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**Preliminary observations made by
the delegation of the European Committee
for the Prevention of Torture and Inhuman or
Degrading Treatment or Punishment (CPT)
which visited Greece from 10 to 19 April 2018**

The Greek Government has requested the publication of these preliminary observations.

Strasbourg, 1 June 2018

Preliminary observations made by the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) at the end of the CPT's ad hoc visit to Greece (10 to 19 April 2018)

1. The focus of the ad hoc visit was two-fold: on the one hand, the delegation looked into the treatment, living conditions and safeguards offered to civil and forensic patients in psychiatric establishments; on the other hand, it examined the situation of foreign nationals deprived of their liberty under aliens' legislation. A list of the establishments visited is attached.

Co-operation

2. At central level, the delegation enjoyed very good co-operation throughout the visit from the Hellenic Police. However, the smooth operation of the visit was hampered by the very late provision of the credentials and information concerning establishments falling under the responsibility of the Ministry of Health. The visit report will address the importance of ensuring an effective and efficient co-ordination between ministries in the preparation and follow-up of CPT visits.

3. The co-operation received at local level was, with one exception, excellent. The delegation enjoyed rapid access to all the establishments it wished to visit, was able to interview in private persons deprived of their liberty and was provided with the information it needed to accomplish its task. That said, information about occupancy and material conditions provided by the duty officer at Isaakio Police Station proved to be clearly misleading.

4. The delegation would also like to thank the CPT's liaison officers in the different ministries for their assistance before and during the visit.

Psychiatric establishments

5. The delegation notes positively that, in most of the establishments visited, patients spoke well of staff, and that hardly any allegations of ill-treatment of patients by staff were received. In general, the delegation observed a caring attitude towards patients and a relaxed atmosphere, especially in those establishments in which patients generally enjoy a less confined environment.

Nevertheless, the delegation received some isolated allegations of verbal abuse and disrespectful behaviour by staff. A clear message should be communicated to staff that such behaviour is unacceptable.

6. Most of the establishments visited by the delegation are seriously understaffed. Given the strain that they are under, it is impressive to see the level of motivation and caring attitude demonstrated by staff during the visit. Careful consideration must be given to the management of resources in the current context of austerity: essential services, such as providing for vulnerable patients, cannot be taken care of properly given the current low staffing levels.

7. One of the most serious findings during the visit concerns the widespread practice of excessive use of mechanical restraints. A combination of factors has converged to result in a situation which needs to be urgently reviewed. These factors include low staffing levels, a lack of appropriate training on restraints, a lack of strict criteria for the use of restraints in line with international standards, inappropriate restraints methods and inadequate or absent recording of the use of restraints. The delegation found no properly kept, dedicated register on restraints in use at the establishments visited.

The delegation urges the Greek authorities to carry out a review of the use of mechanical restraints in all psychiatric establishments, including private institutions, with a view to bringing the policy and practice in line with the specific standards of the CPT. **The delegation would like to be informed of the steps taken to review and improve the situation.**

8. Any review of the policy and practice regarding restraints should not come at the expense of the open regime conditions, which are one of the most positive aspects of the situation observed in a number of the establishments visited, particularly at Dromokaiteio Psychiatric Hospital and at the Psychiatric Unit at Sotiria General Hospital. In contrast, the absence of outdoor exercise for patients placed at the Psychiatric Unit in Evangelismos General Hospital, some of them there for months or even years, is unacceptable. The delegation requests that this situation be remedied as a matter of urgency.

9. As regards material conditions, overcrowding at all three psychiatric units of general hospitals visited meant that patients' beds are regularly placed in the corridor for extended periods. In particular, at Evangelismos Psychiatric Unit certain bedridden and/or restrained patients are accommodated in the corridor, some in diapers which are changed by staff in full view of others. This unacceptable situation must be urgently addressed.

The delegation invokes Article 8, paragraph 5, of the European Convention for the Prevention of Inhuman or Degrading Treatment or Punishment (the Convention) and calls upon the Greek authorities to put an immediate stop to the practice, at the Psychiatric Unit of Evangelismos General Hospital, of placing people in need of intensive care and supervision in the corridor. Patients in need of restraint or requiring assistance as regards their hygiene needs should be cared for in hospital rooms, under close monitoring by staff, and under conditions which respect their privacy and dignity.

