. In Korydallos Men's Prison tension between different groups of prisoners, many foreign, was palpable during the delegation's visit and a fight involving some 20 prisoners took place in Delta Wing on 3 September 2005. In Korydallos Women's Prison, the delegation was informed about various incidents of inter-prisoner violence.

Reference should also be made to the serious problem of inter-patient violence within the Korydallos Psychiatric Hospital, including sexual abuse. Some of the allegations made to the CPT's delegation were subsequently confirmed by the medical records or upon an examination by one of the medical members of the delegation.

²³ cf. Rule 54 (7) European Prison Rules (Rec (2006)2).

83. The CPT has stressed in the past that the duty of care which is owed by the prison authorities to prisoners in their charge includes the responsibility to protect them from other prisoners who might wish to cause them harm. In particular, prison staff must be alert to signs of trouble and be both resolved and properly trained to intervene. Such a capacity to intervene will of course depend *inter alia* on an adequate staff/prisoner ratio (cf. also paragraph 97 below). In addition, the prison system as a whole may need to develop the capacity to ensure that potentially incompatible categories of prisoners are not accommodated together.

Further, prison staff are unlikely to be able to protect prisoners if they fear for their own safety or if they lack effective management support. These issues should be openly addressed in initial, in-service and ongoing training programmes for staff of all grades.

Tackling effectively the problems posed by inter-prisoner violence requires the implementation of an individualised risk and needs assessment, the availability of sufficient members of staff and ensuring that staff receive the requisite initial and advanced training throughout their careers.

In the light of these remarks, the CPT recommends that the Greek authorities devise a national strategy concerning inter-prisoner violence.

3. Conditions of detention

a. material conditions

84. The general characteristics of Korydallos Prison Complex have been described in previous visit reports²⁴. As regards Korydallos Men's Prison the official capacity now stands at 640, compared with 780 in 2001, while the inmate population remains around 2,100. At the time of the delegation's visit there were 962 persons on remand and 1,138 sentenced prisoners.

85. The delegation was informed about ongoing efforts to maintain the material conditions in the prison at a satisfactory level. While such repairs are essential they are, in themselves, insufficient to render the conditions acceptable as long as the occupancy level remains at three or four persons for cells of 9.5m². While it is unrealistic to expect the occupancy level to be reduced to one person per cell as foreseen when the prison was constructed, serious efforts should be made to reduce the number to no more than two prisoners per cell. The phenomenon of overcrowding in Korydallos Men's Prison is neither new nor temporary. In the meantime additional resources need to be made available to cope with the increased wear and tear of the facilities, which is inevitable when so many persons are confined in such cramped conditions.

²⁴ cf. CPT/Inf(94) 20, paragraph 91; CPT/Inf (2001) 18, Part I, paragraph 106 and Part II, in paragraph 52.

86. Korydallos Women's Prison is composed of an administration block, which includes the reception area, visiting room, health care centre and isolation block; three identical accommodation wings²⁵, each with an adjoining courtyard, connected to a central corridor running to the administration block; a separate unit for female adolescents; and a centre for mothers with babies and young children.

Although the prison's official capacity was 270, it was holding 543 women at the time of the visit. However, there had been no concomitant rise in the number of prison staff.

87. The conditions observed in the centre for mothers with babies and in the adolescent block were generally good; sizeable rooms, natural light, appropriately furnished, spacious and well-equipped common areas. Further, the buildings were in a good state of repair and there was a relaxed atmosphere.

By contrast the three main wings, in which the vast majority of prisoners were held, were in need of refurbishment. The Director explained to the delegation that the intention was to renovate all the Wings to the same standard as the refurbishment undertaken on the 2nd floor of Wing 'C'. This would be a positive step. However, in the immediate future it will be necessary to undertake running repairs not only to ensure all the toilets and showers function properly, but also to remove damp patches, visible in some of the dormitories and cells, and replace rickety bunk-beds and decrepit mattresses, such as were apparent in the dormitories on the second floor of Wing 'B'. Further, all prisoners should have their own lockable space in which to keep their personal items, which is not the case at present.

88. Once again, the major shortcoming as regards conditions was the level of overcrowding; in many of the dormitories it was very serious, with 25 women sharing a space that permitted them less than 2m² each. According to the Prison Law of 1999 a dormitory of 46m² should only accommodate seven, possibly eight, women. Likewise a cell of 9m² should ideally accommodate only one person; the delegation observed many of these cells being occupied by two or three women. In one case, two women with life sentences recently had to make space for a third woman with a long sentence. The effect was to raise tensions, especially as the original occupants could no longer continue their art work (their main activity) because the cell-table had been replaced by a third bed.

89. Chios Judicial Prison is located on the island of Chios, which lies some 10 kilometres from the west coast of Turkey. The prison was built in the 1960's and has expanded from accommodating 30 prisoners in 1973, to 163 at the time of the delegation's visit, although the official capacity is 100. The prison holds both remand and sentenced prisoners. The remand prisoners have to travel by boat either to Mytilini, on the island of Lesbos, where the local criminal court has its seat or even further afield. The sentenced prisoners come from all over Greece, and perceived being sent to Chios Prison as an additional punishment, since it meant they were further isolated from their families.

²⁵ In theory, Wing 'A' for remand prisoners; Wing 'B' for sentenced prisoners; Wing 'C' for remand and sentenced prisoners who are classified as drug addicts and/or having mental health problems.

90. The inmate accommodation consisted of nine dormitories and one room with a single bed. Six of the dormitories were seriously overcrowded with scarcely 2m² per prisoner²⁶ and the situation in a seventh dormitory (which was split into two sections with a 9m² area accommodating four persons and a 15m² area with six beds) was hardly better. Conditions in the remaining two dormitories²⁷, reserved for those prisoners who worked in the kitchen or on other administrative duties, were less cramped though far from ideal.

In each of the six large dormitories the delegation observed that up to five inmates did not have a bed of their own; instead, mattresses were placed in the passageway between the rows of beds. However, during the day these mattresses had to be taken away and hence these prisoners had no space of their own. Further, none of the prisoners had their own lockable drawers or any place to store their possessions. The only items of furniture in each dormitory was one table with five or six chairs.

91. In addition to overcrowding the dormitories were in a state of disrepair. In many of the dormitories one of the two toilets did not function and one or more of the washbasins were broken. Further, the delegation observed that in one case there was seepage from a toilet into the bathroom of the dormitory below. In order to maintain a modicum of cleanliness it is essential that the prisoners are provided with the necessary hygiene and cleaning products, which was not the case at the time of the visit.

There were numerous complaints of the mattresses being infested with parasites and the delegation observed that many of the prisoners displayed rashes on their skins. From discussions with the management of the prison, it was evident that fumigation of the mattresses was neither carried out with enough frequency nor with sufficiently effective resources. Further, the majority of inmates did not possess adequate bedding. Those that did have sheets claimed they had not been washed for three months. The delegation was also informed by many prisoners that in winter the heating system did not function effectively, and that the windows did not shut properly.

92. Komotini Judicial Prison, situated outside the town of Komotini in north-west Greece, has an official capacity of 105 prisoners. At the time of the delegation's visit the prison held 241 male prisoners; 152 sentenced and 89 on remand. The two-storey accommodation block is composed of some 21 cells and eight dormitories divided between each floor. Both the cells, with four prisoners in 9.5m², and the dormitories with some 20 to 25 prisoners were overcrowded. Further, complaints were heard about the heating system during winter.

²⁶ There were two dormitories of 42m², 48m² and 53m², accommodating 20, 24 and 24 persons respectively.

²⁷ One was 23m² with 6 beds; and the other 28m² with 10 beds, divided into two rooms by a partition.

b. regime

93. The general daily routine is laid down in Article 8 of the Decision on the “Internal Regulation of General Detention Establishments Type ‘A’ and ‘B’ by the Minister of Justice²⁸, and is the same for all prisons in Greece. For most of the day, between 7.30 a.m. and 11.p.m., prisoners are not confined to their cells²⁹ and, in theory, between 8 a.m. and midday and from 3 p.m. until half an hour before sunset, the prisoners can participate in sports, work, education and other participatory programmes. Additional out-of-cell time is allocated for holidays and during heat waves. However, in reality in none of the prisons visited was it possible to talk of a meaningful regime with purposeful activities for the majority of the prisoners

94. In Korydallos Women’s Prison the delegation was informed that some 125 prisoners were working as cooks, janitors and gardeners; that a further 93 took part in workshops once a week for painting, computing, jewellery and carpet making; that another 40 carried out odd jobs around the prison such as running the libraries or maintenance work. Six of the prisoners worked as assistant nurses. It should be noted that the delegation heard many positive comments about the weekly art workshop from inmates, and that securing one of the 30 places available was considered almost a privilege. The fact remains that less than half of the prisoner population were offered some form of organised activity (for which those who were sentenced could earn remission of either one day or three-quarters of a day for every day of work). On a more positive note, the women had access to the exercise yard for two hours in the morning and three hours in the afternoon.

In Chios Judicial Prison there were no organised activities for the vast majority of the prisoners. Some ten prisoners were employed in the kitchen and several undertook cleaning duties and administrative support (doctor’s assistant, storeroom, staff café). The director hoped to be able to organise some educational courses in the small classroom (equipped with seven children’s desks and chairs). However, it was more of a wish than a concrete project, given that the last course took place in December 2000. The only sports activities seemed to be football, in the concrete courtyard, and table tennis but it was up to the prisoners to purchase the equipment to play these games.

