

Report

**to the Greek Government
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 4 to 16 April 2013

The Greek Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2014) 27.

Strasbourg, 16 October 2014

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Copy of the letter transmitting the CPT's report

Mr Iraklis Asteriadis
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Greece
to the Council of Europe
21 place Broglie
67000 Strasbourg

Strasbourg, 25 July 2013

Dear Ambassador,

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 4 to 16 April 2013. The report was adopted by the CPT at its 81st meeting, held from 1 to 5 July 2013.

The recommendations, comments and requests for information formulated by the CPT are listed in Appendix I of the report. The CPT requests the authorities of Greece to provide within **six months** a response giving a full account of action taken to implement the Committee's recommendations as well as reactions and replies to the comments and requests for information.

In respect of the recommendations and requests for information contained in paragraphs 16, 17, 24, 44, 64, 80, 99 and 108.i., the CPT requests that a response be provided within **three months**.

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

Yours sincerely,

Lətif Hüseynov
President of the European Committee for the
Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

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 4 to 16 April 2013. The visit was organised within the framework of the CPT’s programme of periodic visits for 2013; it was the Committee’s eleventh visit to Greece.

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

- Lətif HÜSEYNOV, President of the CPT and Head of delegation
- Mykola GNATOVSKYY, 2nd Vice-President of the CPT
- Marija DEFINIS-GOJANOVIĆ
- Andrés MAGNÚSSON
- Jari PIRJOLA
- Ilvija PŪCE
- George TUGUSHI.

They were supported by the following members of the Secretariat:

- Hugh CHETWYND (Head of Division)
- Thobias BERGMANN
- Sebastian RIETZ

and were assisted by:

- Eleonora CAMBAS, Interpreter
- Maria HOUVARDA LOUCA, Interpreter
- Haris GHINOS, Interpreter
- Jonathan MARKEL, Interpreter
- Alexander ZAPHIRIOU, Interpreter.

B. Establishments visited

3. The delegation visited the following places:

Police and Border Guard Stations

Attica region

- Aghios Panteleimonas Police Station, Athens
- Alexander Street Police Headquarters, Athens
- Drapetsona Police Station, Piraeus
- Exarchia Police Station, Athens
- Korydallos Police Station, Piraeus
- Kypseli Police Station, Athens
- Omonia Police Station, Athens
- Perama Police Station, Piraeus

East Macedonia and Thrace region

- Feres Police and Border Guard Station
- Iasmos Police Station
- Komotini Police Station
- Metaxades Police and Border Guard Station
- Orestiada Police Station
- Soufli Police and Border Guard Station
- Tycherio Police and Border Guard Station
- Xanthi Police Station

Central Macedonia region

- Dimokratias Police Station, Thessaloniki
- Metaggon (Transfer) Centre, Thessaloniki
- Monasteriou Police Headquarters, Thessaloniki
- Stavroupoli Police Station, Thessaloniki
- Toumba Police Station, Thessaloniki

Epirus region

- Igoumenitsa Police Station
- Ioannina Police Station

Thessaly region

- Larissa Police Station

Immigration Detention Facilities

- Amygdaleza pre-departure centre
- Amygdaleza Special holding facility for unaccompanied minors
- Athens Airport Holding facilities
- Filakio Special holding facility for irregular migrants
- Komotini pre-departure centre
- Paranesti pre-departure centre
- Petrou Ralli Special holding facility for irregular migrants
- Xanthi pre-departure centre

Coast Guard Detention Facilities

- Igoumenitsa Coast Guard detention facility

Prison establishments

- Avlona Special Detention Facility for Juveniles
- Diavata Judicial Prison, Thessaloniki
- Ioannina Judicial Prison
- Komotini Judicial Prison
- Korydallos Men's Judicial Prison
- Korydallos Female Remand Prison
- Larissa Judicial Prison.

C. Consultations held by the delegation

4. In the course of the visit, the delegation held consultations with Antonios ROUPAKIOTIS, Minister of Justice, Transparency and Human Rights, Kontantinos KARAGOUNIS, Deputy Minister of Justice, Marinos SKANDAMIS, General Secretary of Crime Policy, Ministry of Justice, Patroklos GEORGIADIS, General Secretary of Civil Protection, Ministry of Public Order and Citizen Protection and Lt-General Adamantios STAMATAKIS, Deputy-Chief of the Hellenic Police. The delegation also had talks with other senior officials from the Ministry of Foreign Affairs, the Hellenic Police, the Hellenic Coast Guard, migration-related services and the prison service.

Further, the delegation met Calliope SPANOU, the Ombudsman, as well as representatives of the United Nations High Commissioner for Refugees (UNHCR) and the Greek National Commission for Human Rights, and members of non-governmental organisations.

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

D. Cooperation between the CPT and the Greek authorities

5. The cooperation received during the visit by the CPT's delegation from the Greek central authorities as well as from the management and staff in the establishments visited was generally very good. The delegation had rapid access to the places of detention visited, was able to speak in private with those persons with whom it wanted to meet and was provided with access to the information it required to carry out its task.

The CPT wishes to express its appreciation for the assistance provided to its delegation in the course the visit by the liaison officers from the Ministries of Foreign Affairs, Justice, Transparency and Human Rights and Public Order and Citizen Protection.

6. The CPT has repeatedly emphasised that the principle of cooperation set out in the Convention requires that decisive action be taken to improve the situation in the light of the Committee's recommendations. Further, for a meaningful ongoing dialogue to be conducted it is self-evident that the information provided in a State's response must be accurate and reliable. In this respect, the CPT has appreciated the willingness of the Greek authorities to pursue a dialogue with the Committee and to provide it with regular updates on the situation in the country since its previous visit in January 2011.

In the report on the 2011 visit, the CPT expressed its serious concern regarding the lack of effective action to tackle the systemic deficiencies identified by the Committee, notably as regards the conditions of detention of irregular migrants and the situation in prisons. It also pointed to the problem of ill-treatment by law enforcement officials and the apparent absence of effective action when allegations of ill-treatment were brought to the attention of the authorities, which led to a climate of impunity within the law enforcement agencies.

The findings of the 2013 visit demonstrate clearly that the situation in respect of the three areas highlighted above remains dire. Irregular migrants continue to be held in police establishments for prolonged periods in totally unacceptable conditions while the immigration detention estate remains overly-focused on security matters; prisons are excessively overcrowded and understaffed and many establishments are, in practice, reduced to a warehousing role. The problem of ill-treatment by the police appears to be growing and there is little evidence that allegations of ill-treatment are investigated promptly and thoroughly, leading to some police officers believing they can act with impunity.

7. The CPT recognises the significant challenges faced by Greece in dealing with large numbers of irregular migrants entering the country, and that its ability to deal with this influx is compounded by the current economic crisis. Tackling this phenomenon requires a coordinated European approach and cannot rely on a policy of long-term detention. Further, the findings of the CPT's delegation point to the necessity to review the operation of the criminal justice, and the asylum and migration management systems in order to ensure that all persons, especially foreigners, are afforded all the legal safeguards that should surround apprehension, arrest and detention. As to conditions of detention, it goes without saying that all persons deprived of their liberty should be treated with dignity and provided with humane living conditions.

The CPT trusts that the Greek authorities will take concrete action to address the very serious concerns raised in this report. **In doing so, consideration might be given to tackling some of the issues raised through substantive cooperation programmes.** As its Secretary General has stated in the past, the Council of Europe would be willing to contribute to such programmes, if requested.

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

8. At the meetings with the Greek authorities which took place at the end of the visit on 16 April 2013, the delegation made five immediate observations under Article 8, paragraph 5, of the Convention.¹ The Greek authorities were requested to provide the CPT, by 15 June 2013, with:

- information on the steps taken to carry out a comprehensive inquiry into the methods used by officers of the Security Departments at Kypseli and Omonia Police Stations in Athens and at the Monasteriou Police Headquarters in Thessaloniki, when detaining and interviewing criminal suspects;
- confirmation that the two cells in Perama Police Station (Piraeus Prefecture) are no longer used for holding persons overnight;

¹ Article 8, paragraph 5, reads as follows: "If necessary, the Committee may immediately communicate observations to the competent authorities of the Party concerned."

- confirmation that juveniles are no longer accommodated with adults in police and coast guard detention facilities and that all juveniles are immediately transferred to establishments appropriate to their needs. In particular, the confirmation was sought that a 13-year-old unaccompanied minor held at Igoumenitsa Coast Guard detention facility at the time of the visit had been transferred to an appropriate juvenile facility and that Iasmos Police Station (near Komotini) was not used for accommodating unaccompanied minors for more than a few hours;
- confirmation that the sanitary facilities at Komotini pre-departure centre have been repaired;
- confirmation that the necessary steps have been taken to ensure that juveniles in Avlona Prison are placed in a safe environment and are provided with the necessary support that their age group requires.

9. By communication of 17 June 2013, the Greek authorities informed the CPT of measures taken in response to the afore-mentioned immediate observations, and to other issues raised by the delegation at the end-of-visit talks. This information has been taken into account in the relevant sections of the present report.

F. National Preventive Mechanism

10. At present, there is no system of regular independent oversight of the situation in places of deprivation of liberty in Greece. The Ombudsman Institution may, in principle, visit places of deprivation of liberty, and Law 3772/2009 expressly provides for the right of the Ombudsman Institution, as well as of relevant Committees of the Greek Parliament, to undertake visits to prison establishments. However, at present the Ombudsman is not sufficiently resourced to visit prisons or other places of deprivation of liberty on a regular basis.

11. On 3 March 2011, Greece signed the Optional Protocol to the United Nations Convention against Torture (OPCAT), and the CPT understands that the Greek authorities now intend to proceed to ratification. To this end, a draft law is pending before the Greek Parliament, according to which the Ombudsman will be designated as the National Preventative Mechanism (NPM). The CPT commends the Greek authorities for considering accession to the Optional Protocol. Nevertheless, the CPT must emphasise that adequate resources are essential for the functioning of the NPM. Reference should also be made to the Guidelines adopted by the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) in November 2010.²

The CPT would like to be informed about the progress towards ratification of OPCAT and of the additional resources (staffing and financial) that the Ombudsman Institution will receive to carry out its new tasks in application of the Optional Protocol.

² UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), Document CAT/OP/12/5 of 9 December 2010.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Treatment of persons detained by the police

1. Preliminary remarks

12. In the course of the 2013 visit, the CPT's delegation visited a number of establishments under the authority of the Ministry of Public Order and Citizen Protection charged with holding persons suspected of committing a crime (regional police headquarters and stations, transfer centres), certain of them for the first time.³ It also interviewed recent arrivals in the prisons visited in relation to their treatment by the police.

13. The relevant provisions of the Greek Constitution and the Criminal Procedure Code concerning detention of criminal suspects by law enforcement authorities have not changed since the CPT's last visit to Greece in January 2011. The detention of a criminal suspect on the sole authority of law enforcement officials may last for a maximum of 24 hours. During this initial period, a public prosecutor may confirm the detention and refer the case to the competent judge; in general, detained persons are brought before the prosecutor prior to such a decision being taken. Within three days thereafter, the competent judge must decide whether to release the person or remand him/her in custody. Upon application by the person, or in exceptional circumstances, this time-limit can be extended by two more days. In consequence, a criminal suspect may, in principle, remain in the custody of a law enforcement agency for a maximum of six days following arrest. These rules apply equally to other agencies, such as the Coast Guard and Customs authorities, to the extent that they exercise law enforcement powers involving the possibility of depriving persons of their liberty.

However, due to the overcrowding in many prisons, persons remanded in custody, or even sentenced, could continue to be detained for months on end in police stations; the figure stood at 756 persons at the time of the visit.⁴

2. Ill-treatment

14. The treatment of persons detained by law enforcement officials has been a focus of the CPT's activities in Greece since its first visit to the country in 1993. In the course of each visit, CPT delegations have received numerous allegations of ill-treatment by law enforcement officials. The corresponding visit reports have highlighted a number of cases as examples in order to draw the attention of the authorities to the practice of ill-treatment by the Greek police. The examples of cases of alleged ill-treatment were intended to alert the authorities to the problem and to urge them to investigate thoroughly the prevalence of ill-treatment by law enforcement officials in order to take concerted action to combat this phenomenon.

³ Namely, the police and border guard stations of Iasmos, Igoumenitsa, Ioannina, Larissa, as well as the Metagoron (Transfer) Centre in Thessaloniki.

⁴ Press conference by the Minister of Justice, Transparency and Human Rights, on 3 April 2013 in Athens.

Regrettably, despite overwhelming indications to the contrary, the Greek authorities have, to date, consistently refused to consider that ill-treatment is a serious problem in Greece and have not taken the required action. For instance, there is still no competent and adequately resourced police inspectorate, nor is there an effective independent police complaints mechanism, which would lead to allegations of ill-treatment by law enforcement officials being investigated thoroughly and, where appropriate, prosecuted rigorously. The lack of action by the authorities to address this issue in the past means that there are officers working in several Security Departments who appear to act in the clear knowledge that they will not be held to account if they physically ill-treat a detained person.

15. In the course of the 2013 visit, the CPT's delegation received a great number of detailed, coherent and consistent allegations of physical ill-treatment of persons detained in police and border guard stations by officers of the Hellenic Police force. The allegations concerned mainly kicks, slaps, punches and blows with batons (but also other objects) upon or after apprehension and in particular during questioning by officers belonging to the Security Departments. A number of allegations of verbal abuse and threats by police officers, including of a racist nature, were also heard. The CPT has serious concerns that the infliction of ill-treatment for the purposes of trying to obtain a confession is a frequent practice by officers of the Security Departments in various police directorates visited.

In particular, the delegation received multiple allegations - from persons interviewed separately - of physical ill-treatment in respect of officers at the Security Police Departments of Kypseli and Omonia Police Stations in Athens and at the Monasteriou Police Headquarters in Thessaloniki, when detaining and interviewing criminal suspects. For example:

i. as regards *Kypseli Police Station*, the delegation met several persons in the first floor holding cell who claimed that crime investigators had repeatedly taken them to the toilet area on that floor and subjected them to slaps, kicks and blows with an extendable baton. During a follow-up visit two days later, the CPT's delegation returned to that holding cell and met a recently detained foreign national who described in detail how he had been subjected to similar treatment in the toilet area; he displayed an abrasion to the skin on the inner side of his right shin and an elongated bluish bruise on the right thigh, consistent with his allegation of having been hit with a baton on that part of the body.

Another person described being subjected to punches, kicks and baton blows by crime inspectors on the third floor of the Kypseli Police Station following his transfer to that establishment on 8 February 2013; he claimed that when he made a complaint to the prosecutor, he was informed that the police officers alleged that he had initially attacked them. A further person said that on 9 February 2013 he had been taken to the first floor of the station where two officers had told him to undress, after which they subjected him to punches, kicks and baton blows, and that he was only returned to the basement cells two days later. Several persons held in the cells in the basement of the station stated that they had been slapped, punched and kicked by officers after asking for a doctor or for the cell door to be unlocked in order to access the toilet.

A foreign national met in Korydallos Men's Judicial Prison stated that he was apprehended by the police on 3 September 2011 after a chase and brought to the Kypseli Police Station. At the station, several officers wearing balaclavas allegedly brought him to the toilets, stripped him naked and proceeded to hose him with cold water. Subsequently, he claimed that his legs were tied together and blows with a baton were delivered to his feet, and that his penis was tied with a thread and repeatedly yanked. Further, he said that the officers insulted and laughed at him throughout the ordeal. His initial request to see a lawyer was denied. Moreover, in the course of the apprehension his leg had been fractured, yet the policemen apparently continued to kick him after he was immobilised. He was denied access to medical care during his stay in the police station and he was not properly screened upon admission to Korydallos Men's Judicial Prison on 7 September 2011. However, nine days after he had sustained the injuries, on 12 September, he was admitted to the orthopaedic department of the General Hospital of Nikaia in Piraeus where he remained for one month. It should also be noted that his current lawyer stated that he had first seen his client some two days after the arrest and that he had observed that the face of his client was severely swollen and bruised at the time. Allegations of ill-treatment were brought to the attention of the judge deciding on his application for release but no follow-up action was taken.

ii. as regards *Omonia Police Station*, the delegation met a detained person who displayed visible injuries, including a purplish bruise around his eye, allegedly as a result of being punched and kicked by crime inspectors in the corridor outside the cell on the third floor, on 12 April 2013. Another person claimed that on 21 March 2013, he had been slapped and punched by three officers from the Security Police Department, apparently to make him confess to a particular charge; he displayed several healing wounds and bruises around his left eyebrow and on his chin, which were consistent with his allegations. The delegation also met a detainee who alleged that he had been kicked and slapped by police officers the previous day, and who displayed reddish bruising on his cheek.

An inmate interviewed at Larissa Prison alleged that, around 24 March 2013, he had been taken out of a cell on the third floor of the station, slapped, punched, kicked and subjected to blows with batons and a broomstick by several police officers; he also claimed that one officer had put his hands around his throat, pushed him up against the wall and spat in his face. When he requested to see the doctor he was apparently threatened with another beating, and he was not allowed to call a relative or his lawyer. His medical record at the prison stated that, on arrival, "he had injuries which he claimed were the result of beating by the police" and the record mentions he had "pain and mild sensitivity of the left anterior thoracic area". When examined by one of the delegation's medical members some three weeks later, he complained of pain in the region of three ribs, which is pronounced when inhaling deeply or sneezing. He also displayed a healing wound of 1.5 cm on the bridge of his nose.

Further, several detainees described how in mid-March four policemen had subjected one person to punches and kicks in the detention area in front of them as a lesson not to make trouble. Another detained person was apparently subjected to blows with a baton for having banged on the door and was further punished by being forced to sleep on the floor outside the cells for a week; the detainees said that, as a result, this person had contracted a fever. However, it was only after numerous complaints by other detainees that he was finally taken to see a doctor.

iii. as regards *Monasteriou Police Headquarters in Thessaloniki*, a great number of persons⁵ claimed that they had been ill-treated by officers of the Security Police Department. More specifically, they stated that they had been taken to a small interview room on the 3rd floor of the station, where they had been slapped, punched or kicked, had had their heads banged against the walls, hair pulled and been subjected to blows with a baton or a telephone directory. A few stated that they had had a motorcycle helmet placed over their head and subsequently subjected to blows with a baton to the helmet. Several also claimed that prior to being ill-treated they had been ordered to undress and been left naked in the interview room handcuffed to a bench or chair. The alleged ill-treatment was purportedly carried out in order to get the suspects to provide certain information or to confess to the charges against them.

16. As noted above, the CPT's delegation made an immediate observation at the end of the visit and requested the Greek authorities to carry out a comprehensive inquiry into the methods used by officers at the Security Departments of Omonia and Kypseli Police Stations in Athens and at the Monasteriou Police Headquarters in Thessaloniki, when detaining and interviewing criminal suspects. By communication of 17 June 2013, the Greek authorities informed the Committee that the Attiki and Thessaloniki Directorates of Police had been ordered to investigate the matter in depth by means of a Sworn Administrative Inquiry (EDE). **The CPT looks forward to being informed about the outcome of these inquiries.**

17. The delegation also received allegations of physical ill-treatment by police officers at other police stations; for example, a detained person alleged that, on 12 April 2013, three officers from the Security Police Department at *Aghios Panteleimonas* had, after stripping him naked, subjected him to slaps, punches and kicks, and delivered several blows with a belt and an iron bar to his chest and head. When met by the delegation, he displayed a swelling on his head and complained about pain in his ribs, where he had apparently been hit with the iron bar. He also had visible bruising on his arms and legs, and a lesion on the inside of his lower lip. Further, both wrists displayed reddish marks from where he had been handcuffed. This case was reported to the Director of the Sub-Directorate of the Security Police of Athens; **the CPT would like to be updated on the investigation into this case.**

18. Many foreign detained persons met by the delegation complained that they had been subjected to racist insults by police officers either upon apprehension or at the police station. In many instances, the verbal abuse was apparently linked to the colour of their skin and was a strong message that they were not welcome in Greece. Allegations of racist behaviour by police officers were particularly prevalent at Drapetsona, Korydallos and Omonia Police Stations. Not infrequently, the verbal abuse was apparently accompanied by physical ill-treatment. **It is incumbent upon the Greek authorities to ensure that the Hellenic Police Force actively promotes a strong culture of tolerance and understanding within its ranks; such an outlook needs to be inculcated at all stages of police training. A clear message should also be sent that racist behaviour will be sanctioned accordingly.**

⁵

Both persons interviewed separately in different cells in the police station and persons met in various prisons.

The CPT recommends that the Greek authorities take the necessary steps to put in place a programme to eradicate racism from the Hellenic Police Force; support from other European countries, from the European Union and from the Council of Europe might be sought. In this context, reference should be made, *inter alia*, to the European Commission on Racism and Intolerance General Policy Recommendation No. 11: Combating racism and racial discrimination in policing.

19. Almost none of the persons met who alleged ill-treatment had filed a complaint against the police, citing either a fear of retribution or a concern that the crime investigators would add more serious charges to their case. Many persons said they had been expressly advised against making a complaint by their lawyers. This state of affairs was confirmed by lawyers met by the delegation, who stated that they would advise their clients not to file a complaint against the police as this might have a negative impact on their client's case (i.e. a harsher prison sentence). A few persons who did make a complaint stated either that no follow-up action was taken by the prosecutor or judge or that the police officers then made a counter-claim that they had been attacked first.