10. Transfers of individuals by the police to an establishment for psychiatric assessment remain a problem, which the CPT has already pointed out previously. The police should not be the default transportation option for such cases. Persons with health-care needs should, primarily, be transported by health-care staff. As is borne out by interviews with patients, health-care staff and police officers themselves, the police are not the appropriate service to carry out such transfers. The delegation heard of the frequent use of tight, painful handcuffs, sometimes for extended transfers, lasting many hours, from remote locations. It also heard one allegation of excessive use of force by the police during such a transfer. In the delegation's view, it is for the Ministry of Health to lead efforts to find a humane solution to this problem as a matter of priority.

11. At the time of the visit, Korydallos Prison Psychiatric Hospital was still entirely under the responsibility of the Ministry of Justice, in spite of the 2009 law (n. 3772, Article 13) providing for its integration into the Greek national health services. **The delegation would like to be informed of the timeline for completion of the transfer of responsibility for medical services at this establishment.**

12. In the delegation's view, the practice concerning the use of the so-called "blue" or protective cells is totally unacceptable and must cease immediately. These basement cells are unfit for holding persons for any longer than the shortest time necessary to address an acute situation to prevent self-harm or harm to others. The delegation observed, however, that patients are placed in these cells for periods of several days, stripped naked, and left unattended for hours, which resulted in them defecating and urinating in the cell.

The delegation invokes Article 8, paragraph 5, of the Convention and urges the Greek authorities to immediately put an end to the current practice regarding the use of the “blue” or protective cells at Korydallos Prison Psychiatric Hospital. It is totally unacceptable to place people naked, without supervision, and for extended periods, in these cells. In accordance with the standards applicable for a proper psychiatric hospital, if there is a need to seclude patients for protective purposes, this should be done for the shortest possible time necessary to resolve the acute situation and during that time the person should be permanently monitored by staff.

Foreign nationals deprived of their liberty under aliens’ legislation

13. At the outset, the delegation acknowledges the difficult context and the significant challenges faced by the Greek authorities in dealing with the on-going high number of foreign nationals arriving in the country. The CPT has repeatedly stressed the need for a co-ordinated European approach to address this phenomenon. However, the delegation wishes to recall that, even in this challenging situation, foreign nationals deprived of their liberty by the Greek authorities must be treated humanely and with dignity. Co-ordinated action by all competent ministries is required.

14. It is positive that the vast majority of persons interviewed by the delegation spoke well of police staff. Nevertheless, the delegation received some isolated allegations of physical ill-treatment and excessive use of force by police officers in some of the pre-departure centres visited, mainly consisting of slaps, punches and kicks to the head or other parts of the body. For instance, at Moria Pre-departure Centre, a foreign national complained to the delegation that he had received baton blows on both knees by one of four masked police officers who had been called to intervene inside the wing during the night, some two weeks prior to the delegation’s visit. This incident was supported by medical evidence consistent with the allegations made, and had been observed by all other persons detained in the same room.

15. Conditions of detention in the pre-departure centres visited vary to a great extent. The delegation observed good conditions at the centres in Amygdaleza and Pyli, and it welcomes the fact that an open-door-regime is applied at these two centres. It is also positive that detained persons have full access to their mobile phones in Amygdaleza thanks to a pilot project. These measures help to significantly improve conditions of detention and reduce tensions; in the delegation’s view, they can be considered as a good practice and should be implemented in all pre-departure centres.

16. On the contrary, conditions of detention remain very poor at the centre in Moria; repair works are required and persons are locked in their rooms for around 22 hours per day. At Fylakio Pre-departure Centre, material conditions are unacceptable. In one of the cells, the delegation met 95 foreign nationals, including families with young children, unaccompanied minors, pregnant women and single adult men, who were detained in about 1m² of living-space per person. The cell was severely overcrowded (many persons were required to share mattresses), filthy and malodorous. Hygiene was extremely poor, hygiene items were not distributed, and the provisions for children were insufficient. The other cells showed similar poor material conditions. Access to outdoor exercise was only granted for 10 to 20 minutes per day.