The lack of any purposeful activities was also evident in both Komotini Judicial Prison and in Korydallos Men’s Prison.

95. To sum up, the situation has not improved since the CPT’s visit in 2001, with the vast majority of prisoners (remand and sentenced), in the various institutions visited by the delegation, spending their days lolling around unproductively. The main distractions are television and associating with fellow inmates. A large number of inmates interviewed by the delegation complained about the lack of purposeful activities; further, given the considerable remission that can be earned through work there was equally resentment at the way in which the jobs available were distributed.

²⁸ No. 58819 of 7 April 2003 (in Government Gazette Issue No. 463 of 17 April 2003).

²⁹ Prisoners are confined to their cells between 12.15 p.m. and 3 p.m.

c. assessment

96. While the Greek authorities are making some efforts to improve the conditions of detention offered to prisoners, the measures undertaken tend to be far too reactive and limited in scope, as opposed to being proactive and comprehensive. The Committee does not underestimate the challenges facing the Greek prison system, but it is incumbent upon the Greek authorities to address the shortcomings outlined above in a systematic manner with a view to rendering the day to day reality in prisons consistent with the humane prison policy enshrined in law. The conditions of detention in some of the prisons (or units within prisons) visited by the CPT's delegation, where overcrowding is severe, could be described as inhuman and/or degrading.

97. As noted in the report on the 2001 visit³⁰, the CPT welcomes the provisions in the Prison Law of 1999 setting down the standards of accommodation and the norms for a safe environment, including health and hygiene, to be provided to each prisoner. These basic legal standards are not being applied in any of the prisons visited.

The CPT recommends, without prejudice to the full application of Article 21 of the Prison Law in due course, that:

- **immediate steps be taken to devise a phased programme to reduce the occupancy levels in Korydallos Men's Prison from the current three or more prisoners per 9,5 m² cell to no more than two per cell;**
- **the occupancy levels in the dormitories of Korydallos Women's Prison and Chios and Komotini Judicial Prisons be reduced, having regard to the remarks made in paragraphs 88 to 92 above;**
- **the 9m² individual cells in Korydallos Women's Prison should in no cases accommodate more than two persons (preferably they should accommodate only one);**
- **additional efforts be made to maintain the establishments visited in a good state of repair and to improve the living environment of prisoners, in the light of the remarks made in paragraphs 84 to 92 above.**

Further, the Committee would like to receive a detailed timetable for the proposed renovation of the different Wings at Korydallos Women's Prison.

98. By letter of 12 January 2006 the Greek authorities informed the Committee of the action taken in respect of Chios Prison, which was the subject of an immediate observation by the CPT's delegation under Article 8, paragraph 5, of the Convention, in respect of, among other issues, the material conditions in the prison at the time of the visit (cf. paragraph 8 above).

³⁰ cf. CPT (2002) 31, paragraph 78.

The CPT welcomes the steps taken to reduce overcrowding and to remedy some of the other shortcomings observed by the delegation. In particular, it was informed that the bathrooms have been repaired and that prisoners have been issued with new mattresses and blankets, and provided with lockers. Further, the CPT noted the intention to establish 30 work positions and to provide educational classes for prisoners, as well as other cultural and sporting activities. These are positive steps towards providing adequate living conditions for prisoners. **The CPT trusts that these measures will be sustained and further measures taken.**

99. As noted in the 2001 visit report, the Prison Law of 1999 recognises the importance of a satisfactory programme of activities for the well-being of prisoners by enshrining the right for both remand and sentenced prisoners to educational, sports and cultural activities³¹. Thus, the standards are positive but their implementation remains aspirational.

In all the prisons visited in 2005, it was not only that many prisoners were not involved in some form of organised activity, but the activities available often involved only a small part of the day or were occasional work, and were mostly of a monotonous nature. Such a state of affairs is not acceptable for any kind of prisoner (either on remand or sentenced), but is particularly harmful in so far as prisoners with lengthy sentences are concerned. As regards the latter prisoners, no measures had been taken to implement the recommendations made by the CPT in previous reports.³²

100. Certainly the ability of the prison service to provide purposeful activities, linked to an individualised treatment plan, is to a large extent related to the problem of overcrowding. However, one should not wait for the latter to ameliorate before improving the opportunities available to prisoners. Proactive measures by the authorities are required, otherwise the prison system is likely to become an even greater breeding ground for criminality. As prisoners look forward to release into the community they need to be prepared for that life, to possess a degree of self-worth and to feel capable of leading a life away from crime. A regime which provides for varied activities is a vital component in the preparation for release, as well as being beneficial for the running of the prison.

The CPT recommends that the Greek authorities devise means for improving substantially the programmes of activities on offer to inmates (both remand and sentenced) in Korydallos Men's and Women's Prisons and Chios and Komotini Judicial Prisons. Such programmes should be further expanded as the overcrowding is reduced; permitting prisoners themselves to take initiatives in this area, under appropriate supervision, might also be considered.

The CPT would also like to receive information about the number of workshop places available in Korydallos Women's Prison for 2005 and 2006, and the amount of time spent by prisoners on the activity concerned.

The CPT recommends that the Greek authorities review the situation of long-term prisoners in all prison establishments and draw up a detailed plan to introduce the intended new measures.

³¹ cf. CPT/Inf (2002) 31, paragraph 80.

³² cf. CPT/Inf (2002) 31, paragraph 83.

4. Health care services

a. introduction

101. In its report on the 2001 visit, the CPT noted that the Prison Law of 1999 contained a number of provisions on health care in prison, which are in line with the position advocated by the Committee; most notably the general principle of equivalence of care. However, the findings of the delegation during the 2005 visit illustrate, all too vividly, that the health care services in all the prisons visited cannot be considered as acceptable. More specifically, many of the previous recommendations by the CPT concerning issues such as staffing, medical screening upon admission, medical confidentiality and health-care policy concerning drug abuse have not been implemented by the Greek authorities³³.

The CPT recommends that the Greek authorities urgently re-examine the general state of health care services in prison establishments, so as to bring them into compliance with the provisions of the law. Improving health care in prison will necessitate *inter alia* the hiring of additional qualified medical staff.

102. During the 2001 visit the delegation had been informed that the transfer of responsibility for prison health care from the Ministry of Justice to the Ministry of Health was under consideration. In 2005, the delegation was informed that such a transfer was one of the action items for the Ministry of Justice, whereas the Ministry of Health said that there was no ongoing discussion on this issue. The CPT has already expressed its favourable opinion on such a transfer³⁴ and, therefore, **would like to receive clarification as to whether such a transfer remains under active consideration and, if so, receive information on the timescale envisaged for the transfer of responsibility.**

b. health care in the prisons visited

i. *resources and access to health care*

103. Once again the situation in Korydallos Men's Prison gave considerable cause for concern. For an establishment currently accommodating more than 2,000 prisoners, it is astonishing that there is still no full-time general practitioner. Instead there is a doctor on-call during the late afternoons and nights, and visits by a general practitioner twice a week for two hours; a psychiatrist and a dentist are the only permanent medical staff along with two qualified nurses.

A number of specialists (ophthalmologist, orthopedic surgeon, urologist, otolaryngologist, pulmonologist, cardiologist, neurologist), including a second psychiatrist, were on contract to visit the prison twice a week for two hours. It appeared that even these hours were not respected in some cases. Additional support was provided by eight unqualified nurses (i.e. guards) and two inmates (one of the inmates was creating an electronic archive for the medical documentation).

³³ cf. CPT/Inf (2002) 31, paragraphs 85 to 98.

³⁴ cf. CPT/Inf (2002) 31, paragraph 86.

To sum up, primary health care staff resources were totally inadequate for a prison of such a size. This situation is all the more inadmissible as the CPT has been emphasising the necessity to reinforce the health care service ever since 1993.

104. The health care staff resources in Korydallos Women's Prison were somewhat better than within the Men's Prison, but still far from adequate. The medical staff consisted of three general practitioners and a number of specialists (dentist, dermatologist, cardiologist, gynecologist, microbiologist, orthopedic surgeon, psychiatrist, pediatrician), all of whom visited the prison for two hours twice a week. In addition, there is a doctor on call from 3 p.m. to 7 a.m. every day, one qualified and one unqualified nurse (i.e. a guard), and two assisting prisoners (who prepare and distribute the medication for each prisoner and also keep the keys to the pharmacy) .

In truth, there was no health care service to talk of at Chios Judicial Prison. The doctor, a recent graduate who was half-way through a five month residency at the local hospital, visited the prison twice a week; and a psychiatrist received prisoners at the hospital every day. There was no nurse, and distribution of medication and the maintenance of the files was done by the guards, and a couple of the prisoners administered to basic needs (i.e. pain killers and vaccinations). According to the letter of 12 January 2006 (cf. paragraph 9 above) the situation is in the process of improving with the hiring of a doctor and a full-time nurse.

In contrast, at Komotini Judicial Prison the health care team was slightly better, with one permanent general practitioner, supported by a part-time local doctor, and two qualified nurses; in addition, a dentist visited the prison three times a week. However, there was no visiting psychiatrist.

105. In all the prisons visited, to varying degrees, inmates complained to the delegation about problems of access to the health care service, and a lack of care by the medical staff. Further, the delegation observed a number of inmates with varying ailments that had not been treated; for example: a female prisoner with a fractured arm; numerous inmates with rashes over their bodies; and prisoners with febrile illnesses. Many prisoners also complained about the lack of care provided to drug abusers and the resultant problems engendered within the prison population.