Foreigners who alleged ill-treatment by the police stated that they were either unaware of the possibility to file a complaint or did not know with whom it should be lodged. Also, it should be noted that in Greece, an investigation into allegations of police ill-treatment involves a complex procedure, which is difficult to resort to without legal advice and interpretation services; yet, most alleged victims, especially foreign nationals, were unable to afford a lawyer to assist them during the investigation. Indeed, access to a lawyer is a real problem for persons without the means to afford one (see also paragraph 28 below).

The CPT recommends that the Greek authorities draw the attention of the Bar Associations to the unwillingness of lawyers to file a complaint of ill-treatment of their clients by law enforcement officials. Further, all persons deprived of their liberty by the Hellenic Police should be informed about their right to make a complaint against the police and appropriate complaints forms in relevant languages should be made available.

20. In previous visit reports,⁶ the CPT has highlighted the flaws in the current system of investigations into allegations of ill-treatment by law enforcement officials. In particular, mention was made of the lack of promptness and thoroughness in carrying out investigations; the poor quality of the forensic medical examinations; the passive role of prosecutorial or judicial authorities as regards instigating an investigation into allegations of ill-treatment; and the lack of independence of the investigative authorities. These same criticisms have again been made by the Council of Europe's Commissioner for Human Rights following his visit to Greece in January 2013,⁷ and were also raised by the United Nations Committee against Torture in its concluding observation on Greece of 27 June 2012. Further, the European Court of Human Rights has found on several occasions that the Greek authorities have failed to carry out effective investigations into alleged incidents of ill-treatment.⁸

⁶ See, in particular, the reports on the CPT's 2009 and 2011 visits: CPT/Inf (2010) 33, paragraphs 22 to 31 and CPT/Inf (2012) 1, paragraphs 85 to 90.

⁷ See CommDH(2013)6, paragraphs 114 to 121.

⁸ European Court of Human Rights, *Bekos and Koutropoulos v. Greece*, Judgment of 13 December 2005; *Petropoulou-Tsakiris v. Greece*, Judgment of 6 December 2007; *Zelilof v. Greece*, Judgment of 24 May 2007; *Galotskin v. Greece*, Judgment of 14 January 2010; and *Zontul v. Greece*, Judgment of 17 January 2012.

In their responses to the reports on both the 2009 and the 2011 visits, the Greek authorities made reference to Circular No 1/10 of 23 March 2010 by the Public Prosecutor to the Supreme Court ordering all complaints of police ill-treatment to be forwarded to the competent prosecutor in order to be investigated by the appropriate body. Further, it was stated that the investigation should not be carried out by a police officer serving in the same police station as the alleged perpetrators of the ill-treatment. However, the information gathered during the 2013 visit indicates that prosecutors who are made aware of allegations of police ill-treatment do not systematically undertake any follow-up action. A number of detained persons also stated that judges before whom they had been brought had summarily dismissed their allegations of ill-treatment.

21. The CPT wishes to reiterate that the credibility of the prohibition of torture and other forms of ill-treatment is undermined each time officials responsible for such offences are not held to account for their actions. If the emergence of information indicative of ill-treatment is not followed by a prompt and effective response, those minded to ill-treat persons deprived of their liberty will quickly come to believe – and with very good reason – that they can do so with impunity.

Therefore, it is self-evident that prosecutors and judges should take appropriate action when there are indications that ill-treatment by the police may have occurred. In this regard, whenever criminal suspects brought before prosecutorial or judicial authorities allege ill-treatment, those allegations should be recorded in writing, a forensic medical examination (including, if appropriate, by a forensic psychiatrist) should be immediately ordered, and the necessary steps taken 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 adopt a proactive approach; for example, whenever there are other grounds to believe that a person brought before him or her could have been the victim of ill-treatment, a forensic medical examination should be requested.

The CPT recommends that prosecutors and judges be reminded firmly, through the appropriate channels, that they should act in accordance with the above-mentioned principles.

22. Following the persistent criticism by, *inter alia*, the CPT on the manner in which alleged human rights violations by the Hellenic Police are investigated, “the Office for addressing incidents of arbitrariness” was established under Law 3938/2011 and Presidential Decree 78/2011. According to the Law, the Office is established within the Ministry of Public Order and Citizen Protection and reports directly to the Minister. The Office is tasked with the collection, recording, assessment and further transmission for investigation to the competent bodies of complaints against personnel of the Hellenic Police, the Port Police, the Hellenic Coastguard and the Fire Brigade⁹. According to the Greek authorities, the Office “aims at providing more effective investigations of incidents of citizen ill-treatment or insults to human dignity by uniformed staff.”¹⁰

⁹ The Office will also be tasked with the investigation of complaints which have led to a decision against Greece by the European Court of Human Rights.

¹⁰ Communication of 30 May 2012 from the Ministry of Citizen Protection to the CPT.

According to Law 4058/2012, the Office should be headed by a decision-making three-member Committee composed of an honorary judicial officer, one member of the Office of the Legal Counsel of State and one honorary prosecutor. The members will be appointed by the Minister of Citizen Protection. The Committee will be assisted by supporting staff, seconded from the judiciary and the four services under its mandate. However, at the time of the 2013 visit the Office was still not functioning; no staff had been seconded to the Office and the three-member Committee had not been appointed as there had apparently been a lack of interest among qualified candidates.

23. The CPT considers that the current delay in establishing the Office on Arbitrary Incidents represents an opportunity to review its mandate and intended *modus operandi*. To begin with, it would be far preferable for the Office to be completely independent of the Ministry of Public Order and Citizen Protection. Further, the Office ought to be mandated to monitor the quality of the investigation of a complaint that it refers back to the Hellenic Police to ensure that it is properly carried out and, in more serious cases, the Office itself should undertake the investigation of the complaint. This will require the Office to have a qualified team of investigators, perhaps headed by one or more prosecutors, as well as the necessary financial resources to function effectively. If the authorities are to get to grips with the issue of police ill-treatment, there is a need to establish a robust body which is, and is perceived to be, independent and impartial and is equipped to carry out investigations into alleged ill-treatment promptly and thoroughly.

The CPT recommends that the Greek authorities review the mandate and *modus operandi* of the Office on Arbitrary Incidents, in the light of the above remarks, in order to ensure its independence and to strengthen its investigative and oversight capabilities.

Further, the CPT would like to receive confirmation that non-Greek citizens are included in the scope of the Office's mandate.

24. More generally, the information gathered in the course of the 2013 visit highlights the necessity for determined action by the authorities to address the issue of ill-treatment by the police. No one must be left in any doubt about the commitment of the State authorities to combating this phenomenon. This will underpin the action being taken at all other levels. There should periodically be an instruction from the Chief of Police explicitly reminding police officers that infringements of the law will result in criminal and disciplinary sanctions. This message of zero tolerance of ill-treatment of detained persons should be backed up at the appropriate political level (e.g. the Minister of Public Order and Citizen Protection).

The CPT recommends that the Greek authorities strenuously reiterate the message of zero tolerance of ill-treatment of persons deprived of their liberty and reinforce it with a statement at the appropriate political level.

25. It is also essential that police officers view ill-treatment not only as a criminal act, but also as an unprofessional means of carrying out their duties. In this respect, **the CPT recommends that the national authorities pursue their policy of strict selection criteria at the time of recruitment and the provision of adequate professional training, both initial and in-service. Further, there should be active attempts to recruit police officers from established minority groups within the country.**

In addition, there must be a clear understanding that culpability for ill-treatment extends beyond the actual perpetrators to anyone who knows, or should know, that ill-treatment is occurring/has occurred and fails to act to prevent or report it. This implies the development of a clear reporting line to a distinct authority outside of the police unit concerned as well as a framework for the legal protection of individuals who disclose information on ill-treatment and other malpractice. **The CPT recommends the adoption of such “whistle-blower” protective measures.**

3. Safeguards against ill-treatment

26. The CPT remains concerned that formal safeguards against ill-treatment (notably, the right to have the fact of one’s detention notified to a relative or another third party and the rights of access to a lawyer and to a doctor) do not apply from the very outset of a person’s deprivation of liberty and, more generally, remain ineffective in practice. Further, persons deprived of their liberty were still not always informed without delay of their rights. In sum, the situation has not changed since the CPT’s 2009 and 2011 visits.

a. notification of custody

27. According to paragraph 3 (d) of Police Circular 4803/22/44 on the “treatment and rights of persons detained by Police authorities”, the police must facilitate the telephone contact between the detainee and their families in order to inform them of the place and reasons of their detention.

However, the information gathered in the course of the 2013 visit indicated that the right to inform a third person of one’s detention was not complied with diligently in all cases. The CPT’s delegation met a number of persons in various police stations visited who complained that they had not been able to contact anyone during the first 24 hours of their detention or even longer; at times this was because they could not afford to buy a phone card.

Any possibility, exceptionally, to delay exercise of the right to inform a third party of one’s detention should be clearly circumscribed in law. Despite the CPT having advocated such a measure in previous reports, no such regulation has been adopted.

The CPT once again calls upon the Greek authorities to take the necessary steps to ensure that persons deprived of their liberty by the Hellenic Police have an effective right to notify a close relative or third party of their choice of their situation, as from the very outset of their deprivation of liberty. If necessary, persons should be provided with the possibility of a free phone call. Further, legal provisions should be adopted spelling out the circumstances when the exercise of the right to inform a third party of one’s custody can be delayed and making any such delay subject to appropriate safeguards (e.g. any delay to be recorded in writing along with the reason, and to require the approval of a prosecutor or judge) and strictly limited in time.

b. access to a lawyer

28. The right of access to a lawyer for a person deprived of his/her liberty is provided for in the Criminal Procedure Code (Articles 96 *et seq.*), and paragraph 3 (e) of Police Circular 4803/22/44 recalls this right and the duty on the police to facilitate it. The legal situation appears clear and, on paper, sufficient.

However, in practice, the vast majority of persons detained by the police did not have access to a lawyer during the first few hours of their deprivation of liberty (including when they were being interrogated by officers of the Security Department), which is when the safeguard is most needed (see paragraph 33). Thereafter, only those persons with financial means had access to a lawyer (including the possibility to meet with that lawyer in private) while in police detention. Even when persons were brought before the prosecutor, up to 24 hours after being detained, they were not always assisted by a lawyer. Only when a person is brought before the investigative judge and the decision to remand a person in custody is being considered is a person without his own lawyer systematically provided with an *ex officio* lawyer.

Moreover, from the interviews conducted by the CPT's delegation in police stations and prisons in different parts of the country, it would appear that the *ex officio* lawyer is merely a passive spectator during the proceedings and that no effort is made to hear the views of the detained person or to challenge remand custody. In many cases, the detained person does not even speak to the lawyer, let alone in private, and when a conversation does take place and an allegation of ill-treatment is raised, the lawyer usually advises the person not to pursue the matter (see paragraph 19 above).

29. For access to a lawyer to become an effective safeguard for all persons detained by the police, it is necessary to establish a system of legal aid support whereby *ex officio* lawyers can be contacted by the police as soon as someone is deprived of their liberty. Further, lawyers should have the right to be present during any interrogation of their clients, and not only, as provided by Article 100 of the Criminal Procedure Code, when a detained person becomes an "accused" person. To this end, several Council of Europe member states have recently introduced legal provisions following the *Salduz* judgment of the European Court of Human Rights.¹¹ The time has come for the Greek authorities to act on making this fundamental safeguard effective.

The CPT calls upon the Greek authorities to take the necessary steps to ensure that the right of access to a lawyer becomes effective in practice as from the outset of custody. To this end, they should elicit the support of the Bar Associations, so that all detained persons without the means to pay for their own lawyers have rapid access to *ex officio* lawyers who carry out their duties in a diligent manner.

¹¹ European Court of Human Rights, *Salduz v. Turkey*, Grand Chamber judgment of 27 November 2008.

c. access to a doctor

30. Paragraph 3 (g) of Police Circular 4803/22/44 refers to the protection of the detainee's health as a basic duty of the police authorities. Presidential Decree 141/1991 which defines the responsibilities and actions of police officers, in its Article 60 paragraph 3 case 8, provides for medical care and the right to ask to be examined by a doctor of the detainee's choice.

Access to a doctor was apparently still not fully effective in practice. Nearly every person who alleged ill-treatment by the police stated that they had not been able to see a doctor as their request was refused or delayed. Even in cases when the injuries caused by the alleged ill-treatment were serious, access to a doctor might not be immediate. Moreover, the CPT's delegation came across several persons in police detention who were not receiving the necessary medical treatment; in this connection, transfers to hospital could be hampered by difficulties in arranging transport. Further, if persons were sent to hospital for treatment, the medical documentation from the hospital was given to the accompanying police officer and not to the detained person or his lawyer.

In the light of the 2013 findings, the CPT considers 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 to the detainee and on request to 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 calls upon the Greek authorities to ensure that the above-mentioned requirements as regards access to a doctor for persons held in police and border guard stations are met in practice.

31. In view of the practice of detaining persons for prolonged periods in police and border guard stations, the CPT has consistently advocated that the Greek authorities establish a system of regular visits by doctors to such facilities to screen new arrivals and enquire whether there are detainees with potential medical problems (including contagious diseases). The establishment of such a system will serve the interest of both individual and public health. In the current context in Greece, where establishments such as the Monasteriou Police Headquarters or the Metagogon (Transfer) Centre in Thessaloniki¹² are accommodating 80 to 100 persons for several months or more in cramped, unhygienic conditions, there is a clear need to put in place such a system of regular visits by a doctor.

For as long as the present situation persists, the CPT recommends that the provision of health-care in police and border guard stations be reviewed accordingly.

¹² Other establishments include the police stations of Larissa, and of Kypseli and Omonia in Athens.

d. information on rights

32. According to paragraph 3 (b) of Police Circular 4803/22/44, detained persons must be fully informed about all the rights to which they are entitled during the period of detention. In many police and border guard stations visited, an information leaflet detailing the rights of detained persons was available in various languages. The information sheet explicitly referred to the right of access to a lawyer and the right to inform a third person. However, this sheet still did not refer to the right of access to a doctor.

The CPT has taken note that the Hellenic Police intends to update the information leaflets on detainees' rights to include a right "on submission of a written complaint on bad detention conditions, ill-treatment, or other violations of detainees' rights"¹³. This is a positive development. **The information leaflets should also be amended to include the right of access to a doctor.**

However, in the course of the visit, a number of persons alleged that they had not been informed of their rights as from the outset of detention. **The Committee calls upon the Greek authorities to take steps to ensure that all persons detained by the police - for whatever reason - are fully informed of their rights as from the very outset of deprivation of liberty (that is, from the moment when they are obliged to remain with the police). This should be ensured by provision of clear verbal information at the very outset, to be supplemented at the earliest opportunity (that is, immediately upon arrival at police premises) by provision of the above-mentioned information leaflet.**

e. conduct of interrogations

33. In its report on the 2005 visit, the CPT recommended that a Code of Conduct on interrogations be drawn up.¹⁴ Regrettably, no action was taken to implement this recommendation. It should be noted in this context that many of the allegations of ill-treatment received during the 2013 visit related to the time when persons are being interviewed by crime inspectors of the Security Departments. The existence of a code of conduct for police interviews would make it possible to consolidate the instruction received by police officers during their professional training. The code should particularly include the systematic notification to the detainee of the identity of the persons present during the interview (name and/or number), the systematic recording of the time at which the interview starts and ends, the authorised duration of an interview and rest periods or breaks as well as the place(s) where an interview can be conducted.

¹³ As contained in the communication of 17 June 2013 from the Greek authorities to the CPT.

¹⁴ See the report on the CPT's 2005 visit: CPT/Inf (2006) 41, paragraph 44.

In this respect, the electronic (i.e. audio and/or video) recording of police interviews represents an important additional safeguard against ill-treatment of detainees. This is in the interest both of persons who have been ill-treated by the police and of police officers confronted with unfounded allegations that they have engaged in physical ill-treatment or psychological pressure. Electronic recording of police interviews also reduces the opportunity for defendants to later falsely deny that they have made certain statements.

The CPT recommends that the Greek authorities draw up a code of conduct for interrogations and take steps to introduce electronic recording of police interviews, taking into consideration the above remarks.

In parallel, specific training in advanced, recognised and acceptable interviewing techniques should be regularly provided to the police officers concerned. A system of ongoing monitoring of police interviewing standards and procedures should also be implemented in order to facilitate the investigation of any allegations of ill-treatment.

Further, professional training for police operational officers and investigators should place particular emphasis on a physical evidence-based approach, thereby reducing reliance on information and confessions obtained through questioning for the purpose of securing convictions.

f. custody records

34. The findings of the delegation in 2013 mirror those of previous visits. The information kept in the existing registers tended to be superficial and, frequently, incomplete or inexact. It is for this reason that the CPT has advocated the introduction of an individualised custody record which 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 calls upon the Greek authorities to develop and introduce such an individualised custody record.

B. Conditions of detention in police and border guard stations

35. In its previous visit reports, the CPT has been very critical of the conditions of detention found in many police and border guard stations. The Committee made it clear that these establishments do not offer suitable accommodation for lengthy periods of detention. It was hoped that with the opening of the pre-departure centres, administratively detained irregular migrants would only be accommodated in such dedicated detention facilities. Instead, in the various parts of the country visited, police and border guard stations are still being used to detain irregular migrants, as well as persons on remand or even sentenced prisoners, for months on end. The conditions in which most of these persons are held can be considered as amounting to inhuman and degrading treatment.

1. Police detention facilities in the Attika region

36. The CPT has repeatedly stressed that the detention areas in the central Athens police stations are all totally unsuitable for holding detained persons for periods of longer than 24 hours. Yet, persons continue to be held in these stations for many months. Urgent steps need to be taken to remedy the deficiencies described in the paragraphs below.

At *Aghios Panteleimonas Police Station*, nine persons were being held in the three cells (one measured some 24 m² and the two others 12.5 m²). Consequently, there was sufficient living space per detainee at the time of the visit; however, with an average occupancy of 16, the facility was often overcrowded. There was no access to natural light in the cells and the artificial lighting was poor; further, the mattresses and blankets were dirty and detainees showed multiple red marks on their arms and torso from bed bugs. There was also no outdoor exercise yard. One detainee had been held for 10 months in this facility.

The detention facilities at *Drapetsona Police Station* consisted of two cell blocks (A and B); A block had five cells and was accommodating 17 persons while B block held 60 detainees. There was also one additional cell adjacent to B block which was accommodating six persons. Conditions in Block B were not good; cells were dirty and malodorous (toilet areas were flooded and dilapidated), had limited lighting (whether artificial or natural) and were not all equipped with mattresses and clean blankets. Hygiene was particularly poor with many detainees displaying skin rashes and bites, and complaining about a lack of hot water. Although the detainees' cells were unlocked and they could wander around in the relatively spacious corridor area, no activities were offered and there was no outdoor exercise yard. Many of the detainees had been held at the facility for more than seven months.

At *Exarchia Police Station*, the detention area in the basement of the building contained three cells with an official capacity of 12 persons but often held as many as 19. The cells had almost no access to natural light and the artificial lighting in the corridor was totally insufficient to illuminate the cells, leaving them in semi-darkness. The hygienic conditions were poor, the blankets were old and worn and some of the foam mattresses were disintegrating. The communal sanitary facilities (two floor-level toilets, with a shower head above each one, and two sinks) were dilapidated and fetid; further, the artificial lighting did not work and the floor was flooded. Persons had no access to newspapers, radio or to any outdoor exercise yard, let alone any purposeful activities. At the time of the visit, a 10 m² cell was accommodating five persons on four concrete plinths, one of whom had been held in the cell since 16 September 2012 (i.e. seven months).

37. At *Kypseli Police Station*, the conditions of detention were of a similarly poor state in the four cells in the basement of the building. One cell, measuring some 18 m² and accommodating six persons, was in a state of permanent gloom as it had almost no access to natural light and possessed no artificial lighting. Further, the cell was poorly ventilated, dirty and dilapidated. In the other cells, detainees were also only provided with some 3 m² of living space; however, these cells did have some access to natural light and the artificial lighting in the corridor provided the cells with some illumination, although insufficient for the purposes of being able to read without straining the eyes. Detainees were not provided with mattresses for the concrete plinths and instead had to make do with blankets, many of which were worn and dirty. The sanitary facilities were in need of upgrading as, despite being cleaned on the day of the visit, they remained unhygienic. Rats had apparently been sighted on several occasions. Further, there was no outdoor exercise yard. Several detainees had spent more than six months in this detention facility.

Reference should also be made to the 12 m² holding room on the first floor, which at the time of the visit was being used by the Kypseli Security Department to hold eight persons for periods of several days; one person had apparently spent up to a month in this cell. They had to sleep sitting on a chair or on a table or cardboard sheets placed on the floor. On the third floor there was an unfurnished room (7 m²) used by the Sub-Directorate of the Security Police of Athens for holding one or more criminal suspects for a few days; detainees slept on the floor. Access to the toilet was problematic for persons held in both of these rooms, with detainees having, at times, to urinate in a bottle.

38. At the time of the visit, the five cells on the first floor of *Omonia Police Station* were accommodating 30 persons, some of whom had been held for longer than six months, for an official capacity of 27 men and five women. The conditions in these cells had not improved since the previous visit in 2011.¹⁵ Further, the second floor holding cell (a room of some 20 m² containing only a narrow bench running the length of three walls) was still being used to accommodate detainees for several weeks.