In the view of the delegation, holding persons for up to months under such appalling conditions might easily amount to inhuman and degrading treatment. These conditions are particularly unsuitable for families with young children, unaccompanied minors and pregnant women, due to their particular vulnerability, and present a risk for their security and safety. On 17 April 2018, shortly after the delegation’s visit, a total of 640 persons were detained at the centre for an overinflated capacity of 374 beds.

The delegation invokes Article 8, paragraph 5, of the Convention and requests that immediate steps be taken to radically reduce the occupancy level at Fylakio Pre-departure Centre. In addition, all persons held at the establishment should have their own bed; vulnerable persons should immediately be transferred to appropriate open reception facilities. Further, persons held at the pre-departure centres in Fylakio and Moria should benefit from decent material conditions and from an open-door-regime similar to the one observed at the centres in Amygdaleza and Pyli.

17. The delegation notes positively the decent conditions of detention observed at Feres and Soufli Police and Border Guard Stations, including the provision of daily outdoor exercise. However, all other police stations visited are not suitable places to hold irregular migrants and conditions of detention remain totally inadequate for stays exceeding 24 hours. Despite this, police stations throughout Greece are still being used for holding irregular migrants for prolonged periods. In Kolonos Police Station, the delegation met three persons who had been held there for more than a month without having benefited from any outdoor exercise. The Greek authorities should redouble their efforts to end this practice.

18. Material conditions are grossly sub-standard at Isaakio Police and Border Guard Station. During the delegation's second, follow-up visit to this place, the two cells there were still filthy and full of waste, and the sanitary annexes had not been cleaned, despite the duty officer's earlier assurance that the delegation's request to urgently clean the detention area would be acted upon. This time, the delegation met 41 persons, including women, young children and a baby, who either had spent the night or were required to stay overnight in these unhygienic conditions, in less than 2m² of living-space per person. According to the registers, the establishment's capacity of 14 persons had regularly been exceeded by far and, on two occasions, almost 50 persons had spent one or even two nights at the police station.

The delegation calls on the Greek authorities to ensure that the number of persons held at any time in any police station does not exceed the establishment's capacity and that foreign nationals are held in decent and clean material conditions.

19. In the light of the foregoing remarks, the entire reception and identification process in the Evros region should be urgently reviewed so as to immediately send new arrivals to a Reception and Identification Centre (RIC), such as the one in Fylakio, or to open reception facilities, rather than to police and border guard stations and/or Fylakio Pre-departure Centre, where they may be detained for up to several months until their transfer. To this end, the capacity of the RIC in Fylakio and of other open reception centres throughout Greece must be significantly increased, such that these centres are able to accommodate all those persons who are required to undergo the reception and identification procedure. Further, red tape and delays must significantly be reduced, so as to avoid unnecessary detention and reduce the risk of inhuman and degrading treatment. **The delegation requests that it be informed of the steps taken to review and improve the situation in the Evros region.**

20. At Omonia Police Station, all persons interviewed by the delegation who were held in custody at the Security Police Department on the third floor stated that they had not been provided with food free-of-charge by the police since their arrival. This is very much at variance with the police staff's assurance to the delegation that each detained person was provided with two meals per day. One of the persons with whom the delegation spoke had been at the police station for eleven days. Not to provide food, if necessary free-of-charge, to detained persons could amount to inhuman and degrading treatment. **The delegation invokes Article 8, paragraph 5, of the Convention and requests that all foreign nationals who are detained by the police are always provided with food, at regular intervals.**

21. As regards the provision of health-care in the Pre-departure centres and in the Reception and Identification Centre visited, the delegation found that the available resources are totally inadequate compared to the needs observed. The number of health-care staff in each of the centres is insufficient. In some centres, there is no doctor and even the most basic medical equipment is lacking. There is also a total lack of effective routine medical screening of new arrivals, including screening for contagious diseases or vulnerabilities. In short, even the most basic health-care needs of detained persons are not being met.