106. The provision of adequate levels of qualified health care staff is a prerequisite for implementing a proper health care strategy in prison, capable of catering to the specific medical needs present within a prison population.

In this connection the Committee recommends, as an initial measure, that steps be taken immediately to ensure:

- **at Korydallos Men's Prison, the recruitment of two full-time general practitioners and at least an additional four qualified nurses, one of whom should be a qualified mental health nurse;**
- **at Korydallos Women's Prison, the recruitment of a full-time general practitioner and an additional three qualified nurses, one of whom should be a qualified mental health nurse;**

- **at Komotini Judicial Prison, the recruitment of an additional qualified nurse and the provision of specialist medical care on a regular basis, the most urgent need being for a psychiatrist;**

Further, as regards Chios Judicial Prison, the Committee would like to receive confirmation of the recruitment of a general practitioner, on a half time basis, and at least one full-time qualified nurse as well as arrangements for regular visits by other medical staff, such as a dentist.

More generally, **the CPT recommends that a detailed needs assessment be carried out in all prisons, having regard to their particular characteristics, to determine the requirements in terms of health care staff. The results of the needs assessment should be communicated to the Committee, along with a plan for taking the necessary measures.**

107. The findings of the delegation in the course of the visit highlighted the fact that in all the prisons visited (with the possible exception of Komotini Judicial Prison) there was a total lack of coordination or consultation among the various medical staff. The smooth operation of a health care service presupposes that doctors and nursing staff are able to meet regularly and to form a working team under the authority of a senior doctor in charge of the service. **The CPT recommends that in each prison a senior doctor be appointed as the head of health care, with responsibility for managing the health care service and ensuring there is a regular consultation process among the staff.**

ii. medical screening on admission

108. For a fifth time the CPT is obliged to reiterate the importance of medical screening of prisoners on admission - especially at establishments which represent points of entry into the prison system. Such screening is indispensable, in particular in the interests of preventing the spread of transmissible diseases, suicide prevention and the timely recording of any injuries.

109. In none of the four prisons visited was the medical screening systematically carried out on every new arrival on the day of, or day after, their arrival. Many prisoners had not seen a doctor at all while others had had to wait for periods of a week or more, or until they were forced to see the doctor for a pain/illness. Further, in none of the prisons could the initial medical examination be considered as comprehensive, consisting merely of a few questions.

The CPT recommends that every newly-arrived prisoner be properly interviewed and physically examined by a medical doctor as soon as possible after his admission. Save for exceptional circumstances, that interview should be carried out on the day of admission, especially insofar as remand establishments are concerned. Such medical screening on admission could also be performed by a fully qualified nurse reporting to a doctor.³⁵

³⁵ The CPT has already commented that the relevant provisions of the Prison Law should be amended (cf. CPT/Inf (2002) 31, paragraph 91).

iii. medical files and confidentiality

110. The information gathered during the 2005 visit leads to the inescapable conclusion that there has been no progress in ensuring that a personal medical file is compiled for each prisoner and that the confidentiality of medical information is respected (cf. CPT/Inf (2002) 31, paragraph 92). **The CPT reiterates its recommendation that a personal medical file be opened for each prisoner, containing diagnostic information as well as an ongoing record of the prisoner's state of health, of any special examinations he has undergone and of his treatment. In the event of the prisoner being transferred, the file should be forwarded to the head of the medical service in the receiving establishment. Further, the CPT recommends that the authorities take additional steps to ensure that the confidentiality of medical data is respected, in compliance with the Law** (cf. Article 29, paragraph 5 of the Prison Law).

Moreover, in the light of the Greek authorities' response that persons who are members of the Prison Council, Labour Council and Disciplinary Council within any prison have access to the inmate's personal health card (cf. Article 28, paragraph 3 of the Prison Law), **the CPT recommends that any information of relevance within a prisoner's personal medical record should only be communicated to these Councils by the head of the health care service in each prison with the prisoner's permission. None of the non-medical staff, including the Directors of the prisons, should have access to the prisoner's personal medical record.**

iv. issues related to transmissible diseases

111. The policy of transferring male prisoners who have been tested HIV-positive to Korydallos Prison Hospital (where they are held together in a separate ward) continues to operate. At the time of the visit this ward was accommodating twenty persons who were HIV positive, but none with AIDS. The conditions and quality of care they received were very good. However, they were provided with no purposeful activities during the day.

The CPT has taken note of the response of the Greek authorities to the 2001 report³⁶, but would reiterate that, unless there is a medical need for a transfer to a health care facility, HIV-positive prisoners should be integrated into the general prison population. The non-segregation of women prisoners proves that persons who have tested HIV-positive can continue to live among the general prison population.

112. At the same time the prison health care service ought to ensure that educational information about transmissible diseases (in particular hepatitis, AIDS, tuberculosis, dermatological infections) is regularly circulated, both to prisoners and to prison staff. It was noted that there was no specific training for the staff nor provision of information to the prisoners on this issue. The Committee considers that prison staff should be provided with ongoing training in the preventive measures to be taken and the attitudes to be adopted regarding HIV-positivity, and given appropriate instructions concerning non-discrimination and confidentiality.

³⁶ cf. CPT/Inf (2002) 32, paragraph 95.

The CPT recommends that the Greek authorities establish systems to ensure that in all prison establishments inmates who are HIV positive can be cared for and treated without recourse to transfer to Korydallos Prison Hospital. Further, they should institute a health information programme in all prisons about transmissible diseases, and prison staff should be given specific training on the issue of transmissible diseases.

113. As regards prisoners tested for HIV, the CPT wishes to emphasise that appropriate counselling should be provided before any screening test and, in the case of a positive result, psychological support should be guaranteed. Further, information regarding HIV-positivity should be protected by medical confidentiality. **The CPT recommends that the Greek authorities ensure that these precepts are fully respected in practice.**

v. *health care policy regarding drug abuse*

114. In all the prisons visited by the delegation there was no trace of a prevention and treatment policy; the delegation even met prisoners who had relapsed into drug abuse while in prison. The comments made following the 2001 visit remain pertinent (cf. CPT/Inf (2002) 31, paragraph 97). Reference was made to the detoxification centre for drug-addicts in Thebes, both in official communications and in discussions with the various prison directors. However, despite a capacity of 300, the centre's population was only 53 at the time of the visit, contrasting starkly with the overcrowding in every other prison establishment.

115. The CPT considers that the predominant policy approach, within Greek prisons, of combating drug abuse exclusively through heightened security measures is misguided. The CPT recognises that providing assistance to persons who have drug-related problems is far from being a straightforward matter, particularly in a prison setting; there is no simple or single answer as regards the approach to be followed.

However, although prison is not an ideal environment to address a person's drug-related problem, admission to prison could be an opportunity to address such a problem and it is therefore important that suitable assistance is offered to all persons concerned; consequently, appropriate health care must be available in all prisons and not only in those establishments with special drug treatment centres. The assistance offered to such persons should be varied, combining genuine medico-psycho-socio-educational detoxication programmes with substitution programmes for opiate-dependent patients who are unable to stop taking drugs. The setting up of a drug-free wing in prisons for certain categories of prisoners, *inter alia* those having completed treatment programmes prior or during imprisonment, might also be considered. All health-care staff and prison staff more generally should be given specific training on drug-related issues. Further, effective through-care in partnership with community based drugs related agencies should be put in place.

In the light of the above remarks, the CPT recommends that a comprehensive strategy be drawn up for the provision of assistance to all prisoners with drug-related problems.

c. Korydallos Prison Hospital

116. The Prison Hospital continued to operate more as a health care centre with in-patient beds than as a fully-fledged hospital. It possessed an outpatient department on the ground floor, general wards on the first floor and an HIV ward on the second floor (cf. paragraph 87 above). The 120 patients are cared for by six resident doctors, a rota of twenty-two visiting doctors and, in theory, eleven nurses. However, the delegation was informed that only seven nurses were available to work and, in fact, at the time of the visit there was only one nurse on duty for the whole hospital. The lack of nurses meant that a number of dependent bed-bound patients, apparently terminally ill, were not having their daily needs met (i.e. assistance with eating and ablutions). Such lack of care could amount to degrading treatment. **The CPT recommends that the Greek authorities ensure that the nursing complement is adequate to meet the needs of the patients at all times.**

d. Korydallos Prison Psychiatric Hospital

117. The delegation made a follow up visit to the psychiatric hospital, the functions of which have not changed since the CPT's visit in 1993 (cf. CPT/Inf (94) 20, paragraph 175), and it continues to be the only place for treatment of some categories of forensic psychiatric patients in Greece. Since the last visit in 2001, the overcrowding has increased with 265 patients for an official capacity of 160 while the staffing levels have not improved. Moreover, the delegation noted that there has been no progress in developing the facility into a fully resourced psychiatric hospital, contrary to what was indicated in previous responses by the Greek authorities. **The CPT would like to be informed as to the policy intentions regarding the psychiatric hospital, including as regards plans to address the issue of overcrowding.**

118. Particular attention was paid to the isolation unit in the basement of the hospital, which had previously been described by the CPT in the 1993 visit report (cf. CPT/Inf (94) 20, paragraph 184). The CPT delegation observed that the former cells had been refurbished with three of the cells now padded and two apparently used for storage purposes; two of the padded cells were out of order. Two additional cells were purpose built for persons suspected of terrorist offences, but, as the delegation was told, never used.