The delegation also found a recently constructed 25 m² cell on the third floor of the station, which was used by the Omonia Security Department. The cell was holding 21 men¹⁶ and two women overnight, and many persons met by the delegation claimed that, in the past, numbers had been much higher. The cell was dirty and malodorous with no ventilation; persons were being kept in the cell for several days and were only provided with blankets. The Committee must repeat that conditions of detention of the kind described above are totally unacceptable; and to oblige women and men to share such a cell is outrageous.

The conditions of detention at *Alexander Street Police Headquarters* also remained as poor as those described in the report on the 2011 visit.¹⁷ At the time of the 2013 visit, 69 remand prisoners and irregular migrants were detained together, with up to seven men sharing a cell of 12 m². On a positive note, women detainees in this establishment were kept in a separate cell. The mattresses and blankets were dirty and worn, and not all detainees possessed a mattress. The sanitary facilities were flooded, in a state of disrepair, and malodorous; hygiene was poor. Recognising the problems with the detention area, funding had been secured and renovation works were scheduled to begin in mid-April 2013. **The CPT would like to receive information on the completed refurbishment.**

¹⁵ See the report on the CPT's 2011 visit: CPT/Inf (2012) 1, paragraph 34.

¹⁶ At the time of the delegation's first visit to this police station, nine male detainees had been removed from the cell and temporarily kept on the 7th floor.

¹⁷ *Op.cit.* footnote 15.

39. At *Korydallos Police Station*, the basement detention area was severely overcrowded with 13 persons accommodated in a cell of some 18 m² and three persons in a cell of 7.5 m². In the largest cell, a man of 70 years had slept in a chair for the three nights previous to the delegation's visit as there was no space on the floor. Access to natural light was minimal, ventilation insufficient, hygiene poor and the toilet malodorous and leaking. One detainee was infected with scabies, and others had skin rashes. There was no outdoor exercise yard. Several persons had spent longer than six months in detention in this station.

40. At *Perama Police Station* (Piraeus Prefecture), the two cells in the basement of the station measured a mere 5 m² and yet, at the time of the visit, they were each accommodating two women, one of whom had been held there for four months. At times, six women were crammed into each of these cells. One cell was dark (i.e. had no access to artificial lighting or natural light) and the other cell was poorly lit. The women never left the cells except to go the toilet or to wash (i.e. twice a day); in addition, they were not provided with any hygiene products. Moreover, the cells were damp, had mould on the walls and were in a filthy state; and apparently it was not unusual to see cockroaches and rats. The single mattress in each cell was worn and dirty. Further, the cells were not heated during the winter. In 2012, an internal Hellenic Police inspection report had stated that the cells were not fit for detaining persons overnight. At the end of the 2013 visit, the CPT's delegation invoked Article 8, paragraph 5, of the Convention and requested the authorities to stop using these two cells to hold persons overnight.

By communication of 17 June 2013, the Greek authorities informed the CPT that the detention facilities in this station had been taken out of service until such time they had been completely refurbished. The Committee welcomes the prompt action of the authorities and **would like to be informed about the refurbishment once it has been completed.**

2. Police detention facilities in Central Macedonia, Epirus and Thessaly regions

41. The third floor detention area at *Monasteriou Police Headquarters in Thessaloniki* contained 20 cells with an official capacity of 73 (based on the number of concrete plinths), and was accommodating 78 men (remand prisoners and irregular migrants) and three women at the time of the visit.¹⁸ The murky cells had almost no access to natural light and were barely illuminated by the artificial lighting in the corridors which shone through the cell bars; reading required straining the eyes. There was no in-cell sanitation, and detainees complained that access to the toilet, particularly at night, was difficult and that sometimes they had to urinate in bottles. They also complained about the lack of cleaning products and the poor state of hygiene in the cells. Further, many complaints were received about lack of access to a doctor. In addition, there was no outdoor exercise yard and no television, radio or other activities. Many persons had been held three to four months in these conditions. It is noteworthy that in its decision of *Dimitrios Dimopoulos v. Greece* of 9 October 2012, the European Court of Human Rights found that similar conditions of detention in that same facility amounted to inhuman and degrading treatment for persons held for prolonged periods.

¹⁸ Cells of some 30 m² were accommodating 10 persons and cells of less than 20 m² six persons.

The detention area on the first floor of *Demokratias Police Station in Thessaloniki* consisted of four cells, each equipped with a concrete plinth, and was holding five persons at the time of the visit. Access to natural light was minimal and artificial lighting poor. One cell, unoccupied at the time of the visit, was in total darkness as the artificial lighting did not function and it had no access to natural light. It had been occupied a few days prior to the delegation's visit. The cells were in a state of dilapidation, hygiene was poor and there was no hot water with which to wash. The registers showed that persons could be detained for up to two months in this station.

The *Metagogon (Transfer) Centre in Thessaloniki*, located on the outskirts of the city in a warehouse-type structure, consisted of six large cells on the ground floor, each of which had an official capacity of 10 persons. There were also two cells that were used for accommodating women. At the outset of the delegation's visit, the Centre was holding 83 men and three women, and a further 26 persons arrived later the same day. It was in principle intended to hold people for up to 24 hours but was now accommodating persons on remand or sentenced prisoners for several months, in addition to persons in transit. The material and hygienic conditions were poor, and there was no access to outdoor exercise.

42. *Igoumenitsa Police Station* had two cells (each measuring approximately 12 m²), which were respectively holding two and four persons, but which apparently often accommodated six persons each. Hygiene was better than in the other police stations visited and lengths of stay appeared to be weeks rather than months. However, there was no access to outdoor exercise.

The detention area at *Ioannina Police Station* consisted of three cells, all of which were dirty, cold and damp. The largest cell (21 m²) had no access to natural light or any artificial lighting (apart from a glimmer coming through the cell door from the corridor) and the ventilation was poor. Further, the cell was not equipped with a toilet and the three detainees held there at the time of the visit stated that they regularly had to urinate in a bottle. The mattresses and blankets were filthy. The other two cells, measuring some 11 m² and 19 m² were both severely overcrowded at the time of the visit, accommodating respectively seven and nine persons. Further, the floor of the 11 m² cell was regularly flooded due to the defective plumbing in the adjacent sanitary facility. In addition, although the station possessed an outdoor exercise yard, detainees were not offered access to it.

43. *Larissa Police Station* had a detention area with four cells¹⁹ containing 36 concrete plinths and, at the time of the visit was accommodating 52 irregular migrants. In one cell, measuring some 12 m², three of the seven occupants were sleeping on blankets on the floor and in another cell (measuring some 40 m²) seven of the 15 detainees were sleeping on blankets on the floor. Access to natural light was poor and the artificial lighting in the corridors insufficient to illuminate the cells. Blankets were apparently never washed; it was only after an outbreak of scabies at the end of 2012 that all bedding was changed. However, at the time of the visit, many detainees suffered from various skin diseases. The only positive aspect was that detainees had access to an outdoor exercise yard every day in the morning and afternoon for up to four hours.

¹⁹

A fifth cell, separated from the others and primarily intended for female detainees, was accommodating a male criminal suspect at the time of the visit. The conditions in this cell were satisfactory.

3. Police and border guard stations in East Macedonia and Thrace region

44. The two cells at *Iasmos Police Station* were apparently used for holding juvenile irregular migrants until spaces became available in a designated centre for such detainees. At the time of the visit, three unaccompanied minors were being held in one cell; they slept on mattresses on the floor of the cell and were not offered any support or activities, and they were not allowed to access the outdoor exercise yard. One 16-year-old had been held in this cell for more than three weeks, prior to which he had spent 10 months in Komotini pre-departure centre. The conditions in the police station are totally unsuitable for holding unaccompanied minors; further, the rules applied to them were the same as those applied to criminal suspects.

The CPT's delegation made an immediate observation at the end of the visit, requesting that the authorities take immediate action *inter alia* to ensure that all juveniles are immediately transferred to establishments appropriate to their needs. Specific reference was made to the unsuitable situation at Iasmos Police Station, but the communication of 17 June 2013 from the Greek authorities did not address this matter. **The CPT recommends that juveniles be no longer detained at Iasmos Police Station and instead be placed in an establishment appropriate to their needs.**

45. The detention area of *Komotini Police Station* consisted of four cells, each of which measured approximately 12 m², and had an official capacity of 15 persons. At the time of the visit, 18 persons were being detained; but the numbers could be even higher, with people having to sleep on the floor in the secure corridor outside the cells. Access to natural light and artificial lighting in the cells were not adequate. The state of repair of the detention area as a whole was generally poor and there was no outdoor exercise yard. Stays of several months in the detention area were usual and one person had been held for more than five months.

Orestiada Police Station had two cells (measuring 13.5 m² each), each with the capacity to hold three persons and, at the time of the visit, was accommodating six persons. Access to natural light was adequate, artificial lighting sufficient and hygiene acceptable. However, there was no outdoor exercise yard and detainees were confined to their cell throughout their stay; one person had been detained at the station for two months. Further, allegations were received that, at times, 12 persons were accommodated in one cell.

The conditions of detention at *Xanthi Police Station* continue to be poor.²⁰ The cells were generally dilapidated and the air fetid. They had limited access to natural light and the artificial lighting was extremely dim. The largest cell (No. 5), accommodating six persons in roughly 27 m², was particularly run down and the toilet and shower cubicles possessed no functioning light. Further, there was no outdoor exercise yard and no activities were offered. In sum, the conditions were hardly suitable for a detention period of 24 hours, and yet certain persons on remand or sentenced had been held in the station for more than four months. The delegation met two unaccompanied minors in one cell (subject to the same regime as criminal suspects) and requested that they be immediately transferred back to the Xanthi pre-departure centre until such time as transportation was arranged to take them to a suitable children's facility; placing minors in such conditions without any support or information is unacceptable. The CPT is pleased to note that this request was promptly complied with.

²⁰ See the report on the CPT's 2008 visit: CPT/Inf (2009) 20, paragraph 27.

46. The detention area of the *Metaxades Police and Border Guard Station* consisted of three cells²¹ with an official capacity of 15 (based on the number of concrete plinths); at the time of the visit, it was accommodating 17 prisoners on remand, most of whom had been held there for over four months. The cells had poor artificial lighting and limited access to natural light, the mattresses and blankets were dirty and old, and there was a lack of hygiene products. There was no outdoor exercise yard and no activities were offered. Further, contacts with the outside world were limited given the isolated location of the facility.

Towards the end of the delegation's visit to this establishment, the doors in the secure corridor outside the cells were opened allowing ample natural light and fresh air to enter the detention area; however, it was acknowledged that this was the first time in 2013 that the doors had been opened.

47. The delegation had an opportunity to return to the three police and border guard stations in the Evros region which the Committee had severely criticised in its report on the 2011 visit; namely Feres, Soufli and Tycherö.

The newly constructed *Feres Police and Border Guard Station* has a detention area composed of two blocks of cells (seven for criminal suspects and eight for irregular migrants) separated by a courtyard, with an overall capacity of 72 persons. 13 of the cells measured 18 m² and each contained five concrete plinths, and the two remaining cells had three and four plinths. At the time of the visit, ten criminal suspects and 31 irregular migrants were being held. The main issues of concern related to the curtailment of outdoor exercise following the escape of seven criminal suspects in March 2013, a lack of activities and inadequate hygiene.

Soufli Police and Border Guard Station had been renovated and now consisted of four cells, each measuring 18 m² and equipped with four sets of bunk beds, for an overall capacity of 32. At the time of the visit, the facility was holding 15 men, seven women and three male juveniles. The sanitary facilities were in a good state of repair. There was a small courtyard at the back of the building to which the detainees had access every day; however, the women detainees said it was never for more than half an hour.

The warehouse structure of *Tycherö Police and Border Guard Station* had also been renovated and now consisted of four cells with an overall capacity of 66; nevertheless, the conditions in the largest cell were not good (gloomy, smelly from the non-functioning toilet and crowded). At the time of the visit, the station was accommodating 40 men and 10 women. Living space per detainee was inadequate; for example, the ten women were held in a cell of 18.5 m².²² Further, there was no outdoor exercise facility. The delegation noted that 44 persons had been detained for over two months and three for more than five months.

The conditions in these three stations represent a considerable improvement as compared to the situation found in 2011. Further, it is positive that all persons are medically screened upon arrival in these facilities and that a doctor and nurse visit every weekday. However, capacities in each station should be reduced further, in particular at Tycherö, and this facility should be provided with an outdoor exercise yard. Even with such improvements, none of these stations are appropriate for holding persons for lengthy periods.²³

²¹ The cells measured respectively 28.5 m², 17 m² and 11.5 m².

²² Two of the other cells measured some 32 m² and contained seven sets of bunk beds and the largest cell was some 60 m² and possessed 14 sets of bunk beds.

²³ In their communication of 17 June 2013, the Greek authorities state that the Tycherö facility will be closed down.

**4. Issues affecting all police and border guard stations:
food and hygiene, medical care and staffing**

48. The arrangements as regards the provision of food remained inadequate in many of the establishments visited. The CPT has already made it clear that the current system of providing a daily allowance of Euro 5.87 does not enable detained persons to purchase the necessary nutrition (and other products) required during prolonged periods of detention, as purchases are often made at commercial prices from restaurants. Indeed, it only suffices to buy a couple of sandwiches and some water. In those police and border guard stations where food is provided from the police canteen or by a caterer twice a day, the situation is better, although more vegetables and fruit could be provided. All persons detained for longer than a few days should be provided with one hot meal a day.

As regards hygiene, in all the police and border guard facilities visited, detained persons complained about the challenge of keeping themselves clean; soap and shampoo were only provided in limited quantities and other hygienic items, such as toothpaste and toilet paper, had to be bought or obtained from those with money. The lack of hot water meant that the limited clothes possessed by detainees could not be properly washed, thereby further compromising personal hygiene, in particular for those held for prolonged periods. There was also a clear lack of cleaning products.

49. The CPT has long advocated the necessity to have effective access to medical care for persons detained in police and border guard stations. It is pleased to note that the Greek authorities have recognised the need to have a daily medical presence in certain establishments that the Committee has criticised in the past, notably at the Feres and Tychoero stations. There is a similar need at large police establishments such as Larissa Police Station, the Metagagon (Transfer) Centre in Thessaloniki and Kypseli and Omonia Police Stations in Athens. The delegation met many persons with skin infections and the cramped and unhygienic conditions in these places are conducive to spreading disease. The fact that in some facilities police officers wore masks and gloves when interacting with detainees was symptomatic of the perceived public health concerns and yet no action was taken to ensure that such concerns were allayed.

50. As regards the staffing of the detention areas in police and border guard stations, the CPT continues to advocate for the establishment of posts of specialised custodial staff with full responsibility for detained persons, including medical and legal oversight. In order to be fully effective, such custodial officers should have both the authority and the responsibility to verify whether basic rights of detained persons, such as notification of deprivation of liberty, access to a lawyer, etc., have been respected, and to take appropriate action if this is not the case.

The CPT also wishes to highlight that many police officers with whom its delegation met expressed their indignation at the current situation of detaining so many persons in totally unsuitable conditions for prolonged periods of time. In a number of instances, formal complaints had been made to the hierarchy of the Hellenic Police detailing the deficiencies in the detention areas. Further, it was evident that some police officers made a real effort to interact and provide humane social contact with detainees, attempting to alleviate the difficult conditions of detention as far as possible. In those establishments where this was evident, the detainees were the first to praise the police officers. Taking action to improve the conditions of detention for detained persons will also have a positive impact on working conditions for police officers.

5. Action to be taken

51. In relation to the conditions of detention in police and border guard stations, **the CPT calls upon the Greek authorities to take urgent steps to ensure that detained irregular migrants are transferred without delay to centres specifically designed to meet the requirements of this population, having due regard to the CPT's criteria for places of detention for irregular migrants (see section D below). Similarly, strenuous efforts should be made to transfer all persons on remand or sentenced to imprisonment to an appropriate penitentiary establishment.**

Further, in the light of the severe shortcomings as regards the conditions of detention described in paragraphs 36 to 48 above, **the CPT calls upon the Greek authorities to take concerted steps to ensure that:**

- **occupancy rates in police and border guard stations are revised so as to offer a minimum of 4 m² of living space per detainee in multi-occupancy accommodation;**
- **women are held separately from men;**
- **all persons detained have ready access to a proper toilet facility at all times, including at night;**
- **each detained person is provided with a clean mattress, clean blanket, clean bedding and a means of rest, such as a plinth or a bed;**
- **the provision of food for detained persons is adequate and appropriate, and includes one hot meal a day for persons detained longer than a few days;**
- **all detained persons staying longer than 24 hours are provided with a basic sanitary kit (including adequate rations of soap, washing powder, toilet paper, shampoo, shaving utensils and toothpaste, and a toothbrush), free of charge;**
- **all detained persons are provided with sufficient quantities of detergent to keep their cells clean;**
- **detention areas (including sanitary facilities) are maintained in an adequate state of repair and cleanliness;**
- **all detained persons have access to adequate lighting;**
- **all detained persons staying longer than 24 hours have access to a shower and to hot water;**
- **all persons detained longer than 24 hours are offered access to outdoor exercise every day.**

As regards health-care, reference should be made to the recommendation in paragraph 31 above.

In respect of staffing, the CPT reiterates its recommendation that the Greek authorities give due consideration to establishing posts of specialised custodial staff for persons detained by law enforcement agencies.

C. Conditions of detention in establishments under the Port Authorities

52. In the course of the 2013 visit, the CPT's delegation visited the Igoumenitsa Coast Guard detention facility, where it examined the treatment and conditions of detention of irregular migrants apprehended for attempting to travel to Italy, returned from Italy or rescued at sea.

The detention facility consisted of three cells and a wooden container structure. The main holding cell measured some 25 m² and was accommodating 16 men at the time of the visit (i.e. the equivalent of a mere 1.5m living space per person). Two juveniles were being held in a separate cell (see paragraph 54). Staff told the delegation that often the numbers of detainees held in the facility were much higher at around 50 and that these numbers, on occasion, could reach 120.

Detainees were not provided with mattresses and slept on blankets placed on the floor of the cell or on the concrete plinths along three sides of the cell. The state of hygiene was appalling; many persons were suffering from skin infections. The single toilet and tap used for showering were not partitioned, and were in a filthy state; a leaking tap which had dripped water onto detainees' blankets had only been repaired one day prior to the delegation's visit. Access to natural light was minimal, ventilation was poor and the artificial lighting in the corridor outside the cell was not functioning. Further, detainees were not offered access to outdoor exercise, according to staff, because the fenced yard was not properly secured. Some persons had been held in this cell for more than two months.

The unfurnished container structure (measuring some 15 m²) and a cell with no lighting (measuring some 13.5 m²) located in an annexe building, were not occupied at the time of the visit, but had been used in the recent past; the conditions in these places were also unsuitable for holding persons.

53. The CPT has already stated in the past that its standards for police and border guard stations apply equally to coast guard facilities serving a similar purpose. The conditions of detention at Igoumenitsa Coast Guard detention facility could be described as amounting to inhuman and degrading treatment. Urgent steps should be taken to refurbish and upgrade the existing facilities in order that they meet the required standards. **The recommendations made in paragraph 51 above apply equally to the Igoumenitsa Coast Guard detention facility.**

54. Across the corridor from the main cell was a smaller cell measuring some 7 m², which was equipped with a concrete plinth, running the length of one wall, and possessed an adjoining toilet. The lighting and ventilation were as poor as that observed in the larger cell. Shortly prior to the delegation's visit, two juveniles (one of whom was a 13-year-old) who had been detained in the larger cell together with the 16 adults for almost one month had been transferred to this smaller cell.

The facilities at Igoumenitsa are totally unsuitable for holding unaccompanied minors, both as regards the material conditions and in respect of the lack of care and support offered to them. Further, detaining juveniles together with adults is contrary to both international law and national legislation.²⁴

²⁴ See Article 37 of the United Nations Convention of the Rights of the Child; Article 32 (detention of minors and families) of Law 3907/2011.

As mentioned above, the CPT's delegation made an immediate observation at the end of the visit with respect to the detention of juveniles in law enforcement establishments. In particular, it asked to receive confirmation that the 13-year-old held in the Igoumenitsa Coast Guard detention facility had been transferred to an appropriate juvenile facility. By communication of 17 June 2013, the Greek authorities informed the Committee that the 13-year-old boy had been transferred on 13 April 2013 to the childcare centre in Konitsa (Ioannina).

55. The CPT's delegation received several allegations that detainees who had committed an act of self-harm or attempted suicide or repeatedly made requests might be placed in a cell in another building that was, in principle, used for holding criminal suspects for a few hours. This 7 m² cell was in a filthy state, possessed no functioning artificial lighting, and had poor ventilation, no access to natural light and no toilet. Further, there was no register on the use of this cell; staff admitted that it was used on occasion. The CPT wishes to recall that acts of self-harm or attempted suicide frequently reflect problems and conditions of a psychological or psychiatric nature, and should be approached from a therapeutic, not a punitive standpoint. The isolation of the detained persons concerned is likely to exacerbate their psychological or psychiatric problems. Further, all cases of self-harm or attempted suicide ought to be assessed medically immediately after the incident to evaluate the extent of lesions and to assess the psychological state of the detainee.

The CPT recommends that the Greek authorities draw up detailed regulations for dealing with persons who commit an act of self-harm or attempt suicide. Further, every placement in the "separation" cell should be fully recorded in a register. The conditions in the cell should also be radically improved.