These deficiencies are most apparent in Fylakio Pre-departure Centre, where the delegation met a 13-month-old child who was moribund on account of an acute respiratory illness and who required an emergency transfer to a hospital. Further, the delegation had to request that two other persons detained at the centre in Moria be transferred to a hospital. The delegation calls on the Greek authorities to immediately remedy the above-mentioned shortcomings.

22. Similar to the situation observed in 2016, the delegation noted that, in all places of detention visited, police officers and health-care staff face significant difficulties in communicating with detainees, mainly on account of the total lack of interpretation services. Steps should be taken without further delay to remedy this shortcoming. Further, access to information is insufficient in all pre-removal detention centres visited and the provision of legal aid is inadequate. More efforts should be made to provide adequate information to detained persons in a language they can understand.

23. In its 2016 visit report, the CPT criticised the continued and routine detention of unaccompanied minors in police establishments. In this respect, the delegation welcomes the fact that Amygdaleza Special holding facility for unaccompanied children has stopped operating. However, from the information gathered during the visit, it notes that unaccompanied children are still held under so-called “protective custody” for up to several weeks until their transfer to a dedicated open shelter facility, which is mainly due to the totally insufficient number of open shelters available. The delegation recalls the Committee’s position that unaccompanied children should not, in principle, be deprived of their liberty and calls on the Greek authorities to increase efforts to end their detention in police establishments.

24. The delegation received several consistent and credible allegations of informal forcible removals (push-backs) of foreign nationals by boat from Greece to Turkey at the Evros River border by masked Greek police and border guards or (para-)military commandos. In a number of these cases, the persons concerned alleged that they had been ill-treated and, in particular, subjected to baton blows after they had been made to kneel face-down on the boat during the push-back operations. These allegations, which were obtained through individual interviews with 15 foreign nationals carried out in private, all displayed a similar pattern and mainly referred to incidents that had taken place between January and early March 2018, whereas some dated back to 2017. The persons who alleged that they had been pushed back from Greece to Turkey had again entered Greek territory, and had subsequently been apprehended by the Greek police. The report will elaborate further on the issue of push-back operations.

25. The delegation wishes to recall that the prohibition of torture and inhuman or degrading treatment or punishment under Article 3 of the European Convention on Human Rights entails the obligation not to send a person to a country where there are substantial grounds for believing that he or she would run a real risk of being subjected to torture or ill-treatment (*refoulement*). This obligation is applicable to any form of forcible removal, including deportation, expulsion, informal transfer and non-admission at the border, and in respect of return to any other country to which the person may subsequently be removed (so-called chain *refoulement*). The information gathered during the visit suggests that – until early March 2018 – a number of foreign nationals were not effectively protected against the risk of *refoulement*. The delegation urges the Greek authorities to prevent any form of push-back.

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The issues outlined in these preliminary observations, as well as other matters, will be elaborated upon in the visit report, which will be forwarded to the Greek authorities in due course. Information and comments provided in response to the delegation's observations will be taken fully into account when the visit report is drawn up.

Appendix

List of the establishments visited by the CPT's delegation

Psychiatric establishments:

- Dromokaiteio Psychiatric Hospital, Athens
- Psychiatric unit at Evangelismos Hospital, Athens
- Psychiatric unit at Gennimatas Hospital, Athens
- Psychiatric unit at Sotiria Hospital, Athens
- Athina Vrillissia Private Psychiatric Clinic, Athens
- Korydallos Prison Psychiatric Hospital

Immigration detention establishments:

- Amygdaleza Pre-departure Centre, Athens
- Fylakio Pre-departure Centre, Evros
- Fylakio Reception and Identification Centre, Evros
- Moria Pre-departure Centre, Lesvos
- Pyli Pre-departure Centre, Kos

Police and Border Guard Stations:

- Drapetsona Police Station, Piraeus
- Feres Police and Border Guard Station, Evros
- Isaakio Police and Border Guard Station, Evros
- Kolonos Police Station, Athens
- Neo Cheimonio Police and Border Guard Station, Evros
- Omonia Police Station, Athens
- Soufli Police and Border Guard Station, Evros.