None of the cells of the isolation unit contained an alarm bell and patients had to bang on the doors to attract the attention of the wardens. The installation of a call-system in these cells is essential. Further, the suicide prevention policy of stripping patients and leaving them naked in an isolation cell is not necessary, and should be ended; special anti-rip clothing should be available, if required. **The CPT recommends that the Greek authorities take the necessary measures in light of the above remarks.**

119. The transit unit in a ground floor annex to the main building was in a very dilapidated state. The delegation was informed that it would be demolished and replaced with a block of nine cells and two dormitories. **The CPT would like to be informed about the plans and timetable regarding the building of the new unit.**

120. As mentioned above, staffing levels remained insufficient and the recommendation contained in the CPT's 2001 visit report had not been addressed. It is, therefore, not surprising that the fundamental components of an effective psycho-social rehabilitative treatment were underdeveloped, even absent, and that the treatment provided to psychiatric patients consisted essentially of pharmacotherapy. This situation can be attributed to the absence of suitably qualified staff and a lack of appropriate facilities.

The CPT recommends that the Greek authorities take the necessary steps to fill the vacant health care posts within the hospital *inter alia* by filling all the posts of psychiatrist and by substantially revising the number of nursing staff and staff involved in therapeutic activities. In addition, the Greek authorities should ensure that all staff are provided with appropriate specialist training to carry out their duties professionally; further, a determined effort should be made to develop psycho-social rehabilitation treatment programmes.

121. Despite a high prevalence of drug addicts the two drug rehabilitation programmes covered only a limited number of patients. **The CPT recommends the drug rehabilitation programmes be made available to all those patients in need thereof.**

It should also be noted that a significant number of patients interviewed by the delegation referred to the easy access to illegal drugs inside the hospital. A successful treatment of drug abuse cannot co-exist with the widespread availability of illicit substances, and the behaviour this engenders.

122. With regard to the introduction of a proper medical filing system, the CPT notes with dismay that there has been no progress in condensing the seven existing files into a single patient file, as recommended in the 2001 visit report. The inefficiency this caused was apparent to the delegation, as well as the fact that doctors found it difficult to obtain a clear overview of a patient's status. Obviously, appropriate measures need to be taken to ensure the security of the medical files.

Further, there was no internal policy on important medical issues, such as the use of chemical or mechanical restraints. Such a policy should be drawn up forthwith.

The CPT recommends that the Greek authorities remedy these two problems.

5. Other issues related to the CPT's mandate

a. prison staff

123. The CPT has stressed in the past that an inadequate staff/prisoner ratio not only renders the provision of an acceptable regime well-nigh impossible, but also generates an insecure environment for both staff and prisoners. In addition to creating a potentially dangerous situation for vulnerable prisoners, it also poses dangers for staff, whose position can be compromised by their inability to exert proper control over - and develop a constructive dialogue with - prisoners.

The delegation's findings from the 2005 visit point to a deteriorating situation as regards staffing, and it can only forcefully echo the above comments. In all the prisons visited there were insufficient numbers of staff in detention areas; for example, in Korydallos Men's Prison two prison officers and a supervisor for a Wing of 400 prisoners; in Korydallos Women's Prison one to two prison officers and a supervisor (not always present) for a Wing of some 200 prisoners; in Chios Judicial Prison two prison officers and a supervisor for some 160 prisoners. Consequently, it was impossible for staff to provide proper supervision or control, let alone appropriate care, for all prisoners at all times.

Indeed, discussions with staff revealed that they had little idea about what was happening on the cell-blocks, and that if there was trouble they would not be able to intervene in a rapid and effective manner. Therefore, disputes were usually resolved by the prisoners themselves, in their own way. Further, inmates perceived the prison officers as being merely competent to lock and unlock doors which, given the lack of personnel, certainly did take up a large proportion of their time. Thus, many minor complaints and problems which could have been resolved on the cell blocks were being referred to more senior management or specialist staff; consequently, the response time was greater which, in turn, generated further frustration on the cell blocks.

124. Staff possessing the requisite skills will always represent the cornerstone of a humane prison system. To obtain personnel of the right calibre the authorities must be prepared to invest adequate resources into the process of recruitment and training. The real professionalism of prison staff requires that they should be able to deal with prisoners in a decent and humane manner while paying attention to matters of security and good order. In this regard, prison management should encourage staff to have a reasonable sense of trust and expectation that prisoners are willing to behave themselves properly. The development of constructive and positive relations between prison staff and prisoners will not only reduce the risk of ill-treatment but also enhance control and security. In turn, it will render the work of prison staff far more rewarding.

The delegation was informed that a recruitment procedure for some one hundred prison staff had been initiated in early 2004, but the process had still not been completed by September 2005. This is clearly a step in the right direction but will not be sufficient to bring staffing resources to an adequate level throughout the prison system. **The CPT recommends that a review of the current staffing levels be carried out in all the prisons and, in the light of the review, provision be made to recruit additional staff. Further, the CPT would like to receive information on whether the process of selecting and training a hundred new prison officers has now been completed and, if so, to which prisons they have been allocated.**

125. As to training, many of the prison officers met by the delegation stated that the training offered was insufficient. More specifically, certain complained that, besides a three month theoretical course upon first joining the prison service, they had received no refresher or educational courses to assist them with their tasks. **The CPT would like to receive detailed information on the courses that all new prison officers undertake upon joining the service, as well as information on the in-service training facilities for existing staff.**

The CPT also wishes to stress the importance of appropriate training in control and restraint techniques (i.e. manual control). **The CPT reiterates its previous recommendation that training in control and restraint techniques be made available to all prison officers; it would also like to receive detailed information on the training provided and the numbers of officers concerned.**

b. contact with the outside world

126. The importance of prisoners being able to maintain good contact with the outside world is recognised in the Prison Law of 1999 (cf. Articles 51 to 58), and the necessity to promote such contacts has been stressed in previous CPT reports. In general, the practice as regards access to the telephone and correspondence can be considered as satisfactory. However, in certain establishments additional efforts need to be made; for example, **Chios Judicial Prison has only one telephone for more than 160 prisoners, and it often becomes the object of disputes.**³⁷

127. As regards visits, previous CPT recommendations on this subject have not yet been implemented. Visits still normally take place under closed conditions, allowing no physical contact between prisoner and visitor. Moreover, visiting time is limited to 30 minutes or less a week. At Chios Judicial Prison, there were almost no visits as a result of its geographical isolation. **The CPT reiterates its recommendations: that the Greek authorities review the arrangements for visits, with a view to allowing them to take place under reasonably open conditions; that a more generous visiting time be offered; and that special rules on visiting arrangements for difficult-to-access prisons be drawn up, which should address *inter alia* the length of visits and possible forms of assistance to visitors.**

³⁷ The problem is accentuated in this prison not only due to the large numbers of foreigners but also because the vast majority of Greek prisoners come from distant islands or the mainland – hence there are virtually no visits and the telephone is the primary means of communication with family and even lawyers.

c. segregation

128. The delegation was concerned to discover that prisoners can be placed in the segregation units without such confinement being registered (i.e. for so-called cooling down periods), as recording only occurs once there is a decision by the Disciplinary Council authorising segregation; for example, the delegation met persons in Korydallos Men's Prison who had been placed in the segregation unit for several days, but whose stays were not recorded. It also lends credence to claims from prisoners in several prisons that they were arbitrarily placed in the segregation unit when returning from leave, court or hospital. **The CPT recommends that the Greek authorities ensure that all placements in a prison segregation unit are in accordance with the provisions of the Prison Law, properly authorised and correctly recorded in the relevant register.**

129. As to the conditions in the segregation units visited, in Chios Judicial Prison the single isolation cell (8.5m²) had minimal access to natural light and poor artificial lighting and ventilation. The only furnishing in the cell was a decrepit mattress. The adjoining toilet area, separated by a barred gate, was dirty and the flush did not function; there was also no wash basin.

In Komotini Judicial Prison, the five isolation cells were also not in a fit condition to hold prisoners. The delegation met a prisoner who had already spent seven days of his ten-day punishment in one of these cells; it was hot and filthy, with a putrid smell; there was poor ventilation, no bed (only a dirty mattress on the ground), no wash basin (hands were washed in the toilet) and minimal access to natural light.

The CPT recommends that the segregation cells in these prisons be urgently renovated in the light of the above remarks. In addition to access to natural light, adequate artificial lighting and ventilation, they should also be equipped with a bed and suitable seating; preferably, a table should be installed as well.

130. The delegation was surprised to observe that there had been no improvements to the disciplinary cells in Korydallos Men's Prison since the previous visit. In its response to the 2001 visit report (cf. CPT/Inf (2002) 32, paragraph 110), the Greek authorities stated that the cells were deliberately not equipped in order to prevent self-destructive tendencies and suicides. As already recommended by the CPT, the first concern can be addressed by installing a table and chair that are fixed to the floor. As to prisoners who are identified as being at risk of suicide or self-harm, they should be accommodated in specially adapted cells and placed under close-supervision – the cells in the segregation unit are totally inappropriate for such purposes.

Further, in the course of the 2005 visit the delegation observed that some of the 6m² cells were being used to accommodate two prisoners; certain prisoners had to share a bed with others; and neither the toilets nor the shower were in working order. In addition, many complaints were heard that outdoor exercise was not offered on a daily basis. **The CPT recommends that the material conditions in the segregation unit be substantially improved in the light of the above remarks, and that all prisoners undergoing disciplinary punishment are offered at least one hour of outdoor exercise per day.**

d. inspection procedures

131. The delegation was informed about the functioning of the Monitoring and Control Body (prison inspectorate), presided over by an honorary prosecutor and with two police officers carrying out inspections. The reports were submitted to the General Secretary of the Ministry of Justice and were not made public. The inspections themselves were described as comprehensive and could be *impromptu* as well as planned in advance; individual complaints could be dealt with if received in the course of an inspection.