56. In the report on the 2009 visit, the CPT described the totally unacceptable conditions in which detained persons were being held at the Port Authority of Patras.²⁵ Subsequently, the Greek authorities informed the Committee that new facilities had been constructed. In the course of the 2013 visit, the CPT's delegation was informed that up to 30 persons might be detained together in a small container for periods of up to one month in the Coast Guard facility at the Port of Patras. **The Committee would like to be informed of the current layout of the detention facility in the Port of Patras, as well as the average occupancy and the longest duration of stay for the period of June and July 2013.**

²⁵

See the report on the CPT's 2009 visit: CPT/Inf (2010) 33, paragraphs 83 to 85.

D. Immigration detention centres

1. Preliminary remarks

a. legislation

57. The main legislative provisions governing the detention and deportation of irregular migrants from Greece are contained in Law 3386/2005 on the entry, residence and social integration of third-country nationals on Greek territory, as amended, and Law 3907/2011 which transposes the provisions of the EU Return Directive 2008/115/EC into Greek law as well as establishing an Asylum Service and First Reception System.

The CPT recalls that irregular entry and stay is considered a criminal offence in Greece, which is punishable with a prison sentence of at least three months and a fine, according to Article 83 of Law 3386/2005. However, in almost all cases, the prosecutor opts for administrative deportation. In order to effect the deportation, a person may be detained for up to six months²⁶, with the possibility for an extension by an additional period not exceeding twelve months if an irregular migrant refuses to cooperate with the deportation process or while waiting for requested documentation from the country of origin of the migrant to arrive.²⁷ The detention of an irregular migrant should be reviewed every three months by the body that issued the detention decision or in the case of prolonged detention by the first instance administrative court.²⁸ In sum, persons may be detained for up to 18 months in order to carry out their deportation or return.

It should also be noted that Article 30.1 of Law 3709/2011 in respect of the return process states that “any detention should be for the shortest period possible and only maintained as long as removal arrangements are in progress and executed with due diligence.” Further, it states that detention should take account of the “availability of appropriate detention facilities and the possibility to ensure decent living conditions”.

58. The CPT also wishes to recall that asylum seekers are not irregular migrants, although the persons concerned may become so, should their asylum application be rejected, and their leave to stay in the country rescinded. In the CPT’s view, whenever asylum seekers are deprived of their liberty pending the outcome of their application, they should be afforded a wide range of safeguards in line with their status, going beyond those applicable to irregular migrants.²⁹

²⁶ Article 76.1 of the Aliens Law 3386/2005 and Article 30.1 of Law 3907/2011 provide for the reasons for detention, notably risk of absconding, public order/national security and hampering the removal process.

²⁷ See Article 76 of the Aliens Law 3386/2005, as amended by Law 3772/2009 of 10 July.

²⁸ See Article 30.3 of Law 3907/2011.

²⁹ See the CPT’s 19th General Report [CPT/Inf (2009) 27], paragraph 76.

Persons who have applied for asylum in Greece may be detained in accordance with Presidential Decree 114/2010 on the asylum procedure for up to three months which may be extended by an additional three-month period. The reasons for detention are, notably, establishing a person's identity, carrying out a speedy and effective examination of an asylum claim and the existence of a threat to public order or national security (Article 13). Further, Article 59 of Law 4075/2012 added an additional ground of threat to public health, based on a suspicion of carrying an infectious disease due to, *inter alia*, the country of origin or living conditions which do not meet the minimum standards of hygiene. This provision has been criticised by UNHCR and civil society actors regarding its discriminatory nature and use, and the UN Committee against Torture has urged the Greek authorities to repeal it.³⁰ **The CPT would welcome the observations of the Greek authorities on this matter.**

Moreover, following a mass application for asylum by persons held in Corinth pre-departure centre, the Greek authorities adopted Presidential Decree 116/2012 of 19 October 2012, which provides for the detention of asylum seekers to be extended by an additional period of up to 12 months. Consequently, asylum seekers may now also be detained for up to 18 months.

59. It is also worth recalling that irregular migrants who are not considered dangerous or a flight risk or who have not been able to be deported within a particular period (currently one year) of detention, will be provided with a paper stating that they must leave the territory of Greece within a certain period which cannot exceed 30 days; often the period is seven days. Upon expiry of this period the persons are liable to be detained again. In addition, migrants who may have been living in the country for a year or more pending their asylum application will be detained at the moment they attempt to renew their "pink card" if their application has been rejected in the meantime.

b. recent policy developments

60. The Action Plan on Asylum and Migration Management adopted in 2010 and updated in December 2012, consists of five pillars:

- *integrated border management system* which has, in particular, enhanced police presence and cooperation along the Greek and Turkish land border in the Evros region and led to a significant reduction in the number of irregular migrants entering Greece;
- *identity checks in urban areas*, notably the "Xenios Zeus" operation in the Athens area which has resulted, *inter alia*, in over 5,000 migrants being detained for not having valid papers permitting them to remain in the country;
- *establishment of an asylum and first reception system* which should lead to a more efficient and effective processing of asylum claims; it includes the establishment of several first reception centres to which irregular migrants should be sent upon entering the country in order to be screened according to their vulnerability and possible protection needs. Detention in these centres should not last more than 15 days but may be extended up to 25 days. Thereafter, a person will either be provided with an asylum seeker card and the appropriate support until such time as the request for international protection has been completed or preparations will be made for returning the person to their country of origin.³¹ A first centre started operating in Filakio on 15 March 2013 and at the time of the visit had the capacity to accommodate 60 persons which should be increased to 200; two additional centres are under construction in Attiki and Lesbos.

³⁰ See Concluding observations of the Committee against Torture on Greece, 27 June 2012 (paragraph 21).

³¹ See Article 11 of Law 3907/2011.

- *pre-departure centres (see below)* which will hold irregular migrants - including asylum seekers whose requests for international protection have been rejected³² - for whom preparations are being made to return them to their country of origin.
- *returns policy*, notably organising voluntary and forced returns and implementing the readmission agreement with Turkey.

The CPT would like to receive an update on the implementation of the Action Plan. In particular, it would like to be informed about the operation to date of the first reception centre in Filakio: average occupancy, length of detention and an indication of where the persons went once they left the centre.

The delegation also met several Syrian nationals who continued to be detained, at the time of the visit, both in police and border guard stations as well as in pre-departure centres. Some of them had already been detained for periods of up to several months, despite the fact that many were likely to be in need of international protection and could not be returned in application of the non-*refoulement* principle.³³

In light of the armed conflict in Syria and the evident inability to return Syrians to their country of origin, **the CPT would like to be informed as to the reasons for Syrian nationals to be detained in immigration detention centres for periods of up to several months, as was the case at the time of the visit.**

c. pre-departure centres and holding facilities visited

61. As part of the above-mentioned Action Plan, the Greek authorities have established a number of immigration detention centres, known as pre-departure centres. At the time of the 2013 visit, five pre-departure centres were operating with a combined capacity to accommodate 4,975 persons and the plan was to establish four additional centres and to increase the number of available places to 10,000. Further, it was proposed to open two Special Aliens detention centres on the islands of Chios and Samos.

The establishment of the pre-departure centres is a step in the right direction towards creating an immigration detention estate that caters to the specific requirements of the irregular migrant detainee population. Nevertheless, the operation of the centres is still based on a security approach, with detainees treated in many respects as criminal suspects. **The Internal Operating Regulations for Alien Detention facilities of 10 March 2013 promulgated as a Decision of the Chief of the Hellenic Police are too restrictive and should be revised.**³⁴

³² The CPT's delegation also met a considerable number of persons in the pre-departure centres visited who had applied for asylum following their detention in a centre.

³³ Recently, UNHCR recommended that States temporarily suspend the forcible return of Syrian nationals and those habitually residing in Syria to Syria or its neighbouring countries. The organisation also called upon the Greek authorities not to order the administrative detention for Syrians and suspend the expulsion orders or return decisions without delay. See UNHCR Greece, *Syrians in Greece: Protection Considerations and UNHCR Recommendations*, 17 April 2013.

³⁴ For example, the prohibition of ownership and use of mobile phones and any other electronic device by the detainees should be reviewed. Further, provision should be made for purposeful activities and access to NGOs promoted.

The CPT also trusts that detention centres such as Petrou Ralli and Filakio, with their totally inappropriate carceral design, will in future only be used for holding persons for short periods.

62. The CPT's delegation visited the pre-departure centres of Amygdaleza (Athens), Komotini, Paranesti and Xanthi, as well as the Thessaloniki Aliens Department facility at the Metagagon (Transfer) Centre and the Amygdaleza centre for unaccompanied minors. It also carried out follow-up visits to the Athens airport,³⁵ Filakio³⁶ and Petrou Ralli³⁷ special holding facilities for irregular migrants.

63. The Amygdaleza pre-departure centre, opened in April 2012, is located in a corner of the police academy in northern Athens. The centre is composed of two camps of a series of fenced-in gravel compounds, in which there are three or four rows of pre-fabricated structures, each accommodating up to eight persons. At the time of the visit, Camp I was accommodating 718 persons for a capacity of 736 (i.e. 92 units) in five compounds (two had 16 units and three 20 units). Camp II was of a similar layout and was operating at full capacity, accommodating 906 persons. A third camp with a capacity for 336 detainees was under preparation.

The Komotini centre, opened in August 2012, consists of two double-storey accommodation buildings, each within a secure fenced perimeter, and an administration building. At the time of the visit, it was accommodating 410 adult men for an official capacity of 540.

The Paranesti centre, opened on 28 September 2012 and located within a former military barracks, consists of four distinct fenced-in single-storey accommodation blocks, each with its own yard, and two small administrative buildings. At the time of the visit, one accommodation block was not in use and another one had only been opened up two days prior to the delegation's visit. The centre was holding 324 detainees for a capacity of 557.

The Xanthi centre, opened on 4 August 2012 and located within the regional police academy, consists of two double-storey accommodation buildings, each within a secure fenced perimeter, and an administration building. The centre was holding 438 persons and had a maximum capacity of 480.

³⁵ See the report on the CPT's 2009 visit: CPT/Inf (2010) 33, paragraph 65.

³⁶ See the report on the CPT's 2011 visit: CPT/Inf (2012) 1, paragraph 22.

³⁷ See, *inter alia*, reports on the CPT's 2005 and 2011 visits: CPT/Inf (2006) 41, paragraphs 35 and 36 and CPT/Inf (2010) 33, paragraph 68.

2. Ill-treatment

64. Detained persons in the establishments visited stated that most police officers acted correctly; this was especially the case at Xanthi pre-departure centre. However, the CPT's delegation did receive a number of allegations of physical ill-treatment of detained persons by police officers in the other three pre-departure centres visited.

In particular, several persons at Amygdaleza pre-departure centre alleged that they had received slaps, kicks and blows from an extendable baton either because they were making a complaint or because they had committed an act of self-harm. In addition, a number of detainees alleged that they had been handcuffed to the fence overnight by staff as a punishment. One particularly serious allegation of ill-treatment was reported to the delegation. A person claimed that in early March 2013, when he was returned from the local hospital after having cut himself with some glass, each of his wrists had been handcuffed to the fence of his compound and that he had been left there the whole day sitting in a chair; apparently, one hand was uncuffed so he could eat a meal and he was provided with a blanket by detainees when the temperature cooled down in the evening. Other detained persons, in separate interviews, told the delegation that they had seen this person handcuffed to the fence. **The practice of handcuffing persons to a fence should be ended immediately.**

At Filakio special holding facility, some allegations were again received of detainees being slapped and kicked in the small visits and telephone room, connecting the detention cells to the medical unit.³⁸ It should also be mentioned that many allegations of ill-treatment were received in respect of certain police officers at Komotini pre-departure centre during the period of October to December 2012.

Allegations of abusive and, at times, racist language were received in all the centres and holding facilities visited.

The CPT recommends that the Greek authorities take rigorous action to counter acts of ill-treatment in immigration detention centres. That action should include instigating investigations into any allegations of ill-treatment.

Further, all police officers assigned to custodial tasks in such centres should be provided with appropriate training in inter-personal skills and be regularly reminded that any ill-treatment of detainees, including of a verbal nature, will be punished accordingly.

65. In the course of the visit, the CPT's delegation received many allegations of excessive use of force and deliberate physical ill-treatment by police officers who intervened to bring under control a disturbance at Komotini pre-departure centre on 23 November 2012. These allegations were made independently by various persons met in a number of police stations and immigration detention centres in different parts of the country.

³⁸

See the report on the CPT's 2011 visit: CPT/Inf (2012) 1, paragraph 15.

In particular, detained persons claimed that once the disturbance was brought under control, they had been made to stand in the corridor outside their dormitories while riot police officers had proceeded to hit them with batons and chains. The beatings continued until they were corralled into the yard in front of the building, where they were apparently made to remain all night and most of the following day. After the detainees had been sent back to their dormitories, police officers allegedly went from room to room inflicting blows with batons in an indiscriminate manner. The CPT has learned that 25 detainees had been transferred for treatment for broken limbs and concussion to Komotini hospital on 23 November 2012. Further, some persons who alleged that they had been injured claimed that they were not seen by a doctor in the following days despite making requests.³⁹

The incident report, to which the CPT's delegation was granted access, indicates that prohibited items had been found during the search and that criminal charges were brought against the instigators of the unrest. However, it appears that no investigations into allegations of ill-treatment by police officers have been initiated.

66. The CPT is aware that the task of intervention units is often difficult and dangerous and that the use of force against detainees might be necessary when performing that task. Any force used during the intervention must nevertheless be limited to what is strictly necessary. In addition, as soon as recalcitrant detainees have been brought under control, there can be no justification for them being struck.

It goes without saying that after an intervention where use of force has been deployed, persons in need of medical treatment must be seen promptly by a doctor. Moreover, where allegations of ill-treatment are made, there should always be a prompt and thorough investigation into the veracity of these allegations.

The CPT also considers that interventions in immigration detention centres should take place in the presence of an authority which is fully independent of both the security forces concerned and the detention facility, and charged with observing and subsequently reporting upon the way in which the intervention was carried out. The presence of such an authority would have a dissuasive effect on anyone minded to ill-treat prisoners and greatly facilitate the investigation of any allegations of ill-treatment and the correct attribution of blame.

The CPT would like to be informed whether any action was taken to investigate allegations of physical ill-treatment by police officers in the context of the disturbance at Komotini pre-departure centre on 23 November 2012. Further, the CPT recommends that all future interventions by external units meet the requirements set out in this paragraph, including independent monitoring.

³⁹

This was the case, for example, for several detainees met in Metaxades Police Station at the time of the visit, who claimed that they had been repeatedly struck with batons during the incident.

3. Conditions of detention

a. pre-departure centres

67. The CPT has long advocated that irregular migrants deprived of their liberty should be accommodated in centres specifically designed for that purpose, offering material conditions and a regime appropriate to their legal situation and 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 (e.g. board games, table tennis, sports). The longer the period for which persons are detained, the more developed should be the activities which are offered to them.

68. The pre-fabricated accommodation units in the *Amgydaleza pre-departure centre* consisted of two rooms, each measuring some 9 m² and equipped with two sets of bunk beds, a table and chairs, and a cupboard; between the two rooms were two fully-partitioned toilets and showers. The units were generally clean and in a good state of repair, with adequate lighting and ventilation. Further, the detainees could be outside of the units for much of the day (from 9 a.m. to 1 p.m. and from 3 p.m. to 7 p.m.), which alleviated the limited amount of living space per detainee in the rooms. However, “outside” meant walking around on gravel stones between the rows of units or in an open area at the entrance to the compound, with no means of rest installed and no sports or other recreational activities available. There were no communal rooms for association or television, and no place for worship. Further, detainees complained about the lack of hygiene products and the fact that they could not wash their clothes or bedding. In fact, washing machines and driers had been purchased but they did not function.

69. At the *Komotini pre-departure centre*, detained persons were accommodated in dormitories (each measuring approximately 20 m²) which contained five sets of bunk beds and, at the time of the visit, were holding six to ten persons. Certain of the sanitary annexes were in a deplorable state of repair (broken urinals and sinks, non-functioning toilets and showers, leaking sewage water from the pipes in the ceiling) and the smell within them was nauseous. At the end of the visit, the CPT’s delegation made an immediate observation and requested that urgent action be taken to repair the sanitary facilities. By communication of 17 June 2013, the Greek authorities informed the Committee that funding had been requested to refurbish the facilities. **The CPT would like to be informed about the refurbishment.**

As regards activities, detained persons were in theory offered outdoor exercise for two hours a day on the gravel forecourt (one hour in the morning and one hour in the afternoon); however, many persons complained that they were often not offered outdoor exercise at all and when they were it was rarely longer than 30 minutes. Further, there were no purposeful activities on offer.

70. At the *Paranesti pre-departure centre*, the two accommodation buildings in use since August 2012 each consisted of six dormitories (measuring approximately 45 m²). The dormitories were crammed with bunk beds and accommodated up to 30 persons⁴⁰; there were no lockers for personal belongings or tables and chairs. That said, lighting and ventilation were sufficient. However, there was a need for constant maintenance; in building A, mould was evident on the walls above the windows, and water was leaking in the toilet area. Further, many persons complained about a lack of hygiene products and an inability to wash their clothes. The cramped conditions inside the accommodation blocks were made worse by the fact that the detainees were only allowed access to the sizeable courtyard for one and a half hours a day and were offered no activities (recreational, vocational, sport) and no television.

The conditions in the newly-opened Building C were satisfactory at the time of the visit. However, the envisaged living space per person was, once again, less than 2 m²; for example, 20 sets of bunk beds in some 50 m².

71. At the *Xanthi pre-departure centre*, irregular migrants were held in 76 dormitories⁴¹ (measuring from 15 to 23 m²) accommodating from four to ten persons. One room on each floor had been converted into a prayer room. The rooms were generally in an acceptable state of repair and were equipped with a table and chairs and cupboard space; they also had good access to natural light and sufficient ventilation. The sanitary facilities were sufficient in number and generally in good repair. However, in Block B there was some flooding and water leaking through the ceilings. Besides the limited living space in the dormitories (i.e. often less than 4 m² per detainee), the main problem was the lack of purposeful activities on offer. Access to the forecourt in front of each building was limited to one hour a day and detainees were usually confined to the gravel area while the more spacious grass area was reserved for the officers guarding the block.

Nevertheless, the Director was making efforts to improve the situation by setting up Greek language classes for some 90 detained persons, purchasing footballs and volleyball nets and looking into the possibility of obtaining four television sets and recreational games. These are positive steps that should be supported.

⁴⁰ Building B had accommodated 193 persons until a few days prior to the delegation's visit, when 68 detainees including 17 minors, had been transferred to Building C.

⁴¹ Block B contained 39 dormitories and Block C 37.

72. With respect to the pre-departure centres, the CPT recommends that the Greek authorities take the necessary steps to ensure that:

- official occupancy rates are revised so as to offer a minimum of 4 m² of space per detainee in multi-occupancy accommodation, and are respected in practice;
- all multi-occupancy rooms are equipped with tables and chairs commensurate with the number of persons detained and each person is provided with personal lockable space;
- detainees are offered clean bedding and the ability to wash their clothes;
- all detainees are offered at least one hour of outdoor exercise every day;
- a programme of activities (educational, recreational and vocational) is developed in each centre;
- at least one common association room, equipped with television and games, is established in every centre;
- every centre is equipped with a multi-faith room;
- detainees are provided with sufficient quantities of personal hygiene and cleaning products (including washing powder).

The delegation observed that maintenance was a major issue in all the centres visited (non-functioning electrical sockets, broken plumbing, broken lightbulbs, etc.). **The CPT recommends that steps be taken to ensure that regular maintenance work is carried out in all pre-departure centres.**

b. special holding facilities for irregular migrants

73. At the *Athens airport holding facility*, the situation has not improved since the 2011 visit. The unit for irregular migrants (i.e. those who had attempted to enter or leave the country with false documents) was holding 26 men in nine cells (each measuring 9 m²) on 14 April 2013. Detained persons were not offered any outdoor exercise and were only let out of the cells for a few minutes in the morning and the evening in order to clean themselves; once again, the delegation heard many complaints that detainees were not let out of the cells when they requested to go to the toilet. Local staff said that the average length of detention would not exceed a few days; however, consultation of the custody register revealed that four Syrians had been held in the centre for periods of two to four months, another foreign national had been held for more than six months and many others had been detained for more than one month. Further, at times, between seven and 11 persons were held in these cells for prolonged periods, as was the case in December 2012, January 2013 and at the beginning of April 2013; such a gross level of overcrowding leading to 1 m² or less of living space per person constitutes in itself inhuman treatment. A cell of 9 m² should not accommodate more than two persons. It is also essential that an outdoor exercise yard be brought into service.

74. The *Filakio Special Holding facility* also continues to provide totally unsuitable conditions for long-term detention of irregular migrants. The over-inflated official capacity of 374 has not been revised downwards despite a recommendation from the CPT, which meant that even though the facility was holding only 215 persons it was still overcrowded. For example, Cell 1 measured some 115 m² (including a sanitary annexe of four toilets, three showers and a large basin) but contained 66 beds and 58 detainees; it was cramped, dilapidated, dirty and malodorous. Access to natural light was restricted and the artificial lighting poor (insufficient for reading purposes). Hygiene was poor and many detainees presented skin rashes. The other five cells along the main corridor displayed similar shortcomings.⁴²

The room used for accommodating women was in a similar state to that observed at the time of the 2011 visit,⁴³ except that there were only 10 women. Nevertheless, space was limited as the room (40 m²) still contained 13 sets of bunk beds.