132. The CPT has, in the past, made known its criteria for prison visits by outside authorities³⁸. There is of course no one model and in many countries there is a diversified approach with an internal Ministry inspectorate (such as in Greece) as well as a specialised ombudsman, visiting committees composed of members of civil society, NGOs, etc.

The CPT recommends that the Greek authorities seek to develop the existing inspection procedures, in the light of the above remarks. Further, the CPT wishes to receive a copy of the report relating to the most recent inspections of Korydallos Women's Prison.

³⁸ (cf. CPT/Inf (2001) 18, Part I, paragraph 186.) "The CPT considers that the effectiveness of a body responsible for monitoring conditions in a prison will depend on the way in which it organises its activities in the establishment, on the provision of appropriate training for its members and, perhaps, above all, on its ability to make itself seen as a quite separate body from the prison staff and administration.

To be effective, such a body or certain of its members should undertake regular prison visits. During these visits, the members must be "visible" to the prison authorities and staff and to the prisoners themselves. More specifically, members must not restrict their contacts to persons who have expressly requested to meet them, but should take the initiative by visiting the prison's detention areas and entering into contact with inmates.

It is essential that, should the need arise, such a body be authorised to have direct contact with governmental and/or parliamentary authorities. In certain situations, to fulfil its functions effectively, it must be able to address itself to someone other than the head of the establishment concerned.

In addition, it would be very desirable for the body to produce and publish an annual report on its activities, in order to achieve greater openness and stimulate public debate on the prison service. It goes without saying that its findings in certain areas could remain confidential".

e. transfer of prisoners

133. In the course of the visit the delegation's attention was drawn to the fact that a great number of prisoners were constantly being moved around the country from one prison to another or for court appearances. The constant transfer of prisoners from one institution to another is disruptive both for the person in question as well as for other prisoners and staff; moreover, it prevents social integration and promotes a sense of alienation within the individual, which is likely to lead to the prisoner becoming more and more difficult to manage. Governors explained that they had to make space to receive new inmates and thus they used the transfer system as a means of dealing with available capacity and maintaining order within the prison.

The CPT acknowledges that operational considerations may exceptionally require such measures. However, it would be desirable to avoid as far as possible the needless uprooting of prisoners, even bearing in mind the chronic overcrowding in the prisons. **The CPT would appreciate the Greek authorities' comments on this matter.**

134. Further, the conditions in the vehicles in which these transfers took place, with up to four prisoners being placed in a cubicle measuring scarcely 2 m² for periods of up to seven hours, were unacceptable. Cubicles of such a size should never hold more than three persons, and preferably no more than two persons. The delegation also heard complaints that often there were no rest stops during the journeys, and that some of the older vehicles had poor ventilation and frequently broke down.

The CPT recommends that conditions under which prisoner transport takes place be reviewed in the light of the above remarks. In particular, the cubicle occupancy rate should be reduced, and regular rest-stops should be ensured. Further, all transport vehicles should be sufficiently lit and ventilated and heated appropriately.

C. **Psychiatric establishments: Corfu Psychiatric Hospital**

1. **Preliminary remarks**

135. Reference has already been made to the necessity for close cooperation between the Ministry of Health and the Ministry of Justice in the provision of health care to those persons deprived of their liberty (cf. paragraph 78 above). This is equally true in the area of forensic psychiatry. However, from its discussions with the two ministries the CPT's delegation believed that neither ministry was satisfied with the extent of the existing cooperation. **The CPT would appreciate the comments of the Greek authorities on the respective roles, and areas of mutual cooperation, of the two ministries in the area of forensic psychiatry.**

136. The CPT's delegation visited, for the first time, Corfu Psychiatric Hospital, located in the centre of the island's main town, Corfu. Under the ongoing process of deinstitutionalisation in Greek psychiatry, the capacity of the hospital has been reduced significantly from 400 patients in 1984 to 204 at the time of the visit. There were 56 involuntary patients placed under the civil procedure and two patients under Article 69 of the Criminal Law.

137. Corfu Psychiatric Hospital was in a state of transformation to a decentralised hospital and the four remaining in-patient departments were scheduled for closure in 2006. The CPT delegation was informed that in the near future a closed ward would be established in the nearby Corfu General Hospital and that, correspondingly, the psychiatric hospital would no longer have such a unit.

The CPT would like to be informed when the planned removal of patients from the main site has taken place and the four remaining wards are de facto closed. Furthermore, it would like to receive details, in due course, about the closed ward at Corfu General Hospital.

138. In general, patients spoke positively about the hospital personnel and the overall atmosphere appeared to be relaxed. However, a few allegations of ill treatment by nursing staff were heard, consisting mainly of slaps and punches. **The CPT recommends that nursing staff at Corfu Psychiatric Hospital be reminded that all forms of ill-treatment of patients are unacceptable and will be dealt with severely.**

2. Living conditions and treatment

139. The delegation focused its visit on the four wards on the main site of the hospital (the Asklepios, Hippocrates, Gousis and Galinos units) and the hostel located across the street, which all accommodated some involuntary patients. The Galinos, Asklepios and Hippocrates units accommodated mostly elderly, long stay, patients, who were awaiting transfer to one of the newly established hostels or sheltered apartments, or for a transfer to Arta on the mainland. These units were open wards, while the Gousis unit was a closed ward for patients with acute disorders.

140. In general, the delegation found that the living conditions in the wards visited in Corfu Psychiatric Hospital were acceptable in terms of cleanliness. Further, the rooms, which were generally shared by two to four persons, were sufficient in size with ample access to natural light and furnished with a bed and a bedside table. That said, the overall atmosphere was rather austere, without any personal decoration or personal items.

141. More importantly, with the exception of the recently painted Gousis unit, the wards and the hostel were in a state of disrepair, and were in need of renovation and reorganisation. For example, in the Hippocrates unit, the patients were exclusively elderly women, with only two of the twenty patients able to climb the stairs unaided, and yet all the bedrooms were upstairs. The delegation was informed that accidents had already happened.

The hostel, for its part, had recently suffered serious damage to the upstairs bathrooms and toilet, and to the ceiling of the ground floor, due to leaking pipes. Obviously, this had a distinctly negative effect on the living conditions of patients. It should be noted in this connection that the hostel would continue to be used when the hospital became a decentralised facility, and that even the above mentioned wards may well remain in service for some months to come. Consequently, **the CPT recommends that the Greek authorities take appropriate measures in light of the above remarks.**

142. As regards psychiatric treatment, it should involve access to appropriate medical treatment as well as a wide range of rehabilitative and therapeutic activities, including access to occupational therapy, group therapy, individual psychotherapy, art, drama, music and sports. Patients should have regular access to suitably-equipped recreation rooms.

This was not the case in Corfu Psychiatric Hospital, where the treatment consisted mainly of pharmacotherapy; the psychologist of the hospital rarely met with patients and only the Asklepios unit had a room for therapy (music). It was also clear that no individualised treatment plans supported by a multidisciplinary team were implemented.

Further, there were practically no activities organised for the long-term patients who, therefore, spent most of their time in complete idleness. With respect to the patients on the closed acute ward the situation was no better, although the delegation noted the presence of a few board games and there was a weekly visit of one hour by an occupational therapist. By contrast, the situation in the hostel was better with an occupational therapist visiting patients twice a week.

The CPT recommends that increased efforts be made at Corfu Psychiatric Hospital to develop therapeutic and psycho-social rehabilitation and, that an individual treatment plan for each patient, based on a multidisciplinary approach, be established.

143. In the CPT's experience, it is important that the different categories of staff working in a psychiatric unit meet regularly and form a team under the authority of a senior doctor, with a view to addressing the therapeutic needs of individual patients. This will allow day-to-day problems to be identified and discussed, and guidance to be given. Moreover, the quality of treatment could benefit significantly from these regular staff meetings. Presently, no such meetings are held at Corfu Psychiatric Hospital. **The CPT recommends that the necessary steps be taken in light of the above remarks.**

3. Staff

144. The hospital employs six full-time and four trainee psychiatrists; there is one vacancy. The number of nurses was 143, with some 85 having followed either three and a half years vocational training or a two-year training course. However, only a limited number of the nurses have received a specific training in psychiatry. Besides the medical staff, the hospital employs four occupational therapists, one psychologist, one pharmacist, two dentists and four social workers.

The current staffing levels were not sufficient to allow for the establishment of a fully fledged therapeutic environment, consisting of a full range of physical, psychological, social and occupational activities. The location of the psychiatric hospital on a rather remote and expensive island and the amount of red tape involved in staff deployment were cited as serious obstacles in attracting sufficiently qualified staff.

However, regardless of its location, a psychiatric hospital must be properly staffed. **The CPT recommends that the Greek authorities strive to reinforce the number of qualified staff at Corfu Psychiatric Hospital.**

4. Restraints

145. In Corfu Psychiatric Hospital agitated or violent patients were restrained by strapping them to a bed in one of the two rooms adjacent to the staff room, or in the patient's own bed. The fixated patient would be visited by a staff member every ten minutes during the day, but only once an hour at night, which is insufficient. Patients who are fixated should always be subject to continuous, direct personal supervision by a member of staff. During the period of fixation a patient could receive visits from other patients. Such visits should only take place with the express permission of the restrained patient.