There were no activities on offer and access to the large outdoor exercise yard (equipped with sports installations) had only been granted two days prior to the delegation's visit, and for men only. Prior to that, detained persons had apparently been offered access for less than 15 minutes a day to a small yard.

If this centre is to remain open, the number of persons held must be drastically reduced and at least one of the large cells should be converted into an association room with a television and board games and books (an association room for women could be established in the room between them and the health-care service). Further, the cells should be left unlocked for the most part of the day and access to the large yard made possible for several hours a day. In addition, activities should be offered (sport, recreational, vocational, language classes).

75. Likewise, the conditions of detention at *Petrou Ralli holding facility* remained totally unsuitable for holding irregular migrants for prolonged periods.⁴⁴ At the time of the 2013 visit, the detention area for female detainees was being refurbished⁴⁵ and 188⁴⁶ male detainees were being held in cells designed for a capacity of 170. Detainees complained about the infested worn blankets and the lack of hygiene products, and that they often had to urinate in plastic bottles at night as staff apparently did not respond to calls by detainees to be granted access to the toilets. Further, outdoor exercise was hardly ever offered and only lasted for some 30 minutes; in addition, no activities were offered. Many persons were being detained up to 12 months with no information about their legal situation and what would happen to them.

⁴² For example, Cell 2 was 80 m² (including a sanitary annexe) and had 52 beds and Cell 3 was 70 m² (including a sanitary annexe) and contained 48 beds.

⁴³ See CPT (2012) 1, paragraph 24.

⁴⁴ See footnote 37 above.

⁴⁵ On 7 April 2013, female detainees had been temporarily transferred to the Hellinikon detention facility although the delegation had been informed by the Ministry of Public Order and Citizen Protection on 4 April that this facility had been closed down.

⁴⁶ The figure was 221 three days prior to the delegation's visit on 15 April.

76. On the first floor of the *Thessaloniki Metagagon (Transfer) Centre*, the Aliens Department was accommodating 106 irregular migrants in eight cells (each measuring some 50 m²) in conditions similar to those held in the transfer centre on the ground floor (see paragraph 41 above). The cells were not equipped with plinths, and detainees slept on the floor on mattresses; they were provided with blankets, but many of them were worn and dirty. The Centre offered no activities to the detained persons and did not even possess an outdoor exercise yard, although it seemed that possibilities existed for creating one.

77. **With respect to the special holding facilities, the CPT calls upon the Greek authorities to take the necessary steps to ensure that:**

- **official occupancy rates are revised so as to offer a minimum of 4 m² of space per detainee in multi-occupancy accommodation, and are respected in practice;**
- **all detainees are offered a bed or plinth, mattress, blanket and bedding, all clean;**
- **all detainees have ready access to toilet facilities, including at night;**
- **all detainees are offered at least one hour of outdoor exercise a day;**
- **each facility has a common association room, equipped with television and games, and a room for prayers;**
- **regular maintenance work and disinfection is carried out and sufficient funding is made available to this end;**
- **sufficient quantities of detergent and products for personal hygiene are made available at all times to detainees.**

Further, for persons detained longer than a few days, a programme of activities (educational, recreational and vocational) should be developed.

4. Unaccompanied minors

78. The Amygdaleza Special holding facility for unaccompanied minors, located within the grounds of the Athens police training academy, is sited within a warehouse-type structure. At the time of the visit, the Centre was accommodating 36 male juveniles from 14 to 17 years of age. They were held in four large rooms (each measuring approximately 55 m²) with high ceilings, equipped with 10 concrete plinths for sleeping purposes and 10 concrete benches, which were used *inter alia* for storing belongings. Consequently, the envisaged living space per detainee was sufficient. However, there was limited access to natural light and the artificial lighting was inadequate. Further, the rooms were cold and dank and heating devices had been removed despite the cool night-time temperatures.⁴⁷ The Centre had one common room with a television and a small concrete outdoor exercise yard, fully sheltered and enclosed with metal bars. A sanitary annexe contained five toilets and five showers; it was in a dilapidated state. The delegation was informed that refurbishment works were planned.

⁴⁷ In any event, they were apparently totally insufficient for the size of the rooms.

A psychologist and social worker from the NGO MEDIN were present most weekdays and the Red Cross visited on Mondays; however, no educational or purposeful activities were offered to the juveniles and many did not possess adequate clothing or proper footwear. Further, they had no information about their length of stay in the facility or what would happen to them. Some of the juveniles had been in detention for more than six months in various police establishments around the country.

The holding facility had no specific operating rules and was essentially run like a police detention facility, albeit the police officers were more accommodating to the juveniles' needs. However, the police officers had no specific training for working with irregular migrants, let alone unaccompanied minors. As regards discipline, whenever a juvenile posed a problem he would be transferred to Petrou Ralli.

79. In the light of the findings of its delegation at the Amygdaleza Special holding facility for unaccompanied minors as well as in other establishments where juvenile irregular migrants were being held, the CPT considers that the Greek authorities must take concerted steps to provide better care and support to this vulnerable group.

In this context, it wishes to recall the CPT's position that **every effort should be made to avoid resorting to the deprivation of liberty of an irregular migrant who is a minor**. Following the principle of the "best interests of the child", as formulated in Article 3 of the United Nations Convention on the Rights of the Child, detention of children, including unaccompanied children, is rarely justified and, in the Committee's view, can certainly not be motivated solely by the absence of residence status. When, exceptionally, a child is detained, the deprivation of liberty should be for the shortest possible period of time;⁴⁸ all efforts should be made to allow the immediate release of unaccompanied children from a detention facility and their placement in more appropriate care. Further, owing to the vulnerable nature of a child, additional safeguards should apply whenever a child is detained.

This approach was confirmed by the European Court of Human Rights, which, on several occasions, held that the administrative detention of children in an adult detention centre with a view to their deportation had amounted to inhuman treatment.⁴⁹

As soon as possible after the presence of a child becomes known to the authorities, a professionally qualified person should conduct an initial interview, in a language the child understands. An assessment should be made of the child's particular vulnerabilities, including from the standpoints of age, health, psychosocial factors and other protection needs, including those deriving from violence, trafficking or trauma. Unaccompanied children deprived of their liberty should be provided with prompt and free access to legal and other appropriate assistance, including the assignment of a guardian or legal representative. At present, it appears that a prosecutor is the legal guardian of an unaccompanied minor; however, in practice, there is absolutely no contact between the guardian and the child, who is merely left in limbo awaiting a decision at some point on his future.

⁴⁸ According to Article 17 (1) of the EU Returns Directive 2008/115/EC, unaccompanied minors and families with minors shall only be detained as a measure of last resort and for the shortest appropriate period of time. Article 17 (5) of the Directive states that the best interest of the child shall be a primary consideration in the context of the detention of minors pending removal.

⁴⁹ See European Court of Human Rights, *Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*, Judgment of 12 October 2006; *Muskhadzhiyeva and Others v. Belgium*, Judgment of 19 January 2010; and *Popov v. France*, Judgment of 19 January 2012.

As regards staffing, it is positive that there is a regular presence of a social worker and a psychologist in the Amygdaleza facility. However, staff working inside the facility should be non-uniformed, receive special training for working with juveniles and be composed of both sexes;⁵⁰ the presence of both male and female staff can have a beneficial effect in terms of the custodial ethos and foster a degree of normality in a place of detention. Children deprived of their liberty should also be offered a range of constructive activities (with particular emphasis on enabling a child to continue his or her education).

80. In the light of the above remarks, the CPT recommends that the Greek authorities take the necessary steps to ensure that unaccompanied children, who are deprived of their liberty as a last resort, are only held in centres designed to cater to their specific needs, staffed with properly trained men and women and offering a range of constructive activities. Further, all unaccompanied minors should be provided with a guardian who keeps them informed of their legal situation and effectively protects their interests.

More specifically, the Committee recommends that the Amygdaleza Special holding facility no longer be used for the detention of unaccompanied minors; instead, more suitable premises, preferably open, should be found, which meet the above-mentioned requirements for such a facility.

81. The CPT's delegation came across unaccompanied minors in several of the pre-departure centres, whose claims to be under 18 had only very recently been confirmed by the Greek authorities. However, no steps had been taken to ensure that these minors were separated from adults or at least supervised more closely by staff from the centres.⁵¹ Further, they were provided with no information about their future status or what would happen to them, nor were any efforts made to provide them with any activities (especially physical and educational). The 17 juveniles at the Paranesti centre were moved, along with some 50 adults, into a less congested building two days prior to the delegation's visit, but apart from this no other measures had been taken.

Many of these juveniles stated that they had always maintained that they were minors but that the police officers who processed them upon apprehension had classified them as adults. Various NGOs met by the CPT's delegation recounted receiving similar allegations.

The CPT recommends that steps be taken to put in place contingency plans in each pre-departure centre to manage unaccompanied minors in accordance with their status. Further, police officers should be reminded to accurately record the ages provided by apprehended irregular migrants. Persons who claim to be juveniles should be treated as such until proven otherwise, unless the claim is manifestly unfounded.⁵²

Moreover, in the light of various media reports concerning the closure of the Agiasos reception centre for unaccompanied minors, **the CPT would like to be informed of the current facilities (capacity and actual occupancy) available for receiving unaccompanied minors and whether their future operation is financially secure.**

⁵⁰ At the time of the visit, six male police officers were assigned to custodial duties on each shift.

⁵¹ For example, at the Xanthi centre, the delegation noted that a juvenile, acknowledged as such by the authorities, had been held together with adults for five months following his detention on 18 October 2012.

⁵² According to Article 37 (c) of the UN Convention on the Rights of the Child, every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age.

5. Staffing

82. The CPT wishes to point out once again the particular importance it attaches 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.

These requirements were not met in any of the immigration detention centres visited in the course of the 2013 visit; police officers assigned to duties in these centres were provided with no specific training at all. Moreover, the personnel, including the centre directors, rotated frequently;⁵³ for example, at the Amygdaleza centre, police officers were seconded for periods of one month only, thereby undermining any possibility to acquire relevant experience.

Police officers in all the centres visited did not engage in meaningful contact with the irregular migrants and, in fact, spent little, if any, time inside the accommodation blocks. For example, at Paranesti pre-departure centre, the 25 police officers stationed “inside” the facility but outside the accommodation blocks appeared to spend the whole time loitering around the registration office with their riot shields and truncheons lined up against the building. The situation was somewhat better at the Xanthi centre, where the police officers were located in the grass area in front of each accommodation building, but even there communications with detainees generally took place across a metal barrier.

The delegation also observed that police officers openly carried batons inside the accommodation areas at the Amygdaleza and Paranesti pre-departure centres.

As regards staff in the aliens holding centres, it is positive that the number of police officers per shift working inside the Filakio facility has been doubled to 16. However, the role of such staff remains one of purely guarding.

83. The time has come for the Greek authorities to ensure that immigration detention centres are staffed by properly trained officers, whose job description should include interacting with the detained irregular migrants and taking a proactive role towards resolving potential problems. Officers should be present inside the accommodation areas. Further, each centre should comprise both male and female officers.

The CPT recommends that the Greek authorities review the staffing of immigration detention centres, in the light of the above remarks. Further, staff should not openly carry batons inside the accommodation areas of these centres. And, if it is considered necessary for riot control equipment to be available on site, that equipment should be stored in a designated facility out of the view of detained persons.

⁵³ The Xanthi centre constituted something of an exception in this regard.

6. Health-care

84. The CPT has long stressed the importance of each immigration detention centre having health-care staff present on a daily basis. At the time of the 2013 visit, this requirement was being met in practically all the facilities visited. However, the staff resources involved were often insufficient having regard to the numbers of persons detained. This was particularly the case at the Amygdaleza centre. Two general practitioners and two nurses were present at the centre every weekday from 9 a.m. to 1 p.m.; at weekends, persons in need would be transferred to the local hospital. There was a full-time psychologist and a psychiatrist visited the centre once a week, but there was no dentist. This is far from sufficient for a detainee population of some 1,600 persons.

The situation was better at the Komotini and Xanthi centres, where two general practitioners and two nurses working in two shifts were present every weekday from 8 a.m. to 8 p.m.

At the Paranesti centre, a doctor and a nurse from *Médecins sans Frontières (MSF)* were present from Monday to Thursday; on other days of the week there was an agreement with the health-care centre in Paranesti (some 15 kilometres away). It was envisaged that from May 2013, a permanent doctor and nurse would be employed at the centre by the Ministry of Health, in addition to the MSF team.

At the Filakio special holding facility, a health-care team composed of a doctor and a nurse had been present in the establishment every day since 1 March 2013, and they were supplemented by a team from MSF. At Petrou Ralli, basic health-care continued to be provided by the NGO, Medical Intervention, and at the Athens airport facility, a doctor and nurse visited every weekday morning. However, at the Metagogon (Transfer) Centre in Thessaloniki, there was no health-care provision, despite the fact that the facility regularly held 100 persons.

In the light of the numerous acts of self-harm and of several attempted suicides in the centres visited, provision should be made for regular visits by a psychiatrist. The psychologists allocated to each centre should also play a more proactive role, especially at times when detainees may be particularly vulnerable, such as when their application for asylum is rejected or the period of their detention is extended.

85. The CPT recommends that the health-care team at the Amygdaleza pre-departure centre be reinforced, in the light of the above remarks. The number of doctors and nurses should be increased significantly and provision made for a dentist to attend the centre. Further, steps should be taken to ensure that an adequate health-care presence is provided at the Metagogon (Transfer) Centre in Thessaloniki. In all the centres visited, an increased nursing presence would be desirable.

The Committee also recommends that provision be made for a psychiatrist to visit all the centres and that the psychologists take a more proactive role in supporting detainees.

86. The directors of the pre-departure and holding facilities visited voiced their concern about the continued funding of health-care posts, recounting that in the course of 2012 they had themselves been forced to seek local solutions when no health-care team was provided. In this regard, the CPT understands that the provision of a health-care team by the Ministry of Health is partly dependent on funding by the European Union Return Fund.

The CPT would like to receive clarification as regards the funding of health-care services in immigration detention centres.

87. The importance of medical screening of irregular migrants on admission to a detention centre cannot be overstated. Such screening is indispensable, in particular in the interests of identifying those at risk of self-harm, screening for communicable diseases and the timely recording of any injuries. Blood tests for transmissible diseases (blood-borne viruses, sexually transmitted diseases, etc.) should be carried out as part of the screening.

In the pre-departure centres visited, such screening was not systematically occurring. For example, at the Paranesti centre, new arrivals were only asked a few questions but no physical examination was carried out nor any blood tests taken. The situation was not much better at the Amygdaleza centre. Only at the Xanthi centre were all detained persons seen within 24 hours of arrival, a personal history taken and blood tests carried out, as required.

The CPT recommends that the Greek authorities pursue their efforts to ensure that every newly-arrived detainee is properly interviewed and physically examined by a medical doctor or by a fully qualified nurse reporting to a doctor, as soon as possible after his/her admission to a pre-departure centre or special holding facility.

7. Other issues

88. The vast majority of detained persons met by the CPT's delegation appeared to have no understanding of their legal situation or what would happen at the end of the period of detention. The only information they possessed was a paper in the Greek language from the Hellenic Police Aliens Department which informed them that, in accordance with the relevant legislation, they had been detained for six months (where it concerned a deportation decision) or three months (where it concerned a return decision) which could be extended in both cases up to a maximum of 18 months.

However, as regards the three monthly reviews before the administrative court for those detained under Law 3907/2011, the decision to extend detention was usually taken based upon a proposal from the Hellenic Police Aliens Department. Detained persons were rarely represented by a lawyer and usually only learnt about the review once they were handed a paper informing them that the period of detention had been extended by three months. In deportation cases, the detention measure could be challenged before the administrative court but the extension of detention was decided by the Hellenic Police.

The CPT recommends that all detained irregular migrants be provided with full information, in a language they understand, on their legal situation and be informed in advance of their right to be represented by a lawyer at the detention review hearings before the administrative courts and of their right to challenge the detention measure in deportation cases.

89. If, at the end of their period of detention, detained persons could not be deported/returned, they were provided with a *laissez-passer* paper valid from seven to 30 days, during which they were supposed to leave the territory of Greece; failure to comply with leaving the country meant they were liable to being detained for a further period of three months renewable up to 18 months. The CPT does not fully understand the rationale of the very short period provided by the *laissez-passer* as one could not expect the irregular migrant to be able to leave the country within a period of seven to 30 days, if the Greek State was unable to effect his return in a period of one year or more.

The CPT would appreciate the observations of the Greek authorities on this matter.

90. It is in the interest of both irregular migrants and staff that there be clear house rules for all detention facilities, and copies of the rules should be made available in a suitable range of languages. This was not the case at the time of the 2013 visit. The only provisions that currently exist are the Internal Operating Regulations for Alien Detention Facility Guarding Services of 10 March 2013, which would need to be both substantially reviewed and supplemented to serve as house rules.

The house rules should primarily be informative in nature and address the widest range of issues, rights and duties which are relevant to daily life in detention. They should, *inter alia*, contain disciplinary procedures and provide detainees with the right to be heard on the subject of violations that they are alleged to have committed, and to appeal to an independent authority against any sanctions imposed. Without such rules, there is a risk of an unofficial (and uncontrolled) disciplinary system developing. For example, in Xanthi police station, the delegation met a man who had been transferred from the Xanthi pre-departure centre because he was considered disruptive to other detainees. He had been held for 46 days on his own in the police cell (see paragraph 45 above).⁵⁴

In the light of the above remarks, the CPT recommends that house rules be adopted for each pre-departure centre and special holding facility, which should be clearly posted in the accommodation areas in languages understood by the detainee population.

91. The CPT considers contacts with the outside world to be essential for the well-being of detained persons; consequently, detained irregular migrants should be afforded every opportunity to maintain such contacts. In all the centres visited, it was possible for detained persons to receive visitors; however, there was no common approach.

⁵⁴

The Internal Operating Regulations contain no provisions on how to deal with refractory and/or difficult detainees other than to permit the director of a centre to introduce restrictive measures; see Article 23.2.

For example, at the Xanthi centre, detained persons could receive visitors in a room in the administrative building every day. By contrast, at the Amygdaleza centre, where a lot of detained persons did receive visitors due to the easy access from Athens, there were no facilities in place; detained persons had to meet with their visitors through the fencing enclosing their compound.

The CPT recommends that appropriate visiting facilities be set up in all immigration detention centres enabling detained persons to meet with their visitors in an amenable and open setting (e.g. around a table) with an area set aside for children who visit. Immediate steps should be taken to establish a proper visiting area at the Amygdaleza pre-departure centre.

92. For most detained irregular migrants, the most important means for maintaining contact with the outside world was the telephone. All the centres and holding facilities did possess card phones; however, the cards were considered expensive especially as most persons had families in another continent. The rules governing detention by the Hellenic Police do not permit detained persons to possess a mobile phone. However, as the CPT has reiterated on many occasions, the conditions of detention for irregular migrants should be different from those of criminal suspects or prisoners. In terms of communicating with the outside world, the CPT's delegation received by far the fewest complaints in those centres which, notwithstanding the above regulations, permitted detained persons to keep their mobile phones (i.e. Paranesti and Xanthi centres). The CPT can see no reason why detained persons should not be permitted to keep their mobile phones; as the experience of the Xanthi centre shows, concerns about theft and disputes over mobile phones have proved unfounded.

The CPT recommends that the Greek authorities permit persons detained in immigration detention centres to retain their mobile phones and that the relevant regulations be amended accordingly.

E. Prison establishments

1. Preliminary remarks

93. In the course of the 2013 visit, it became clear that the Greek prison system continued to be afflicted by the same fundamental deficiencies observed in the past, notably severe overcrowding and an acute shortage of staff. These two problems are, in many respects, the source of additional serious shortcomings in the prisons visited, including poor material conditions and lack of hygiene, inter-prisoner violence, insufficient medical care, and a lack of purposeful activities for prisoners.

94. According to the Greek Ministry of Justice, the overall capacity of the prison system stood at 10,286 places, while there were a total of 12,759 prisoners as of 28 February 2013. However, the distribution of prisoners across the prison estate is not even, which means that certain establishments, such as the open agricultural prisons, were operating far below their official capacity, while others, notably the Judicial Prisons, were operating up to 300% (sometimes even more) over their official capacity. The Ministry of Justice informed the CPT's delegation that while some new prisons have been completed and opened since the last CPT visit in 2011, two of them, Chania and Nigrita Serres, were operating at less than 50% of their combined capacity due to lack of staff.

The CPT has already stressed that the building of additional prisons might not alone be able to provide a sustainable solution to the problem of overcrowding.⁵⁵ Experience from other European countries has shown that the promotion of policies to limit or modulate the number of persons being sent to prison, or the time they have to serve, has often been an important factor in containing or reversing the growth of the prison population. In this context, the CPT had also drawn the attention of the Greek authorities to Recommendation No. R (99) 22 of the Council of Europe's Committee of Ministers concerning prison overcrowding and prison population inflation.⁵⁶

The Greek authorities have made efforts to introduce several measures in recent years to reduce the prison population, such as early release schemes.⁵⁷ However, these measures have not had a lasting effect on the overall prison population. It should, in this context, also be noted that the various schemes have, to date, excluded foreign nationals who did not have a permanent residence in Greece.

⁵⁵ See, for example, the report on the CPT's 2005 visit: CPT/Inf (2006) 41, paragraph 77.