The delegation noted that in Corfu Psychiatric Hospital mechanical restraints were only applied with approval of a doctor and with proper registration, contrary to findings on earlier CPT visits to Greek psychiatric institutions in 1993 and 1997.

Nevertheless, the register highlighted two main concerns. Firstly, there was frequent recourse to fixation and, at times, for long periods. Secondly, restraints were not only applied for controlling agitated patients but apparently for purposes of punishment as well; for example, according to the relevant register, one patient was strapped to a bed for “throwing ice cubes at another patient”.

146. If recourse is had to instruments of physical restraint, they should be removed at the earliest opportunity; they should never be applied, or their application prolonged, as a punishment. Furthermore, the restraint of patients should be the subject of a clearly-defined policy. That policy should make clear that initial attempts to restrain agitated or violent patients should, as far as possible, be non-physical (e.g. verbal instruction) and that where physical restraint is necessary, it should in principle be limited to manual control.

The complete absence of such a restraint policy in the form of a protocol or guidelines in Corfu Psychiatric Hospital was at least a contributing factor to their occasional misuse. The CPT understands that a protocol was under consideration; its delegation was also informed that a recent study at Chania Psychiatric Hospital showed that the introduction of a protocol on restraints was instrumental in a significant reduction in their use.

The CPT recommends that the Greek authorities introduce a protocol or guidelines on the use of restraints in Corfu Psychiatric Hospital, taking into account the above remarks.

5. Safeguards relating to involuntary hospitalisation and discharge

147. Law 2071/92, concerned with involuntary placement of patients, states that involuntary placement shall not exceed six months, unless a special committee of three psychiatrists decides otherwise. After the first three months of hospitalisation a patient is assessed as to whether s/he should to be kept in hospital for a further three month period or be immediately discharged.

Representatives of the Ministry of Health informed the delegation that normally all involuntary patients were discharged before the end of the six month period; indeed, newly admitted involuntary patients at Corfu Psychiatric Hospital remained on average for 21 days, after which they were discharged.

However, a significant part of the patient population in the hospital consisted of elderly, chronic patients who had been hospitalised for longer periods, some of them on an involuntary basis. The CPT's delegation found that with respect to these latter patients, in particular, the obligatory three month review and the discharge after six months had not always been carried out rigorously.

The CPT recommends that the Greek authorities ensure that Law 2071/92 is scrupulously implemented. Further, the CPT would like to be informed whether there is an automatic review at regular intervals of the need to continue the placement of patients who remain in hospital, on an involuntary basis, beyond six months.

148. Patients should, as a matter of principle, be placed in a position to give their free and informed consent to treatment. The admission of a person to a psychiatric establishment on an involuntary basis should not be construed as authorising treatment without consent. It follows that every competent patient, whether voluntary or involuntary, should be given the opportunity to refuse treatment or any other medical intervention. Any derogation from this fundamental principle should be based upon law and only relate to clearly and strictly defined exceptional circumstances.

In the light of the above, the CPT was very concerned to learn from the delegation's contacts with various interlocutors that involuntary placement was currently understood as authorising involuntary treatment without the patient's consent.

If this understanding properly reflects the law, the CPT recommends the Greek authorities take the appropriate measures, including amending the legislation on psychiatry, to ensure that involuntary treatment is clearly circumscribed in law, in light of the above remarks.

149. A number of patients on the Gousis ward were unable to inform the delegation whether they had been admitted as voluntary or involuntary patients; even staff members were apparently unaware of the legal status of certain of the patients. Further, the delegation was informed by staff that, at times, the legal status of a patient was changed without the patient being informed.

The CPT would like to receive the comments of the Greek authorities on the above remarks.

150. The CPT was pleased to note that all the patients received an introductory brochure setting out the rights of the patients. The brochure included a form for patients to lodge complaints which could be deposited in a box located at the entrance to the hospital. At the time of the visit the leaflet was only available in Greek but, apparently, English and Albanian versions were under preparation; however, it was not available on all the wards. It appeared that patients lodged few complaints and, hence, the Committee for the Control of Patients Rights rarely met to consider them. Given the specific population of the hospital (consisting essentially of elderly, sometimes, illiterate patients), the Committee could take a more proactive stance by, for instance, carrying out ex officio enquiries.

The CPT recommends that the Greek authorities ensure that all patients in Corfu Psychiatric Hospital have access to complaints forms in a language they understand, and that the Committee for the Control of Patients Rights be encouraged to take a more proactive approach to their role, *inter alia* by carrying out on-site visits to the hospital at their own initiative.

6. Other issues related to the mandate of the CPT

151. The CPT's delegation was informed that when a person is to be involuntarily hospitalised under Law 2071/92 the transfer of the person in question to the relevant psychiatric hospital is carried out by the Hellenic Police Force. The delegation heard various concerns relating to the transport of involuntary patients to psychiatric hospitals by police officers. The long journeys often took place in police vehicles, with the officers having little training on how to deal with patients who were, at times, agitated or violent.

On a positive note, the delegation was informed about recent training courses for police officers organised under the auspices of the Hellenic Psychiatric Association, which have apparently led to police officers having a greater understanding for patients with mental disorders. In this respect, a number of health care staff informed the delegation that they had noted a growing awareness and expertise within the Hellenic Police Force as regards mentally ill persons.

The transport of involuntary patients to a psychiatric hospital should be the responsibility of suitably trained personnel and take place in an appropriately equipped vehicle. Understanding of a patient's mental disorder, combined with professional training to address potential emergencies, contribute to ensuring that transfers to psychiatric hospitals are carried out safely.

The CPT recommends that the Greek authorities pursue such training courses and ensure that all persons responsible for the transport of patients in need of involuntary hospitalisation receive appropriate training.

APPENDIX I

LIST OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION

A. Law enforcement agencies

Torture and other forms of ill-treatment

recommendations

- appropriate action to be taken to avoid a repetition in the future of the kind of situation referred to in paragraph 15 (paragraph 15);
- the Greek authorities to strenuously reiterate the message of zero tolerance of ill-treatment of detained persons and to reinforce it with a statement at the appropriate political level (paragraph 16);
- the Greek authorities to seek to integrate human rights concepts into practical professional training for high-risk situations such as the apprehension and questioning of suspects. Further, specific training should be provided to those police officers who carry out custodial duties, emphasising their duty of care and the responsibility they have for all detainees during their time of detention in police stations (paragraph 17);
- whenever criminal suspects brought before a prosecutor or judge allege ill-treatment by law enforcement officials, the prosecutor/judge to record the allegations in writing, order immediately a forensic medical examination and take the necessary steps to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries (paragraph 19);
- even in the absence of an express allegation of ill-treatment, the prosecutor/judge to request a forensic medical examination whenever there are other grounds to believe that a person brought before him could have been the victim of ill-treatment (paragraph 19)
- appropriate steps to be taken to ensure that persons who may have been victims of ill-treatment by law enforcement officials are not dissuaded from lodging a formal complaint (paragraph 19);
- the Greek authorities to establish a system of regular visits to law enforcement establishments by an independent authority, having regard to the remarks made in paragraph 21 (paragraph 21).

requests for information

- the current treatment of the person referred to in paragraph 15 (paragraph 15);
- statistics for the period 2004 and 2005 regarding criminal and disciplinary sanctions against police officers concerning excessive or irregular use of force, as well as the number of sworn administrative cases opened, and statistics on the follow-up taken in respect of these cases (paragraph 20);

- the outcome of the sworn administrative examinations in respect of the Committee's findings in border guard stations (Ferres, Iasmos, Soufli and Tychemo) and special holding facilities for aliens (Mytilini and Venna) (paragraph 20).

Conditions of detention

recommendations

- the Greek authorities to take determined action to implement the recommendations outlined in paragraphs 32 to 34 in respect of the places visited and, if necessary, other places (paragraph 31);
- the situation as regards cell occupancy rates, lighting and ventilation to be reviewed, in the light of the remarks made in paragraph 32 (paragraph 32);
- the Greek authorities to comply with the CPT's longstanding recommendations that all persons detained overnight be provided with a clean mattress and blankets (and bed sheets during summer months). This implies that arrangements should be made to clean mattress and blankets at appropriate intervals (paragraph 32);
- firm instructions to be issued to ensure that cells and sanitary facilities used by detained persons are kept in a reasonable state of cleanliness, and that such persons have ready access to a proper toilet facility at all times. Detained persons should also be in a position to wash and, in appropriate circumstances, to change their clothes and take a shower; persons detained for an extended period should also be provided with toiletries (e.g. soap and towel, toothpaste, etc.) (paragraph 32);
- all persons detained for 24 hours or longer to be offered the opportunity of outdoor exercise every day (paragraph 32);
- clear instructions to be issued with a view to ensuring that detained persons receive appropriate food at regular intervals (including at least one full meal every day), and that they have ready access to drinking water at all times (paragraph 33);
- the Greek authorities to take immediate steps to bring to an end the practice of holding persons, in particular immigration detainees, for prolonged periods in ordinary law enforcement agency detention facilities; they should be accommodated in centres specifically designed for such use, taking due account of the criteria repeatedly advanced by the CPT (paragraph 34);
- the Greek authorities to take the necessary steps as regards Petro Rali special holding facility, in the light of the remarks made in paragraph 36 (paragraph 36).

comments

- there can be no justification for the placement of handcuffs in the manner described (paragraph 25).

requests for information

- the arrangements for heating the border guard detention facilities in Ferres and Iasmos during the winter months (paragraph 27);
- clarification as to the purpose of the cage-like cell at Hellenikon holding centre mentioned in paragraph 29, as well as information on the frequency of its occupancy (paragraph 29).

Safeguards against the ill-treatment of detained persons

recommendations

- the Greek authorities to clearly circumscribe in law when the exercise of the right to inform a third party of one's custody can be delayed and any such a delay to be made subject to appropriate safeguards (i.e. any delay to be recorded in writing along with the reason, and to require the approval of the prosecutor or judge) and strictly limited in time (paragraph 38);
- the Greek authorities to reiterate to all law enforcement personnel the legal obligation to grant access to a lawyer from the very outset of a person's deprivation of liberty and, when appropriate, to arrange for the presence of an interpreter (paragraph 39);
- the Greek authorities to review the existing arrangements concerning access to a doctor and the provision of health care for persons held in police stations, in light of the remarks made in paragraph 41 (paragraph 41);
- the Greek authorities to take the necessary measures to ensure that any practice of coercion to sign slips acknowledging receipt of information on rights is ended, and that the information sheets and receipts exist in sufficient quantities in the relevant languages (paragraph 42);
- the Greek authorities to develop and introduce individualised custody records in line with the remarks made in paragraph 43 (paragraph 43);
- the Greek authorities to draw up a Code of Conduct for interrogations, in accordance with the proposals made by the Committee (paragraph 44).

comments

- the Greek authorities are invited to remind police officers that information sheets setting out the rights of detained persons should systematically be given to all persons deprived of their liberty at the very outset of custody (paragraph 42).

Establishments under the Ministry of Merchant Marine

recommendations

- containers of the type used in Chios never to be used to hold persons for more than a few hours and always to be equipped with suitable seating and adequate ventilation (paragraph 46);

- the cell at the Port Authority of Mytilini to be taken out of use until such time as it has been properly renovated (paragraph 46);
- the Greek authorities to take the necessary steps as regards recording of detention, in the light of the remarks made in paragraph 47 (paragraph 47).

requests for information

- a copy of the plans of the new Chios Port Authority detention facility as well as its proposed capacity (paragraph 46).

Special Holding Facilities for Aliens

recommendations

- the Greek authorities to fundamentally revise their approach towards the accommodation of immigration detainees, in the light of the remarks made in paragraph 50 (paragraph 50);
- the Greek authorities to ensure that the recommendations made in paragraphs 16 and 17 are implemented equally vis-à-vis law enforcement officials charged with supervising special holding facilities for foreigners (paragraph 58);
- with respect to all the centres visited:
 - repair work to be carried out immediately so that: all centres have functioning toilet and shower facilities with a constant supply of water, including warm water; windows, doors etc. are in place and function effectively to shield detainees from inclement weather and wind; properly functioning heating systems are installed, where absent.
 - all detainees to be allocated a bed and provided with a mattress and clean bedding;
 - all detainees to be provided with the necessary products and equipment to keep their accommodation clean, as well as with products for personal hygiene (i.e. toilet paper, soap, toothpaste, toothbrush, etc.);
 - those detainees without appropriate clothing and footwear to be provided with the requisite items;
 - all detainees to spend a large proportion of the day outside their cells and to have at least one hour of outdoor exercise a day; in times of overcrowding they should benefit from a far more generous outdoor policy (paragraph 64);
- the Greek authorities to take the necessary measures as regards basic commodities, in the light of the remarks made in paragraph 64 (paragraph 64);
- the Greek authorities to carry out a thorough assessment without further delay into the appropriate level of health care staff in special holding facilities for aliens, taking into consideration the remarks made in paragraph 65 (paragraph 65);
- a systematic medical screening of all detained foreigners, including for transmissible diseases, to be introduced. Such screening should be carried out in a way that respects medical confidentiality (paragraph 66);

- a personal and confidential medical file to be opened for each detainee, containing diagnostic information as well as an ongoing record of the foreigner's state of health and of his treatment, including any special examinations he has undergone. In the event of transfer, the file should be forwarded to the doctors of the receiving establishment (paragraph 67);
- the Greek authorities to take the necessary steps to provide an appropriate range of activities for persons detained in the special holding facilities for aliens (paragraph 68);
- the Greek authorities to take resolute action to ensure the foreigner detention facilities are adequately staffed by properly qualified and trained persons, taking into consideration the remarks made in paragraph 72 (paragraph 72).

comments

- the provision of products, in sufficient quantities, for personal hygiene can contribute significantly towards the prevention of the spread of transmissible diseases (paragraph 64);

requests for information

- the arrangements for managing and operating the foreigner detention centres under the new Law on Aliens (Law No. 3386) (paragraph 48);
- the comments of the Greek authorities on the remarks made in paragraph 56 concerning the forensic medical examination of the 11 persons held at Venna Special Holding Facility (paragraph 56);
- the outcome of the sworn administrative examinations opened in respect of the Committee's findings in both the Mytilini and Venna special holding facilities for aliens (paragraph 58);
- clarification of the time limits for asylum applications (paragraph 69);
- comments of the Greek authorities on the remarks made in paragraph 70 concerning contact with the outside world (paragraph 70).

B. Prisons

Preliminary remarks

recommendations

- the Greek authorities to continue to pursue vigorously multi-faceted policies designed to put an end to overcrowding in prisons, having regard *inter alia* to the principles set out in Recommendation No. R (99) 22 and other pertinent Recommendations of the Council of Europe's Committee of Ministers to member States (paragraph 77);
- the Greek authorities to pursue their efforts to develop and introduce a comprehensive classification system, followed by an individualised risk and needs assessment, for each prisoner (paragraph 78).

requests for information

- detailed information on the measures taken by the Greek authorities to end overcrowding in prisons (paragraph 77);
- an indication of the timetable for the implementation of the proposed clarification system (paragraph 78);
- a copy of the envisaged programme under axes three and four of the Ministry of Justice's plan to ameliorate the prison service for the year 2006 generally and, more specifically, for those prisons visited by the delegation (paragraph 79).

Ill-treatment

recommendations

- the Greek authorities to deliver the clear message to staff at Korydallos Women's Prison, in particular male prison officers, that both physical ill-treatment and verbal abuse of prisoners are not acceptable and will be dealt with severely (paragraph 80);
- when allegations of ill-treatment are brought to the attention of the prison management, those staff members concerned to be transferred to duties not requiring day to day contact with the prisoners, pending the results of the investigation (paragraph 80);
- the Greek authorities to review the practice of intimate internal examinations at Korydallos Women's Prison and to ensure: that they are only carried out when absolutely necessary; that they are performed by a medical practitioner, who is not the treating doctor of the person concerned; and that they are done under conditions which respect human dignity (paragraph 81);
- the Greek authorities to immediately end the practice at Korydallos Women's Prison of giving all new arrivals laxatives and monitoring their use of the toilet by video camera (paragraph 81);
- the Greek authorities to immediately end the practice at Korydallos Women's Prison of giving all new arrivals laxatives and monitoring their use of the toilet by video camera for five days (paragraph 81);
- the Greek authorities to devise a national strategy concerning inter-prisoner violence (paragraph 83).

Conditions of detention

recommendations

- without prejudice to the full application of Article 21 of the Prison Law in due course:
 - immediate steps to be taken to devise a phased programme to reduce the occupancy levels in Korydallos Men's Prison from the current three or more prisoners per 9,5 m² cell to no more than two per cell;

- the occupancy levels in the dormitories of Korydallos Women's Prison and Chios and Komotini Judicial Prisons to be reduced, having regard to the remarks made in paragraphs 88 to 92;
 - the 9m² individual cells in Korydallos Women's Prison in no cases to accommodate more than two persons (preferably they should accommodate only one);
 - additional efforts to be made to maintain the establishments visited in a good state of repair and to improve the living environment of prisoners, in the light of the remarks made in paragraphs 84 to 92 (paragraph 97);
- the Greek authorities to devise means for improving substantially the programmes of activities on offer to inmates (both remand and sentenced) in Korydallos Men's and Women's Prisons and Chios and Komotini Judicial Prisons. Such programmes should be further expanded as the overcrowding is reduced; permitting prisoners themselves to take initiatives in this area, under appropriate supervision, might also be considered (paragraph 100);
- the Greek authorities to review the situation of long-term prisoners in all prison establishments and to draw up a detailed plan to introduce the intended new measures (paragraph 100).

comments

- the CPT trusts that the measures mentioned in paragraph 98 as regards Chios Judicial Prison will be sustained and further measures taken (paragraph 98).

requests for information

- a detailed timetable for the proposed renovation of the different Wings at Korydallos Women's Prison (paragraph 97);
- information about the number of workshop places available in Korydallos Women's Prison for 2005 and 2006 and the amount of time spent by prisoners on the activity concerned (paragraph 100).