⁵⁶ See the report on the CPT's 2001 visit: CPT/Inf (2002) 31, paragraph 57.

⁵⁷ See also the report on the CPT's 2009 visit: CPT/Inf (2010) 33, paragraph 88; and the report on the CPT's 2011 visit: CPT/Inf (2012) 1, paragraph 47.

The CPT must once again reiterate its recommendation that the Greek authorities vigorously pursue their efforts to combat prison overcrowding, by placing further emphasis on non-custodial measures in the period before the imposition of a sentence, increasing the use of alternatives to imprisonment and adopting measures facilitating the reintegration into society of persons deprived of their liberty. In this context, they should be guided not only by Recommendation Rec (99) 22, but also by other relevant Recommendations of the Committee of Ministers of the Council of Europe such as Recommendation Rec (2000) 22 on improving the implementation of the European rules on community sanctions and measures, Recommendation Rec (2003) 22 on conditional release (parole), Recommendation (2006) 13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse, and Recommendation Rec (2010) 1 on the Council of Europe Probation Rules. The Committee would like to receive detailed information on the measures being taken by the Greek authorities in this respect.

The Committee would also like to receive updated information on the development of the prison estate.

Further, it would like to be informed to what extent foreign national prisoners could be included in the existing early release schemes in the future.⁵⁸

95. The CPT's delegation visited Ioannina and Larissa Judicial Prisons for the first time, and carried out follow-up visits to Diavata (Thessaloniki), Komotini and Korydallos Men's Judicial Prisons, as well as to Korydallos Female Remand Prison. It also visited the Avlona Special Detention Facility for Juveniles for the first time since 1999. A brief description of each prison is contained in section 3 below.

2. Ill-treatment

96. Most prisoners met by the delegation made no complaints about staff, with whom in fact they had little contact. However, the delegation did receive a few allegations of physical ill-treatment by staff, mainly consisting of slaps, kicks and punches. In Larissa Prison, for example, the delegation heard an allegation that one inmate in the segregation unit, who had complained about his placement and had repeatedly requested to be moved to another wing, was taken out of his cell by several prison officers and kicked and punched. The delegation also received a few allegations from prisoners at this establishment that they had been slapped or punched by officers for committing an act of self-harm. Further, prisoners in all establishments visited complained about abusive language and racist remarks made by certain prison officers.

The CPT recommends that the Ministry of Justice remains vigilant and sends a clear message to all prison officers that physical ill-treatment of prisoners and the use of abusive language will not be tolerated.

⁵⁸

See Recommendation CM/Rec (2012) 12 concerning foreign prisoners adopted on 10 October 2012 by the Committee of Ministers of the Council of Europe.

97. The CPT's delegation was informed that the special riot police unit (M.A.T.) has, on occasion, been requested to enter prisons to conduct cell searches or to quell disturbances. Several prisoners alleged that during such searches, for example at Korydallos Men's Prison at the beginning of April 2013, members of the riot police had used disproportionate force on prisoners, including blows with batons, even after the prisoners were handcuffed and offered no resistance.

The CPT understands that following the disturbance of 22 March 2013 at Trikala Prison, police officers were stationed inside the accommodation wings of the establishment for more than a week during which they conducted a series of cell searches. Allegations were received that these cell searches were used as an excuse to mete out beatings to prisoners as a punishment for the events of 22 March, regardless of whether the prisoners had been involved in the disturbance or not. The CPT's delegation met a prisoner at Korydallos Men's Prison, who had recently been transferred from Trikala Prison and alleged that he had been severely beaten with truncheon blows by members of the riot police at the end of March, while they were carrying out a search of his cell; he stated that he had offered no resistance. When examined by a medical member of the CPT's delegation, he displayed several extensive bruises (up to 20 cm in length) on the inner thighs and abdomen, which were consistent with his allegations of having been struck repeatedly with a truncheon (see also paragraph 126).

The remarks and recommendation already made in paragraph 66 above concerning interventions by external units apply equally in the context of interventions to deal with disturbances in prison establishments. Further, the CPT recommends that the Ministry of Justice, together with the Ministry of Citizen Protection, develops a protocol regulating the use of police units during cell searches and ensures its enforcement.

The CPT would also like to be informed whether any action has been taken to investigate allegations of physical ill-treatment by police officers in the context of their interventions at Trikala Prison in late March 2013.

98. As regards inter-prisoner violence and intimidation, the delegation observed that this was a serious problem in all the prisons visited. Several cases of hospitalisation of inmates due to severe injuries inflicted by other prisoners came to the attention of the delegation. The existence of this phenomenon is directly linked to shortages of staff, resulting in control being ceded to groups of particular prisoners, often formed along ethnic lines, within the accommodation wings. These groups intimidate, bully and physically abuse other prisoners. This problem is not new, and had already been raised in previous CPT reports⁵⁹, and needs to be tackled urgently by the Greek authorities.

At Korydallos Men's Prison, the delegation noted that there were usually only one or two custodial officers in charge of a wing holding some 400 prisoners. It is obvious that in such conditions a prison cannot fulfil its minimum obligation of keeping prisoners – and staff – safe. The recent killing of a Polish inmate by other prisoners is illustrative of this fact. Many inmates reported to the delegation that staff do not usually intervene when there are fights between prisoners, but leave them to “sort it out” between themselves.

⁵⁹ See for example CPT/Inf (2012) 1, paragraphs 53 and 54; and CPT/Inf (2010) 33, paragraphs 95 and 96.

At Ioannina Prison, the delegation learned about a specific incident of inter-prisoner violence during which a prisoner had been so severely beaten and injured by other inmates that he required immediate hospitalisation to treat his broken jaw. However, he was prevented by the perpetrators from seeking medical assistance and he was only found by prison officers several hours later (at which point he was then transported to the local hospital), as staff rarely patrol inside the wings. This case further illustrates the problem that very low staff numbers impede the effective exercise of the duty of care, even in a relatively small prison, such as Ioannina.

The CPT once again reiterates its recommendation (already made in its 2009 and 2011 visit reports), that the Greek authorities devise an effective national strategy concerning the prevention of inter-prisoner violence and intimidation. Of course, such a strategy is dependent on the level of staffing being sufficient to enable prison officers to supervise adequately the activities of prisoners and support each other in the exercise of their tasks (see also paragraph 110).

99. At Avlona Special Detention Facility for Juveniles, there were in fact fewer than 30 juveniles (15 to 17 years of age) among the population of 360 inmates; the rest of the population was 18 years of age or older (see paragraph 103). The juveniles were routinely intimidated, hit and bullied by the older inmates. As a result, they were afraid and many spent their days in the cells not daring to come out, except for going to school. Prison staff acknowledged to the delegation that they were powerless to help the juveniles due to low staff numbers, and had advised the juveniles who had sought assistance to “lie low”.

The CPT's delegation invoked Article 8, paragraph 5, of the Convention and requested that the Greek authorities take the necessary steps to ensure that all inmates under the age of 18 held in Avlona Special Detention Facility for Juveniles are placed in a safe environment and provided with the necessary support that their age group requires. By communication of 17 June 2013, the Greek authorities informed the CPT that the Ministry of Justice was considering transferring juvenile prisoners from Avlona to the Corinth Detention Facility in order to accommodate them in an area which guarantees the provision of a higher level of correctional services for this group. **The CPT would like to receive up-dated information on whether the juveniles have been transferred to the Corinth Detention Facility (see also paragraph 114).**

3. Conditions of detention

a. material conditions

100. The material conditions in the prisons visited were generally very poor. All prisons visited by the delegation operated above their capacity, resulting in cramped conditions in prisoner accommodation; the overcrowding reached extreme proportions in several establishments. Regrettably, the provisions in the 1999 Greek Prison Law, setting down the standards of accommodation and the norms for a safe environment, including health and hygiene, to be provided to each prisoner, were still far from being complied with.⁶⁰ Some of the conditions encountered can easily be considered as amounting to inhuman and degrading treatment.

101. Korydallos Men's Prison has been described in previous visit reports.⁶¹ At the time of the 2013 visit, it was accommodating more than 2,300 prisoners for an official capacity of 840. During the 2013 visit, just like during previous visits,⁶² the delegation observed that cells originally designed for single-occupancy and measuring 9.5 m² were routinely used for three or even four inmates. The delegation found cells in which prisoners had to sleep on mattresses placed on the floor in the toilet areas, due to lack of available space. These are merely examples of a generally bad situation that persists across the entire facility.

Cell A-3 in wing E measures 36 m² and was equipped with 16 beds. However, at the time of the visit it was accommodating 27 inmates, both remand and convicted prisoners, leaving less than 1.5 m² per person. Nine of the prisoners were sleeping on the concrete floor⁶³ on extremely filthy and torn mattresses, two of them in the toilet area. The cell was infested with cockroaches and bed bugs and there was hardly any space left within which to move. Cell B-3 in wing E contained 14 beds and held 19 prisoners, with five prisoners sleeping on mattresses on the floor. There was no artificial light available at all during the night, and prisoners had to step on their cellmates in order to access the toilet, which was filthy. Further, the delegation noted that the garbage containers in the corridor outside the cell were full of food waste, which had not been emptied for some time and emitted a foul smell.

102. Korydallos Female Remand Prison is located across the road from the Men's Prison, and was already described in the CPT report on its 2005 visit. Since 2008, convicted female prisoners have been sent to Thiva Female Prison to serve their sentence, and subsequently the former wing A had been demolished. At the time of the delegation's visit, the prison consisted of two wings (B and C); it had an official capacity of 150 places, but was holding 193 women, 40 of whom were awaiting transfer to Thiva Prison. A new wing was under construction at the time of the delegation's visit and was apparently close to completion; this new wing should lead to better conditions for inmates and in particular alleviate the overcrowding.

⁶⁰ See, for example, Article 21 on prisoner's living area, which provides inter alia for prison accommodation to consist of cells and exceptionally wards for up to six persons, and that wards should provide at least 6 m² of space per prisoner.

⁶¹ CPT/Inf (2010) 33, paragraph 99.

⁶² See, for example, CPT/Inf (2010) 33, paragraph 111.

⁶³ Of the 27 inmates, four of them were sharing two beds.

Wing B had two types of cells. The larger ones measured some 50 m², which accommodated up to 20 women, and cells of 9 m² accommodated three prisoners. The high occupancy rates meant that conditions were cramped. Wing C was mainly used to hold prisoners requiring protection and HIV positive women. Cells measured some 14 m² and were not crowded, accommodating not more than three prisoners each. However, the delegation noted that in some cells the toilets were not partitioned.

It should also be noted that the custodial officers on duty at night did not have immediate access to the cell keys, as they were not kept in the wings. In case of a medical emergency or a fire, as had happened a few months before the delegation's visit, it takes some time to get the keys and unlock doors. Such a delay can put the lives of prisoners at risk.

103. The Avlona Special Detention Facility for Juveniles accommodated 360 inmates at the time of the delegation's visit, while having an official capacity of 300 places. Two months before there had been around 400 inmates. The majority of inmates are in fact young adults between 18 and 21 years of age and 130 prisoners were over the age of 21.

The main accommodation wing consists of three floors with 18 cells and three dormitories on the ground floor and 23 cells and 1 dormitory on each of the upper two floors. The cells measured some 10 m² (not counting the sanitary annex) and contained two sets of bunk beds, i.e. an envisaged living space per prisoner of only 2.5 m². And in a number of the cells the delegation came across six inmates having to share four beds. The cells were equipped with a table and chairs and a refrigerator, and access to natural light was satisfactory and artificial lighting sufficient. However, the sanitary annex, which contained a toilet, a shower and a sink, was not fully partitioned to the ceiling.

A single storey annex wing contained 15 cells and a dormitory. The size (10 m²) and conditions of 10 of these cells were similar to those in the rest of the establishment, and they accommodated four inmates each. Sanitary annexes were only semi-partitioned by a curtain. The remaining five cells were previously used as disciplinary cells; at the time of the visit, four of them were accommodating ordinary regime prisoners and the fifth one was empty. For example, one of these cells, which measured some 14 m², accommodated two prisoners, one of whom had to sleep on a concrete plinth. The cell was dilapidated and mould was growing on the walls and the ceiling and the artificial lighting in the sanitary annex was not functioning. The large dormitory for working prisoners accommodated 22 inmates; its conditions do not call for further comments.

104. Diavata Judicial Prison, in Thessaloniki, has a capacity of 250 places, but at the time of the visit held 590 inmates. The establishment has 53 dormitories measuring 24 m² and holding up to 10 inmates each, 10 cells of 11 m² holding on average four inmates each, and three dormitories accommodating 34 female prisoners. The dormitories for female prisoners, located on the ground floor, were separated from the sections accommodating male prisoners. However, like the rest of the inmate accommodation, they offer cramped conditions, with 24 m² of space for five sets of bunk beds. Access to natural light and ventilation was adequate and there were a few stools, but no lockable space for personal belongings. The sanitary annexes contained floor-level toilets and a sink, which also had to be used for washing clothes and dishes; however, on a positive note, the annexes were fully partitioned.

105. Ioannina Prison, built in 1968, accommodated adult males who have been convicted to a sentence of less than five years or are on remand. With a capacity for 70 persons, it was holding 232 prisoners (130 on remand) at the time of the visit. In 2010, numbers had temporarily dropped to 190 inmates, but in general this facility has been holding between 200 and 250 prisoners, and on occasion even close to 300. The prison is formed by a single building, with an inner court yard that is used for outdoor exercise. The accommodation block consists of nine dormitories located on two floors.

In 2012, the European Court of Human Rights found that the conditions in Ioannina Prison amounted to degrading treatment, due to severe overcrowding and the resulting lack of space.⁶⁴ Already in 2009, the Greek Ombudsman had noted that the dormitories and cells were “absolutely insufficient” for the number of inmates and that the living space per inmate was “absolutely intolerable”. Regrettably, the delegation found that overcrowding remained a massive problem, affecting all parts of the prison.

There are four large dormitories in Ioannina Prison, measuring some 50 m² which at the time of the visit were accommodating some 30 prisoners each. Five smaller dormitories, situated on the ground floor, measured between 15 m² and 32 m², and were accommodating between eight and 18 inmates. 176 prisoners were accommodated inside these nine dormitories, while the remaining 56 prisoners had to sleep in the corridors, several of them in bunk beds (some two to a bed), others on mattresses placed on the floor. There was a complete absence of privacy for the inmates placed in the corridors.

Notwithstanding the overcrowding, the large windows in the dormitories offered good access to natural light and sufficient ventilation, and artificial lighting was adequate. Further, the in-cell sanitary annexes (two showers, two toilets and two sinks) were fully partitioned. However, some of them were in a bad state of repair and had mould growing on the ceiling.

In sum, the conditions of detention at Ioannina Prison remained very much the same as described by the European Court of Human Rights in its judgment of *Samaras and others*.

106. Komotini Judicial Prison was accommodating 336 inmates for an official capacity of 96 places. The prison has two accommodation wings. The first one contained nine dormitories, each of which measured some 60 m² (including the sanitary annex), and were accommodating between 25 and 30 prisoners. Some prisoners had to share a bed, and in other cases inmates had to sleep on mattresses on the floor. In some of the dormitories, mould was growing on the ceilings and walls.

The second wing consisted of 20 cells measuring some 8 m² each, including the space taken up by a toilet and sink (which were not fully partitioned from the rest of the cell). The cells were equipped with two sets of bunk beds and, at the time of the visit, 15 of them were holding four prisoners each; as for the remaining five cells, they were holding six persons each, resulting in an intolerable level of overcrowding. The pressure on space in the establishment was such that the five disciplinary cells had to be used to accommodate prisoners who needed to be separated from other prisoners.

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European Court of Human Rights, *Samaras and others v. Greece*, Judgment of 28 February 2012

107. Larissa Prison started operating in 1984, and consisted of five wings with an official capacity of 600 places. At the time of the visit, it was holding 892 inmates. Overcrowding was apparent across the establishment. Wings A, B and C accommodated between 220 and 270 prisoners each in cells on three floors. Standard cells measured some 23 m² and were equipped with five bunk beds, a table and some chairs. In wing A, the delegation came across several cells holding up to 12 persons; consequently, some inmates had to sleep on mattresses placed on the floor or two to a bed. Further, a number of cells were humid and in need of repair (paint falling off the walls, broken windows), and several cells required major refurbishment. That said, the inmates in each cell did benefit from a completely partitioned sanitary annex, measuring some 5 m², with a toilet, a shower and a sink.

Wing D, a former warehouse, accommodated about 135 working and/or elderly prisoners in two separate dormitories. Both dormitories were equipped with rows of bunk beds, affording each prisoner some 3 m² of living space. Next to each bunk bed were a table and two stools. The adjacent sanitary room included six showers (five were operational) and six toilets, as well as four sinks.

108. The CPT calls upon the Greek authorities:

i. as a matter of the utmost urgency, to reduce occupancy levels at Korydallos Men's Prison, Avlona Special Detention Facility for Juveniles, and Ioannina, Komitini and Larissa Prisons, so that:

- each prisoner has his own bed; no prisoner should be obliged to share a bed with another inmate or to sleep on the floor;
- all prisoners can be accommodated in cells and dormitories as distinct from a corridor;

ii. to ensure that the in-cell/dormitory sanitary facilities in all establishments visited are fully partitioned;

iii. to make concerted efforts to reduce the occupancy levels in all the establishments visited, with the objective of offering a minimum of 4 m² of living space per prisoner. Official occupancy rates should be revised accordingly;

iv. to make concerted efforts to maintain the establishments visited in a good state of repair.

As regards more specifically Korydallos Female Prison, **the CPT recommends that the cell keys be easily and rapidly accessible to prison officers on duty in the wings at night. The CPT would also like to receive confirmation that the new wing of the Prison is now operating.**

109. In all prisons visited, the delegation noted that wing areas were infested with insects and bugs, and that there was a serious lack of hygiene. The presence of cockroaches, lice, fleas and bed-bugs was wide-spread. In Komotini Prison, inmates complained about staff sprinkling insecticide into the cells without taking any precautions, causing some prisoners to feel unwell, but still without being able to prevent the presence of cockroaches. **The CPT recommends that more effective steps are taken to deal with the infestations.**

Further, most prisoners met, notably at Korydallos Men's Prison, Ioannina and Larissa Prisons, complained about dirty mattresses and blankets and that they were not provided with bedding. The delegation observed for itself these shortcomings, which compounded the negative impact on overall levels of hygiene resulting from the overcrowded conditions.

The CPT's delegation also noted in all prisons that hygiene articles were either not provided at all or only in extremely limited quantities. Prisoners are obliged to purchase such products in prison shops or rely on supplies from friends or relatives visiting them. This situation impacts even more those prisoners without any relatives or friends to supply them with money or hygiene articles, which is more often the case with non-Greek prisoners.

The CPT wishes to remind the Greek authorities, once again, that they have an obligation to provide a minimum of basic hygiene articles to all prisoners in their custody and care, and should not attempt to shift this obligation onto prisoners and their families.

The CPT calls upon the Greek authorities to ensure that:

- **all prisoners are provided with sufficient quantities of cleaning products to keep their cells/dormitories clean as well as of products for personal hygiene;**
- **bedding is washed on a regular basis.**

110. Lack of hot water seems to be a widespread problem in the Greek prison system; for example, at Ioannina Prison it was available for just 20 minutes a day, which is absolutely insufficient for the number of prisoners there. The delegation was informed that the short period of time during which hot water is available is a constant source for tensions and violence between prisoners, adding more strain in this already severely overcrowded environment. The availability of hot water is directly linked to maintaining decent standards of hygiene and a good state of general health amongst prisoners.

In many prisons, the delegation was also informed that heating during the winter months was either completely absent, such as in Korydallos Men's Prison, or only available for very short periods of time and largely insufficient, as was the case, for example, in Larissa prison. To keep warm, prisoners often slept in their winter clothes, leading to a further decline in levels of hygiene and health.

The CPT recommends that the Greek authorities ensure that inmates in all prisons have regular access to hot water, both for reasons of personal hygiene as well as for washing clothes and dishes. More specifically, prisoners should have the possibility to shower with warm water at least twice a week.⁶⁵

Further, the CPT recommends that appropriate measures be taken to ensure an adequate temperature in cells at all times, including during the winter months.

⁶⁵ More frequently, if the circumstances warrant, taking into account the European Prison Rules (Section 19.4).

b. regime

111. The legal basis governing the general daily routine in Greek prisons was described in the report on the CPT's 2005 visit⁶⁶ and has remained largely unchanged. In spite of legal provisions regulating the entitlement of all prisoners to educational activities and vocational training, work, organised physical exercise, cultural and recreational activities, the activities offered remain insufficient for the number of prisoners.

112. The hours during which mainstream accommodation cells are unlocked and prisoners can move around freely in the wings are essentially the same across all Greek prisons, with minor local variations. These times are usually between 8 a.m. and noon and again between 3 p.m. and 9 p.m.

At Ioannina Prison, however, the inmates sleeping in the corridors need to have access to the sanitary annexes located within the dormitories. The prison officers are therefore no longer in a position to implement the lock-up policy and all the cells remain open 24 hours per day.

Except for at Korydallos Men's prison, where inmates only had access to outdoor exercise for two hours per day, prisoners in the establishments visited had access to outdoor exercise for between two and four hours in the morning and in the afternoon.