Health care services

recommendations

- the Greek authorities to urgently re-examine the general state of health care services in prison establishments, so as to bring them into compliance with the provisions of the law. Improving health care in prison will necessitate *inter alia* the hiring of additional qualified medical staff (paragraph 101);
- as an initial measure, steps to be taken immediately to ensure:
- at Korydallos Men's Prison, the recruitment of two full-time general practitioners and at least an additional four qualified nurses, one of whom should be a qualified mental health nurse;
 - at Korydallos Women's Prison, the recruitment of a full-time general practitioner and an additional three qualified nurses, one of whom should be a qualified mental health nurse;

- at Komotini Judicial Prison, the recruitment of an additional qualified nurse and the provision of specialist medical care on a regular basis, the most urgent need being for a psychiatrist (paragraph 106);
- a detailed needs assessment to be carried out in all prisons, having regard to their particular characteristics, to determine the requirements in terms of health care staff (paragraph 106);
- in each prison, a senior doctor to be appointed as the head of health care, with a responsibility for managing the health care service and ensuring there is a regular consultation process among the staff (paragraph 107);
- every newly-arrived prisoner to be properly interviewed and physically examined by a medical doctor as soon as possible after his admission. Save for exceptional circumstances, that interview should be carried out on the day of admission, especially insofar as remand establishments are concerned. Such medical screening on admission could also be performed by a fully qualified nurse reporting to a doctor (paragraph 109);
- a personal medical file to be opened for each prisoner, containing diagnostic information as well as an ongoing record of the prisoner's state of health, of any special examinations he has undergone and of his treatment. In the event of the prisoner being transferred, the file should be forwarded to the head of the medical service in the receiving establishment (paragraph 110);
- the authorities to take additional steps to ensure that the confidentiality of medical data is respected, in compliance with the Prison Law (paragraph 110);
- any information of relevance within a prisoner's personal medical record to only be communicated to the Prison, Labour and Disciplinary Councils by the head of the health care service in each prison. None of the non-medical staff, including the Directors of the prisons, should have access to the prisoner's personal medical record (paragraph 110);
- the Greek authorities to establish systems to ensure that in all prison establishments, inmates who are HIV positive can be cared for and treated without recourse to transfer to Korydallos Prison Hospital. Further, they should institute a health information programme in all prisons about transmissible diseases, and prison staff should be given specific training on the issue of transmissible diseases (paragraph 112);
- the Greek authorities to ensure that the precepts raised in paragraph 113 as regards prisoners tested for HIV are fully respected in practice (paragraph 113);
- a comprehensive strategy to be drawn up for the provision of assistance to all prisoners with drug-related problems (paragraph 115);
- the Greek authorities to ensure that the nursing complement at Korydallos Prison Hospital is adequate to meet the needs of the patients at all times (paragraph 116);
- the Greek authorities to take the necessary measures in light of the remarks made in paragraph 118 as regards the isolation unit of Korydallos Prison Psychiatric Hospital (paragraph 118);

- the Greek authorities to take the necessary steps to fill the vacant health care posts within Korydallos Prison Psychiatric Hospital, *inter alia* by filling all the posts of psychiatrist and by substantially revising the number of nursing staff and staff involved in therapeutic activities (paragraph 120);
- the Greek authorities to ensure that all staff at Korydallos Prison Psychiatric Hospital are provided with appropriate training to carry out their duties professionally; further, a determined effort should be made to develop psycho-social rehabilitation treatment programmes (paragraph 120);
- the drug rehabilitation programmes at Korydallos Prison Psychiatric Hospital to be made available to all those patients in need thereof (paragraph 121);
- the Greek authorities to remedy the problems referred to in paragraph 122 (paragraph 122).

requests for information

- clarification as to whether a transfer of responsibility for prison health care from the Ministry of Justice to the Ministry of Health remains under active consideration and, if so, information on the timescale envisaged for the transfer of responsibility (paragraph 102);
- as regards Chios Judicial Prison, confirmation of the recruitment of a general practitioner, on a half time basis, and at least one full-time qualified nurse as well as of the making of regular visits by other medical staff, such as a dentist (paragraph 106);
- the results of the needs assessment as regards health care staff requirements, along with a plan for taking the necessary measures (paragraph 106);
- the policy intentions regarding Korydallos Prison Psychiatric Hospital, including as regards plans to address the issue of overcrowding (paragraph 117);
- the plans and timetable regarding the building of the new transit unit at Korydallos Prison Psychiatric Hospital (paragraph 119).

Other issues related to the CPT's mandate

recommendations

- a review of the current staffing levels to be carried out in all the prisons and, in the light of the review, provision to be made to recruit additional staff (paragraph 124);
- training in control and restraint techniques to be made available to all prison officers (paragraph 125);
- the Greek authorities to review the arrangements for visits, with a view to allowing them to take place under reasonably open conditions. Further, a more generous visiting time to be offered and special rules on visiting arrangements for difficult-to-access prisons to be drawn up, which should address *inter alia* the length of visits and possible forms of assistance to visitors (paragraph 127);

- the Greek authorities to ensure that all placements in a segregation unit are in accordance with the provisions of the Prison Law, properly authorised and correctly recorded in the relevant register (paragraph 128);
- the segregation cells in Chios and Komotini Judicial Prisons to be urgently renovated, in the light of the remarks made in paragraph 129; in addition to access to natural light, adequate artificial lighting and ventilation, these cells should also be equipped with a bed and suitable seating; preferably, a table should be installed as well (paragraph 129);
- the material conditions in the segregation unit at Korydallos Men's Prison to be substantially improved, in the light of the remarks made in paragraph 130, and all prisoners undergoing disciplinary punishment to be offered at least one hour of outdoor exercise per day (paragraph 130);
- the Greek authorities to seek to develop the existing inspection procedures, in the light of the remarks made in paragraph 132 (paragraph 132);
- conditions under which prisoner transport takes place to be reviewed, in the light of the remarks made in paragraph 134. In particular, the cubicle occupancy rate should be reduced, and regular rest-stops should be ensured (paragraph 134);
- all transport vehicles to be sufficiently lit and ventilated and heated appropriately (paragraph 134).

comments

- Chios Judicial Prison has only one telephone for more than 160 prisoners and it often becomes the object of disputes (paragraph 126).

requests for information

- information on whether the process of selecting and training a hundred new prison officers has now been completed and, if so, to which prisons they have been allocated (paragraph 124);
- detailed information on the courses that all new prison officers undertake upon joining the service, as well as information on the in-service training facilities for existing staff (paragraph 125);
- detailed information on the training provided as regards control and restraint techniques, and the numbers of officers concerned (paragraph 125);
- a copy of the report relating to the most recent inspections of Korydallos Women's Prison (paragraph 132);
- the comments of the Greek authorities on the frequent transfer of prisoners from one prison to another around the country (paragraph 133).

C. Psychiatric establishments: Corfu Psychiatric Hospital

Preliminary remarks

recommendations

- nursing staff at Corfu Psychiatric Hospital to be reminded that all forms of ill-treatment of patients are unacceptable and will be dealt with severely (paragraph 138).

requests for information

- the comments of the Greek authorities on the respective roles, and areas of mutual cooperation, of the Ministry of Health and the Ministry of Justice in the area of forensic psychiatry (paragraph 135);
- information as to when the planned removal of patients from the main site has taken place and the four remaining wards are de facto closed (paragraph 137);
- details, in due course, about the closed ward to be established at Corfu General Hospital (paragraph 137).

Living conditions and treatment

recommendations

- the Greek authorities to take appropriate measures in light of the remarks made in paragraph 141 (paragraph 141);
- increased efforts to be made at Corfu Psychiatric Hospital to develop therapeutic and psycho-social rehabilitation (paragraph 142);
- an individual treatment plan to be established for each patient at Corfu Psychiatric Hospital, based on a multidisciplinary approach (paragraph 142);
- the necessary steps to be taken to ensure the holding of regular staff meetings (paragraph 143).

Staff

recommendations

- the Greek authorities to strive to reinforce the number of qualified staff at Corfu Psychiatric Hospital (paragraph 144).

Restraints

recommendations

- the Greek authorities to introduce a protocol or guidelines on the use of restraints in Corfu Psychiatric Hospital, taking into account the remarks made in paragraphs 145 and 146 (paragraph 146).

Safeguards relating to involuntary hospitalisation and discharge

recommendations

- the Greek authorities to ensure that Law 2071/92 is scrupulously implemented (paragraph 147);
- the Greek authorities to take the appropriate measures, including amending the legislation on psychiatry, to ensure that involuntary treatment is clearly circumscribed in law, in light of the remarks made in paragraph 148 (paragraph 148);
- the Greek authorities to ensure that all patients in Corfu Psychiatric Hospital have access to complaints forms in a language they understand, and that the Committee for the Control of Patients Rights is encouraged to take a more proactive approach to their role, *inter alia* by carrying out on-site visits to the hospital at their own initiative (paragraph 150).

requests for information

- whether there is an automatic review at regular intervals of the need to continue the placement of patients who remain in hospital, on an involuntary basis, beyond six months (paragraph 147);
- the comments of the Greek authorities on the remarks made in paragraph 149 as regards the lack of clarity over some patients' legal status (paragraph 149).

Other issues related to the mandate of the CPT

recommendations

- the Greek authorities to pursue the training courses for police officers organised under the auspices of the Hellenic Psychiatric Association, and to ensure that all persons responsible for the transport of patients in need of involuntary hospitalisation receive appropriate training (paragraph 151).

Ministry of Merchant Marine

Ioannis JOANNOS

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Office of the Ombudsman

Andreas TAKIS

Deputy Ombudsman

B. International organisations

United Nations High Commissioner for Refugees

C. Non-governmental Organisations

Rehabilitation Centre for Torture Victims

The Greek Council for Refugees

The Greek National Commission for Human Rights

The Greek Psychiatry Association

Greek Helsinki Monitor

Amnesty International Greece