113. The delegation noted that in all prisons visited, except for Avlona, there were far fewer jobs available than prisoners requesting work. Further, most of the prisoners who had jobs worked as cleaners, while some inmates had other housekeeping and maintenance tasks, and a small number worked in the kitchen facilities. In Korydallos Men's Prison, for example, only about 25% of the inmate population were provided with some sort of work. At Larissa Prison, about 45% of the inmates worked, and at Ioannina and Komotini Prisons it was around 30%. Nevertheless, the delegation observed that efforts were made to create and rotate "jobs" in order to enable prisoners to earn time off their sentences in line with early release schemes introduced by the Greek authorities in recent years. However, the approach to work, as already described in the 2009 and 2011 visit reports,⁶⁷ remains a remission scheme, rather than a means by which to engage prisoners in a purposeful activity or to form part of a personal development plan or preparation for release.

The CPT recommends that the Greek authorities make every effort to increase the number of work opportunities available in prisons, preferably work with a vocational value.

⁶⁶ See CPT/Inf (2006) 41, paragraph 93.

⁶⁷ See CPT/Inf (2010) 33, paragraph 106; and CPT/Info (2012) 1, paragraph 59.

114. The schools at Larissa Prison and at the Avlona Special Detention Facility for Juveniles were positive examples of how to engage inmates in educational activities.

At Avlona, 260 inmates were engaged in educational activities, primarily elementary and junior high school. The two storey building in which the school was located provided decent conditions and was suitably equipped, with the high school classrooms on the first floor possessing interactive teaching screens. As the demand was so high, classes were held on a rotational basis; however, the school's work had been hampered by a lack of staff with the necessary complement of teachers only being appointed in April 2013, some eight months after the start of the school year.

At Larissa Prison, up to 100 prisoners, both Greek and non-Greek nationals, attended the school, which was well equipped and offered IT classes, Greek language courses, courses to obtain the regular school diplomas and vocational training. There were more than 30 applications for enrolment still pending, due to lack of additional resources.

As for the other prison establishments visited, educational activities were either limited or non-existent. At Komotini Prison, the prison school was closed and no teachers could be recruited, following recent budget cuts and no other educational or vocational training activities were offered. Some educational activities exist at Korydallos Men's Prison, but the capacity was totally insufficient for the large number of prisoners. Only some 45 prisoners attended the "Second opportunity school".

The CPT recommends that the Greek authorities make every effort to offer basic educational classes and vocational training in all prisons. Further, it trusts that the schools in Avlona, in particular, and in Larissa Prison will continue to receive the necessary teaching staff and resources. The CPT would also like to receive confirmation that the Corinth Detention Facility offers adequate schooling.

4. Health-care services

a. introduction

115. In the report on its 2011 visit (paragraph 68), the CPT noted that issues such as staffing, access to health-care, medical screening upon admission, medical confidentiality and health-care policy concerning drug abuse, remained problematic and that previous CPT recommendations in these areas had not been implemented by the Greek authorities. At the time of the 2013 visit, the situation had not improved and there remains a strong need for an overall review of the provision of health-care services in prisons.

The long-planned transfer of prison health-care to the Greek national health service has not yet happened; in the meantime the Ministry of Health and the Ministry of Justice agreed that doctors from local hospitals visit the prisons in order to provide medical care to the prisoners for a set number of hours per week.

The CPT reiterates its recommendation that the Greek authorities urgently re-examine the general state of health-care services in prison establishments. The CPT would also like to receive information from the Greek authorities with regard to the plans to hand over responsibility for prison health-care to the national health service.

b. health-care in general

116. At Korydallos Men's Prison, the situation as regards health-care resources had deteriorated significantly since the 2011 visit. The four general practitioner (GP) posts had been abolished, with the result that not a single full-time doctor worked in the establishment. Instead, a rotation system of visiting doctors from local clinics had been put in place shortly before the delegation's visit, with various general practitioners each attending one morning a week for three hours, giving a total GP presence of a mere 15 hours per week.⁶⁸ Such a limited presence of qualified doctors is totally insufficient to provide adequate health-care to more than 2,300 prisoners. However, at the time of the visit, not even these 15 hours of presence were guaranteed; the delegation observed that the scheduled visiting doctors sometimes failed to show up without giving any prior notification. Further, every two months, a new batch of doctors from another hospital in Athens was scheduled to assume the task of visiting GP at Korydallos Men's Prison. Such a system inevitably leads to a lack of continuity, thereby hindering the ability to provide quality medical care. In the CPT's view, it is essential for such a large prison, which in addition serves as the point of entry to the penitentiary system for many prisoners, to have the equivalent of at least four full-time general practitioners.

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In addition, there were three doctors currently still in the process of obtaining their full medical qualifications, who were coming at irregular intervals (three to four times per months for about six hours each time) to assist in the provision of medical care. An intern also supported the unit during six hours per week.

The permanent staff of the health-care unit consisted of four qualified nurses, including the head nurse, who was in charge of the unit; such a level of qualified nursing resources is also totally inadequate for a prison of this size. The nurses were assisted by five custodial officers working as medical orderlies but who had no health-care qualifications, and three prisoners, who were in charge of medical files. The nurses worked in shifts from 7 a.m. to 1.30 p.m. and from 1.30 p.m. and 7.p.m. At night and during week-ends, only custodial nurses were present.

The prison was visited by a dentist twice a week for a total of six hours and by two psychiatrists for a total of twelve hours per week. Given the demand for such care within the prison, the number of dental and psychiatric consultations should also be significantly increased.

117. At Korydallos Female Prison, there was no permanent doctor, but seven visiting doctors, including general practitioners and gynaecologists, attended the prison. Two were coming twice weekly from 9 a.m. until noon and the other five, on a rotation scheme, between 4 p.m. and 11 p.m., ensuring a presence every day of the week. A dentist was present from 9 a.m. until noon on week-days. However, there were no qualified nurses, only six “custodial nurses”, working in shifts to ensure a permanent presence. The prison can make use of specialists from Korydallos Prison hospital, including psychiatrists, if needed.

118. At Avlona Special Detention Facility for Juveniles, there was no full-time doctor; instead, a general practitioner visited the prison twice a week for two to three hours each time. There was only one trained nurse working in the health-care unit, who was supported by two custodial officers, working as “nurses”. Such low staffing levels are clearly insufficient; a prison which regularly accommodates between 350 and 400 inmates should have the equivalent of a full-time general practitioner as well as several fully qualified nurses. As regards specialist care, a dentist visited twice a week, while a dermatologist and a psychiatrist came once a week for a couple of hours. Transfers to local hospitals appeared to be unnecessarily delayed, even in cases of emergency, as all prisoners had first to be seen by a doctor in a nearby clinic who would thereafter refer the prisoner concerned to hospital.

119. At Diavata Prison, health-care resources had diminished since the CPT’s previous visit in 2011. The full-time doctor had resigned recently, and budgetary constraints meant that the post could not be filled. At the time of the visit, the prison was being attended by two visiting doctors; a general practitioner came once or twice per week, on a *pro bono* basis, and tried to stay until he had seen all patients, and a specialist for internal medicine came once a week for two to three hours. They were supported by three qualified nurses, two “custodial nurses” and two prisoners, who worked as nursing assistants, mainly dealing with medical files, sorting of medication and cleaning tasks. A night shift was foreseen for the nurses from 8 p.m. to 7 a.m., but often had to be cancelled, if one of the nurses was absent due to leave or illness. A dentist also came once a week for two to three hours. In the CPT’s view, these health-care staffing levels are totally inadequate for a prison with nearly 600 inmates.

120. The situation as regards health-care resources was better at Ioannina Prison, where there was one full-time rural doctor⁶⁹ and three qualified nurses, with one nurse on duty every week-day from 7 a.m. to 6 p.m. Further, a dentist visited the prison twice a week. Other specialists did not visit the prison, but were available in two nearby hospitals.

121. At Komotini Prison, a visiting doctor was normally available on week-days from 8 a.m. to 11.30 a.m. and there were two full-time qualified nurses, who guaranteed a nursing presence from 8 a.m. until 3 p.m. and from 2.30 p.m. until 8 p.m. on weekdays. Occasionally, a dentist visited the prison. Such health-care staffing levels would be sufficient, if the prison was operating within its official capacity of 96, but they are far from adequate for the current inmate population of 336.

122. At Larissa Prison, there was no full-time medical doctor; two visiting doctors were alternately present in the establishment four days of the week for three hours on each occasion (i.e. 12 hours in total). For a prison of some 900 inmates, this is totally insufficient; the equivalent of at least two full-time GPs is required for an establishment of such a size. On a more positive note, there were seven fully qualified nurses; although not ideal, this nursing staff complement compares favourably with that in many other establishments. The post of psychiatrist had been abolished in 2011 and there were no visits by a psychiatrist to the establishment. It should be noted in this connection that one prisoner was known to be suffering from severe positive symptoms of schizophrenia, but was simply left in his cell without any counselling or care, although his cell mates had notified the medical services that he was incoherent and withdrawn.

123. In the light of the shortcomings identified above, **the CPT recommends, as an initial measure, that the Greek authorities take the following steps as a matter of urgency to reinforce health-care staffing levels in the establishments visited:**

- at Korydallos Men's Prison, recruit the equivalent of four full-time general practitioners, and at least six additional full-time nurses, at least one of whom should have experience with mental health work; and increase the number of dental and psychiatric consultations;
- at Korydallos Female Prison, recruit at least two full-time qualified nurses;
- at Avlona Special Detention Facility for Juveniles, recruit at least the equivalent of a full-time general practitioner as well as two additional qualified nurses;
- at Diavata Prison, recruit at least the equivalent of a full-time general practitioner as well as at least three additional qualified nurses;
- at Komotini Prison, reinforce the presence of general practitioners to the equivalent of a full-time post and the presence of qualified nurses to the equivalent of three full-time posts;
- at Larissa Prison, recruit the equivalent of two full-time general practitioners as well as an additional two full-time qualified nurses, one of whom should be a qualified mental health nurse; and ensure regular visits by a psychiatrist.

⁶⁹ That is, a recently qualified doctor undertaking a one year residency outside of a major urban area.

Further, the delegation noted that the prisons visited had either no visiting dermatologist (Komotini and Larissa Prisons) or that the visiting times were insufficient (Korydallos Men's Prison). Given the high number of inmates suffering from skin problems in prison, partially due to poor hygienic conditions, **the CPT recommends that provision be made for all prisons to be visited on a regular basis by a dermatologist.**

The CPT also recommends that the procedures for transferring inmates from Avlona Special Detention Facility for Juveniles to local hospitals be reviewed in order to ensure there are no unnecessary delays.

124. As already observed by the CPT in the past (see, for example, the CPT's report on its 2011 visit, paragraph 72), inmates were still, to varying degrees, working in the health-care services of several of the prisons visited. In the CPT's view, prisoners should never carry out triage functions, distribute medication, be present during consultations, have access to medical records or deliver any form of medical care to other prisoners.

The CPT recommends once again that the necessary steps be taken to replace prisoners performing such duties in health-care services, preferably by qualified nursing staff.

c. medical screening upon admission

125. Medical screening upon admission is particularly important at Korydallos Men's Prison given its role as a first point of entry for many prisoners into the Greek prison system. The delegation noted that new arrivals might have to wait a considerable period of time - in some cases weeks or even months - before being medically screened and that the screening, when it did occur, was usually very superficial. This state of affairs was in large part due to the chronic shortage of health-care staff.

The medical screening was in most cases performed by a nurse and consisted essentially of some questions about pre-existing health conditions. Physical examination of the prisoner was the exception rather than the rule. The low quality of admission screening in Korydallos Men's Prison was confirmed by the delegation's observations and by health-care staff in other prisons. For example, several routine screening tests (such as Hepatitis C and HIV), which should have been offered upon admission to Korydallos Men's Prison, had to be ordered for prisoners when they were transferred to another prison from Korydallos.

In the other prisons visited, inmates were normally examined by a nurse or a doctor within 24 hours of entering the establishment and the delegation noted that screening for infectious diseases upon entry into prison appeared to be done relatively well. This was the case at Ioannina, Larissa, and Diavata Prisons, but not at Komotini Prison and at Avlona Special Detention Facility for Juveniles, where inmates were often medically screened only weeks after their arrival.

The CPT recommends that every newly-arrived prisoner at Korydallos Men's Prison, Avlona Special Detention Facility and Komotini Prison be properly interviewed and physically examined by a doctor or a fully qualified nurse reporting to a doctor within 24 hours of admission. Further, steps should be taken in all the establishments visited to ensure that medical screening upon admission is carried out in a thorough manner.

126. The screening for injuries upon arrival was not properly carried out in any prison visited and was particularly poor at Korydallos Men's Prison. For example, the prisoner referred to in paragraph 97, who had been transferred from Trikala Prison, had still not been seen by the health-care unit when he met the CPT's delegation one week after his arrival at Korydallos Prison.

The delegation was informed by medical staff in all prisons that newly arrived inmates were only asked whether they had any injuries, and that staff would not carry out a physical examination unless he/she expressly referred to the presence of injuries. A systematic physical examination is essential given that many inmates will be reluctant to speak of injuries they might have suffered; it may also help to detect other medical problems a new inmate might have.

Even when injuries were detected, there was not a systemic forwarding of information to the relevant authorities outside of the prisons.

The recording of injuries that inmates sustained *in prison* was generally not satisfactory and the delegation observed that no body-charts were used to indicate injuries. However, the delegation noted positively that health-care staff in many prisons indicated the explanations for the injury given by the inmate as well as any doubts they might have concerning this explanation.

The CPT was pleased to note that, following one of its previous recommendations, *specific registers* for injuries and incidents of ill-treatment had been introduced in all prisons visited.

127. **The CPT recommends that steps be taken in all establishments to ensure that the record drawn up after the medical examination of a prisoner – whether newly arrived or following a violent incident in the prison – contains:**

- i) **an account of statements made by the person concerned which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment);**
- ii) **a full account of objective medical findings based on a thorough examination;**
- iii) **the doctor's observations in the light of i) and ii) indicating the consistency between any allegations made and the objective medical findings.**

Recording of the medical examination in cases of injuries should be made on a special form provided for this purpose, with “body charts” for marking injuries that will be kept in the medical file of the prisoner. If any photographs are made, they should be filed in the medical record of the person concerned. In addition, documents should be compiled systematically in the existing special trauma register.

The results of every examination, including the above-mentioned statements and the doctor's opinions/observations, should be made available to the prisoner and, upon request, to his/her lawyer.

Further, the existing procedures should be reviewed in order to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner (or which, even in the absence of allegations, are indicative of ill-treatment), the report is immediately and systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the person concerned.

d. HIV positive prisoners

128. At Larissa Prison, the delegation met an HIV positive prisoner who had been transferred to this prison for a court hearing. Due to his HIV status, this prisoner was kept in a segregation cell, which was damp, cold (no heating) and without functioning artificial lighting and minimal access to natural light (see paragraph 139). He was offered access to outdoor exercise for several hours per day.

The delegation noticed that although the prisoner concerned had been separated due to a health problem, this very health issue and the resulting vulnerability were not taken into account when deciding on the cell in which he would be held. He should not have been placed in a cell with material conditions even worse than those in the rest of the establishment, as this could well be detrimental to his already compromised health status and weakened immune system.

In the view of the Committee, there is no public health justification for segregating prisoners solely because of their HIV status.⁷⁰ However, given the current situation in Greek prisons, with severe overcrowding, poor material and hygienic conditions, lack of medical confidentiality and high levels of prejudice against people living with HIV, it might indeed be tolerable for HIV positive prisoners to be accommodated separately, as long as this accommodation offers conditions conducive to their health and well-being.⁷¹

The CPT recommends that, if a decision is taken to segregate a prisoner due to his/her HIV status, the prisoner be placed in appropriate conditions according to his/her needs.

e. drug treatment

129. There is still no nationwide comprehensive approach towards treatment for drug addiction in the Greek prison system.⁷² At present, two country-wide organisations, which also operate programmes in the community, are working in a number of prisons.

The Organisation Against Drugs (OKANA) provides substitution treatment, such as methadone and buprenorphine, to those prisoners who had already started substitution treatment before entering prison; but the organisation can currently not enrol any new prisoners on substitution programmes. **The CPT invites the Greek authorities to consider the possibility of initiating such programmes in prisons.**

The Centre for the Treatment of Drug-dependent persons (KETHEA), provides psycho-social counselling and motivational support for prisoners, but without any substitution treatment. However, KETHEA does not operate in all prisons.

⁷⁰ See: CPT Standards (rev. 2011), [CPT/Inf/E (2002) 1 - Rev. 2011], section II, Health-Care Services in Prisons, d.) ii, paragraph 56.

⁷¹ The Central Greek Prison Hospital in Korydallos provides anti-retroviral medication to all HIV positive prisoners, who are in need of this treatment.

⁷² See also CPT/Inf (2010) 33, paragraphs 138 and 139.

Both organisations were present at Korydallos Men's and Female Prisons but neither of them at Ioannina Prison; at Larissa and Komotini Prisons, continuation of substitution treatment is possible, but there is no detoxification programme available. Prisoners wishing to participate in such a programme have to request a transfer to another establishment such as Diavata, where a local organisation, Ithaka, provides a detoxification programme.

The CPT calls upon the Greek authorities to draw up a comprehensive strategy for the provision of assistance to prisoners with drug-related problems, as one aspect of a national drugs strategy.

f. medical confidentiality

130. Examples of good practice were found at Larissa, Diavata and Ioannina Prisons. Inmates placed requests for a medical appointment in a locked box, available in each wing, which was emptied by a nurse every day, and medical consultations took place out of hearing and sight of prison officers.

By contrast, at Korydallos Men's Prison, one inmate in each wing collected requests from the prisoners to see a doctor or a nurse, and he often helped the prisoners to write the application. In the health-care unit, the prisoners are seen in open spaces, with custodial staff, other patients and inmate personnel present.⁷³ There is no privacy when the prisoners talk to the health-care workers. Furthermore, the inmates working in the health-care unit have access to all medical files. Indeed, at Korydallos Men's Prison the job of the inmates working in the health-care unit was specifically to administer the medical files. At the Avlona Special Detention Facility for Juveniles, a similar situation of lack of privacy and medical confidentiality was observed in the health-care unit.

By communication of 17 June 2013, the Greek authorities informed the CPT that the Ministry of Justice would immediately send a reminder circular to prison administrations regarding the obligations to ensure that prisoners employed in the infirmaries should not have access to medical records.

The CPT recommends that the Greek authorities take the necessary steps to guarantee medical confidentiality at Korydallos Men's Prison and at the Avlona Special Detention Facility for Juveniles, taking into consideration the above remarks.

131. In the prisons visited, the delegation was told that when prisoners could not make themselves understood in a language the health-care staff spoke, other prisoners of the same nationality or linguistic group within the prison, would be asked to interpret. There were no external interpretation services available for medical consultations. This obviously results in a lack of medical confidentiality and, potentially, a risk of misunderstandings, which could put the health of an inmate at risk. An inmate should be offered the possibility of accessing external interpretation services for medical consultations. Recourse to other prisoners should only take place in emergency situations.

The CPT considers it inappropriate to use prisoners as interpreters apart from emergency situations.

⁷³

The situation was better at Korydallos Female Prison where the medical examination room provided an acceptable level of medical confidentiality, with no other inmates normally present during consultations.

5. Other issues

a. prison staff

132. At the time of the delegation's visit, there was a serious shortage of prison staff in all establishments visited. The CPT has already emphasised in previous reports⁷⁴ that an inadequate number of custodial staff renders prisons insecure for both prisoners and staff; in particular, it impedes any efforts to maintain effective control, which often leads to stronger groups of prisoners being able to exercise their powers unchecked over other inmates. The delegation observed in the prisons visited how the inmate population was separated along ethnic/cultural lines and that within each of these specific groups there was a defined hierarchical structure, which all inmates adhering to that group were obliged to follow. It was also evident that prison staff in many instances relied upon the leaders of these groups to maintain order in an establishment.

Furthermore, low staffing levels make it nearly impossible to provide an acceptable regime for prisoners.

The situation remained particularly acute at Korydallos Men's Prison, where a wing of some 400 inmates was usually staffed by only one or two prison officers during the day. At night there were a mere eight officers on duty, who were in charge of the entire prison with a population of more than 2,300 inmates.

The staffing situation was not much better at other prisons visited. For example, at the Avlona Special Detention Facility for Juveniles, which was holding 360 inmates, there were eight prison officers and two shift supervisors during the day, and five prison officers and one shift supervisor at night. At Ioannina Prison, which was holding 232 inmates, the day shifts consisted of nine prison officers, and the night shifts of three. 24 custodial staff positions had been cut, leaving an overall complement of 41 prison officers for the establishment. Larissa Prison was holding 892 inmates and during the day had two prison officers for each of the three larger wings, and one in each of the two smaller wings; there was one prison officer in every wing at night.

The CPT recommends that staffing levels in all prisons visited be urgently reviewed and, as necessary, increased to ensure effective control and a safe environment for prisoners and staff.

133. Prison staff in the various establishments visited complained to the delegation about the high number of leave days owed to them, and overtime and extra shifts not paid. Such a state of affairs not only increases considerably the likelihood of burnout, but also undermines motivation. Having said that, the delegation noted a positive attitude among many prison staff, who attempt to carry out their duties professionally, in spite of the very difficult working conditions.

Further, **the CPT considers that mixed-sex staffing can have a positive impact.** The presence of male and female staff in all prisons can have a beneficial effect in terms of both the custodial ethos and in fostering a degree of normality in a place of detention. However, the Committee noted the absence of any mixed-sex staffing in all the prisons visited, with the exception of Korydallos Female Remand Prison.

⁷⁴ See, for example, CPT/Inf (2010) 33, paragraph 118.

134. The delegation learned that many long serving staff members wanted to take advantage of the current retirement conditions and leave the service, as apparently new rules reducing retirement benefits were to be introduced. In all prisons visited, the delegation was told that – with very few exceptions – no new staff could be hired to replace staff members who decided to retire.

However, the Greek authorities informed the CPT's delegation, by communication of 17 June 2013, that the Ministry of Justice is expected to employ 500 additional prison officers in the near future. The CPT is pleased to note that the Ministry of Justice seems to have secured this increase in staff numbers, in spite of the difficult budgetary situation the country faces at the moment.

The CPT would like to receive up-dated information on the new recruitment process, including information on whether there are plans to increase mixed-sex staffing.

135. In-service training for staff has been reduced to a bare minimum and possibilities for professional development are extremely limited.⁷⁵ Efforts should be made to re-introduce a minimum amount of days of in-service training for prison officers, both as a means to refresh their skills and to develop team building. In addition, with roughly two thirds of the prison population being foreign nationals, there is a need to promote learning in the areas of diversity and inter-personal skills.

The CPT encourages the Greek authorities to develop a comprehensive plan for staff training, including on intercultural communication, in order to strengthen the motivation and performance of prison officers.

⁷⁵

The Ministry of Justice informed the CPT's delegation that the planned upgrading and modernisation of its staff training college (see the response of the Greek authorities to the report on the CPT's 2011 visit to Greece) had been cancelled due to budgetary problems.

b. reception and induction procedures

136. In its reports on the 2009 and 2011 visits⁷⁶, the CPT stressed the importance of a proper reception and first night procedure, especially in those establishments that serve as the point of entry for many prisoners into the Greek prison system. However, in none of the prisons visited did the delegation come across any specific arrangement for the first night that prisoners spend in the establishments. There were no specific reception units, also due to a complete lack of space. New arrivals were placed wherever space could be found or made, usually not distinguishing between remand and convicted prisoners, who were often mixed and therefore subsequently also subject to the same regime. The only criterion that seemed to be frequently applied to distribution of prisoners is their nationality or linguistic background. Greek and non-Greek prisoners were often accommodated in different sections and certain nationalities were clustered together.

There were no leaflets or brochures available to inform prisoners about the regime or other details of the institutions, and prisoners interviewed by the CPT's delegation complained about not being given any introductory information in writing upon arrival in the prisons.

The CPT reiterates once more its previous recommendation that the Greek authorities introduce proper reception and first night procedures as well as an induction process for all prisoners being admitted to a prison, with a priority placed on those establishments which are points of entry to the prison system. The procedures / process should include the provision of introductory information in writing about the prison. Further, foreign-national prisoners should be provided with information in a language they understand.

c. discipline and segregation

137. The provisions of the 1999 Prison law dealing with disciplinary sanctions and procedures have been described in previous reports and do not call for any particular comment. As regards more particularly the sanction of disciplinary confinement, it may not exceed 10 days (five days for remand prisoners and juveniles).

In most prisons visited, little resort was had to disciplinary sanctions and, in particular, solitary confinement as a disciplinary punishment was very rare. In fact, the segregation wings were, to a large extent, used for ordinary accommodation purposes or for placing vulnerable prisoners requiring protection.

138. At Korydallos Men's Prison, the segregation area in wing C was accommodating 21 prisoners, of whom 20 had been placed there for protection at their own request, the remaining prisoner being kept there temporarily as there was no space in an ordinary cell. The conditions in these cells were particularly poor. For example, the delegation found five persons sharing a windowless, poorly lit and filthy cell of a mere 7 m². Three out of the five prisoners were sleeping on mattresses placed on the floor, two of them under the beds. The CPT's delegation requested the prison management to reduce the occupancy in this cell immediately to a maximum of two persons.

⁷⁶ CPT/Inf (2010) 33, paragraph 141; and CPT/Info (2012) 1, paragraph 77.

The Greek authorities confirmed, by communication of 17 June 2013, that the five prisoners who were accommodated in this cell at the time of the delegation's visit had been transferred to other cells.

The five segregation cells in the E wing of Korydallos Men's Prison were occupied by five inmates, all of whom were "on protection". These prisoners had no access to outside exercise, as it was considered to be too dangerous for them to use any of the yards (see recommendation in paragraph 143).

139. At Larissa Prison, the disciplinary section consisted of 10 cells, each measuring some 8 m². At the time of the delegation's visit, there was only one prisoner in this section, who was not placed there for disciplinary punishment, but was segregated because of his HIV status (see paragraph 128 above). The cells had minimal access to natural light. Further, although there were four exercise yards adjacent to the cells, the delegation was informed by staff that inmates placed in this section for disciplinary reasons would not have access to outdoor exercise (see recommendation in paragraph 143).

The delegation also met 11 prisoners in one cell in wing C, who had initially been placed there for protection purposes. The cell in which they were held measured some 25 m². They were completely isolated from other prisoners and, in particular, could only exit their cell when all other prisoners were locked in their cells (2.30 p.m. to 3 p.m. and again from around 8.30 p.m. until 10 p.m). Further, they had no access to outdoor exercise. Several of them stated that they had never wanted to be placed "on protection" but only moved to another wing, and that they had not understood the documents given to them to sign. However, the prison management had not acted upon their request to be reintegrated into ordinary accommodation and no review of their situation had taken place. Several of the persons had been in this situation for more than six months and one for nine months.

The CPT considers that all decisions to separate prisoners from the mainstream population for protection purposes should be periodically reviewed in consultation with the prisoner and that review processes should be properly documented.

140. At Ioannina Prison, the two disciplinary cells, measuring 7 m² and 8 m² respectively, were being used for protection purposes. Each cell was equipped with two bunk beds and a toilet, partitioned with a curtain. At the time of the visit, each cell was occupied by two prisoners, but registers showed that four persons were often kept in each cell. Inmates complained that these cells were extremely hot in the summer and very cold during winter. Prisoners in these cells were allowed to use the corridor at certain intervals and in fact most of them worked and spent the bulk of the day out of the cell. However, the only access outdoors was a tiny space of a mere 4 m² which adjoined the cell and which moreover offered only a limited view of the sky due to the high walls.

141. At Komotini Prison, there were five disciplinary cells, measuring some 8 m². They contained two sets of bunk beds and were each accommodating two persons at the time of the visit. The cells were dilapidated and had very limited access to natural light, and the in-cell toilet was not partitioned.

142. Diavata Prison has four disciplinary cells, two for women and two for men, which usually accommodated prisoners for long periods of time for their protection (such as victims of inter prisoner violence, sex offenders, and former police officers) and only rarely for disciplinary sanctions. Due to extremely limited space, protection prisoners took priority. Inmates placed in these cells complained that they did not have access to outdoor exercise.

143. **The CPT recommends that the Greek authorities immediately ensure that all prisoners placed in segregation, for whatever reason, are offered at least one hour of outdoor exercise every day. The outdoor exercise facilities should be sufficiently large for prisoners to exert themselves physically.**

Steps should also be taken to ensure that all cells in segregation units of the establishments visited have adequate access to natural light (i.e. sufficient to read by during the day in normal conditions).

Further, the recommendations already made in paragraphs 108 and 110 apply equally to the conditions of detention in segregation units.

d. searches

144. As regards searches for drugs, at Korydallos Female Prison, they were carried out on all prisoners coming back from the outside. However, only if there was a reasonable suspicion was the prisoner concerned required to hand in her own clothes to be checked. Vaginal searches and laxatives were not used. Urine tests were occasionally performed. Prisoners who refused to undergo a urine test would be placed in a cell on their own for *up to three days*. **Such a measure appeared to be punitive rather than a means to secure a urine sample.**

By contrast, at Diavata Prison, prisoners were systematically subjected to invasive search procedures. Every time when returning from outside the prison, inmates would be routinely strip-searched and then placed in a disciplinary cell for two days or more. Female inmates were made to squat and urinate. Strip searches were even performed when returning from the church service, which is located within the prison but outside the wings.

The CPT considers that such drastic measures should be applied only in exceptional cases, where there are reasonable grounds to suspect them of attempting to smuggle drugs or other contraband into the establishment. **The CPT recommends that the Greek authorities review the current practice of searches at Diavata Prison, in the light of the above remarks.**

145. At Larissa Prison, the delegation was informed that laxatives were still used with regard to those prisoners who were placed under observation because of a suspicion that they tried to smuggle drugs in the prison. The CPT would like to recall its recommendation made in the report on its 2011 visit to Greece⁷⁷, that the use of laxatives should be ended. **The CPT would like to receive information from the Greek authorities on steps taken in this regard.**

⁷⁷ See also CPT/Inf (2012) 1, paragraph 51.

e. contact with the outside world

146. The Committee attaches considerable importance to the maintenance of good contact with the outside world for all persons deprived of their liberty. As stressed in earlier reports⁷⁸, the guiding principle should be to promote contact with the outside world as often as possible; any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature. Above all, prisoners must be given the means of safeguarding their relationships with their families and close friends.⁷⁹ The importance of maintaining good contact with the outside world is also recognised in the Greek Prison Law of 1999.⁸⁰

147. Prisoners can make unlimited phone calls by purchasing phone cards and using the pay phones provided in the wings and they can write an unlimited number of letters. However, visit entitlements remains one visit per week of 30 minutes for convicted prisoners and two visits of 30 minutes per week each for remand prisoners. In the report on the 2011 visit, the CPT called upon the Greek authorities to review the arrangements for visits, with a view to increasing the amount of visiting time offered to sentenced prisoners to at least one hour every week. No steps have been taken to date to implement this recommendation.

The CPT also wishes to emphasise in this context the need for some flexibility as regards the application of rules on visits vis-à-vis prisoners whose families live far away. Such prisoners should be allowed to accumulate visiting time.⁸¹

148. The delegation found that most visits continued to take place with the prisoner and visitor(s) physically separated from each other by a screen.

"Open" visits were possible, which allowed a degree of physical contact. However, such visits required special approval, that could often take a considerable time to obtain, and many complaints were received by the delegation about the restrictions concerning eligibility for open visits (which, in principle, were limited to first degree family members and first cousins). Only at Ioannina Prison had the prison management taken a flexible approach to this rule and, in several cases, granted special permission for open visits to distant relatives and even friends, based on a case-by-case security assessment. The delegation commends this flexible approach taken by the governor of Ioannina Prison.

The CPT repeats its recommendations to the Greek authorities that sentenced prisoners be entitled to at least one hour of visiting time per week, and that prisoners whose families live far away be allowed to accumulate visiting time. Further, visits with a physical separation between the prisoner and the visitor(s) should be the exception rather than the rule.

⁷⁸ See CPT/Inf (2010) 33, paragraph 142.

⁷⁹ See also CPT Standards, [CPT/Inf/E (2002) 1 - Rev. 2011], page 18, paragraph 51.

⁸⁰ See Articles 51 to 58.

⁸¹ See CPT/Inf/E (2002) 1 - Rev. 2011, page 18, paragraph 51.

149. At Ioannina Prison, the delegation observed that there is no separate visiting room, all visits taking place in a corner of the busy entrance hall of the prison, which offered very limited space and no privacy at all.

The CPT recommends that appropriate conditions for visits be provided at Ioannina Prison.

f. transport of prisoners

150. In the course of the visit, the CPT's delegation had the opportunity to inspect vehicles used for transporting prisoners between different establishments and courts around the country. The detention area within the vehicle for placing prisoners consisted of two rows of cubicles, separated by a narrow corridor. Each cubicle, measuring approximately 1 m², was designed to hold a maximum of two persons seated on benches. However, the delegation observed that up to four prisoners were crowded into these cubicles. Prisoners complained that they had to stand up during the journey due to a lack of space to sit. Further, there were no safety belts, ventilation was extremely poor and lighting minimal. Moreover, some prisoners complained that they were not provided with drinking water or food, despite the journeys lasted several hours or longer.

Prisoners met in the vehicles examined by the delegation confirmed that they had access to a toilet during the journey (for example during the stop at Larissa Prison). However, the delegation received allegations from several female prisoners at Diavata Prison that they were not always given an opportunity to access a toilet during a transfer journey and they had had to satisfy the needs of nature inside the vehicle.

The CPT recommends that the Greek authorities take the necessary steps to ensure that the cubicles in the above-mentioned transport vehicles hold no more than two persons and that the vehicles are properly ventilated and fitted with safety belts. Further, all prisoners being transported should be provided with water as well as with food at appropriate intervals and regular stops should be made on long journeys to allow prisoner to satisfy the needs of nature.

g. foreign national prisoners

151. At the time of the visit, approximately two-thirds of the prison population were foreign nationals. Nevertheless, there were no specific provisions in place in the prisons visited to address this situation.

The existence of such a large foreign national inmate population raises a series of challenges for the Greek prison system such as language problems, diet and contact with the outside world. It also requires enhanced inter-personal skills from staff due to cultural differences and attitudes. Further, the approach towards work, vocational training and education should be reviewed bearing in mind whether a foreign national will remain in Greece at the end of his/her sentence or be returned to his/her country of origin. In this context, the inclusion of foreign nationals into early release schemes needs to be addressed (see paragraph 94).

Proactive measures need to be taken by the authorities to address the specific needs of foreign nationals, particularly to ensure that they do not suffer from discriminatory practices. The CPT's delegation noted that some efforts were made in certain of the establishments visited to ensure foreign nationals had equal access to educational opportunities (such as at Larissa Prison). **However, more needs to be done, including as regards attracting prison officers from different cultural and ethnic backgrounds to reflect the changing inmate population.**

In this context, the CPT would like to draw the attention of the Greek authorities to the Recommendation (2012)¹² of the Committee of Ministers of the Council of Europe concerning foreign prisoners.

APPENDIX I:

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

Cooperation between the CPT and the Greek authorities

comments

- consideration might be given to tackling some of the issues raised in the visit report through substantive cooperation programmes (paragraph 7).

National Preventive Mechanism

requests for information

- on the progress towards ratification of the Optional Protocol to the United Nations Convention against Torture (OPCAT) and the additional resources (staffing and financial) that the Ombudsman Institution will receive to carry out its new tasks in application of the Optional Protocol (paragraph 11).

Treatment of persons detained by the police

Ill-treatment

recommendations

- the Greek authorities to take the necessary steps to put in place a programme to eradicate racism from the Hellenic Police Force; support from other European countries, from the European Union and from the Council of Europe might be sought (paragraph 18);
- the Greek authorities to draw the attention of the Bar Associations to the unwillingness of lawyers to file a complaint of ill-treatment of their clients by law enforcement officials (paragraph 19);
- all persons deprived of their liberty by the Hellenic Police to be informed about their right to make a complaint against the police and appropriate complaints forms in relevant languages to be made available (paragraph 19);
- prosecutors and judges to be reminded firmly, through the appropriate channels, that they should act in accordance with the principles identified in paragraph 21 when there are indications that ill-treatment by the police may have occurred (paragraph 21);
- the Greek authorities to review the mandate and *modus operandi* of the Office on Arbitrary Incidents, in the light of the remarks in paragraph 23, in order to ensure its independence and to strengthen its investigative and oversight capabilities (paragraph 23);

- the Greek authorities to strenuously reiterate the message of zero tolerance of ill-treatment of persons deprived of their liberty and to reinforce it with a statement at the appropriate political level (paragraph 24);
- the national authorities to pursue their policy of strict selection criteria at the time of recruitment and the provision of adequate professional training, both initial and in-service. Further, there should be active attempts to recruit police officers from established minority groups within the country (paragraph 25);
- “whistle-blower” protective measures, as described in paragraph 25, to be adopted (paragraph 25).

comments

- it is incumbent upon the Greek authorities to ensure that the Hellenic Police Force actively promotes a strong culture of tolerance and understanding within its ranks; such an outlook needs to be inculcated at all stages of police training. A clear message should also be sent that racist behaviour will be sanctioned accordingly (paragraph 18).

requests for information

- on the outcome of the inquiries into the methods used by officers at the Security Departments of Omonia and Kypseli Police Stations in Athens and at the Monasteriou Police Headquarters in Thessaloniki, when detaining and interviewing criminal suspects (paragraph 16);
- on the investigation into the case of alleged physical ill-treatment at Aghios Panteleimonas Police Station referred to in paragraph 17 (paragraph 17);
- confirmation that non-Greek citizens are included in the scope of the mandate of the Office on Arbitrary Incidents (paragraph 23).

Safeguards against ill-treatment

recommendations

- the Greek authorities to take the necessary steps to ensure that persons deprived of their liberty by the Hellenic Police have an effective right to notify a close relative or third party of their choice of their situation, as from the very outset of their deprivation of liberty. If necessary, persons should be provided with the possibility of a free phone call (paragraph 27);
- legal provisions to be adopted spelling out the circumstances when the exercise of the right to inform a third party of one’s custody can be delayed and making any such delay subject to appropriate safeguards (e.g. any delay to be recorded in writing along with the reason, and to require the approval of a prosecutor or judge) and strictly limited in time (paragraph 27);

- the Greek authorities to take the necessary steps to ensure that the right of access to a lawyer becomes effective in practice as from the outset of custody. To this end, they should elicit the support of the Bar Associations, so that all detained persons without the means to pay for their own lawyers have rapid access to *ex officio* lawyers who carry out their duties in a diligent manner (paragraph 29);
- the Greek authorities to ensure that the requirements as regards access to a doctor for persons held in police and border guard stations, as set out in paragraph 30, are met in practice (paragraph 30);
- for so long as persons continue to be detained for prolonged periods in police and border guard stations, the provision of health-care in such facilities to be reviewed, in the light of the remarks made in paragraph 31 (paragraph 31);
- the Greek authorities to take steps to ensure that all persons detained by the police - for whatever reason - are fully informed of their rights as from the very outset of deprivation of liberty (that is, from the moment when they are obliged to remain with the police). This should be ensured by provision of clear verbal information at the very outset, to be supplemented at the earliest opportunity (that is, immediately upon arrival at police premises) by provision of the information leaflet referred to in paragraph 32 (paragraph 32);
- the Greek authorities to draw up a code of conduct for interrogations and to take steps to introduce electronic recording of police interviews, taking into consideration the remarks made in paragraph 33 (paragraph 33);
- specific training in advanced, recognised and acceptable interviewing techniques to be regularly provided to the police officers concerned. A system of ongoing monitoring of police interviewing standards and procedures should also be implemented in order to facilitate the investigation of any allegations of ill-treatment (paragraph 33);
- professional training for police operational officers and investigators to place particular emphasis on a physical evidence-based approach, thereby reducing reliance on information and confessions obtained through questioning for the purpose of securing convictions (paragraph 33);
- the Greek authorities to develop and introduce an individualised custody record, taking into account the requirements set out in paragraph 34 (paragraph 34).

comments

- the information leaflets on detainees' rights should be amended to include the right of access to a doctor (paragraph 32).

Conditions of detention in police and border guards stations

recommendations

- juveniles to no longer be detained at Iasmos Police Station and instead to be placed in an establishment appropriate to their needs (paragraph 44);
- the Greek authorities to take urgent steps to ensure that detained irregular migrants are transferred without delay to centres specifically designed to meet the requirements of this population, having due regard to the CPT's criteria for places of detention for irregular migrants. Similarly, strenuous efforts should be made to transfer all persons on remand or sentenced to imprisonment to an appropriate penitentiary establishment (paragraph 51);
- the Greek authorities to take concerted steps to ensure that:
 - occupancy rates in police and border guard stations are revised so as to offer a minimum of 4 m² of living space per detainee in multi-occupancy accommodation;
 - women are held separately from men;
 - all persons detained have ready access to a proper toilet facility at all times, including at night;
 - each detained person is provided with a clean mattress, clean blanket, clean bedding and a means of rest, such as a plinth or a bed;
 - the provision of food for detained persons is adequate and appropriate, and includes one hot meal a day for persons detained longer than a few days;
 - all detained persons staying longer than 24 hours are provided with a basic sanitary kit (including adequate rations of soap, washing powder, toilet paper, shampoo, shaving utensils and toothpaste, and a toothbrush), free of charge;
 - all detained persons are provided with sufficient quantities of detergent to keep their cells clean;
 - detention areas (including sanitary facilities) are maintained in an adequate state of repair and cleanliness;
 - all detained persons have access to adequate lighting;
 - all detained persons staying longer than 24 hours have access to a shower and to hot water;
 - all persons detained longer than 24 hours are offered access to outdoor exercise every day(paragraph 51);
- as regards health-care, reference to be made to the recommendation in paragraph 31 (paragraph 51);
- the Greek authorities to give due consideration to establishing posts of specialised custodial staff for persons detained by law enforcement agencies (paragraph 51).

requests for information

- on the refurbishment of the detention area at Alexander Street Headquarters (paragraph 38);
- on the refurbishment of the detention facilities at Perama Police Station (paragraph 40).

Conditions of detention in establishments under the Port Authorities

recommendations

- as regards establishments under the Port Authorities, the recommendations made in paragraph 51 to apply equally to the Igoumenitsa Coast Guard detention facility (paragraph 53);
- the Greek authorities to draw up detailed regulations for dealing with persons who commit an act of self-harm or attempt suicide. Further, every placement in the “separation” cell at the Igoumenitsa Coast Guard detention facility should be fully recorded in a register. The conditions in the cell should also be radically improved (paragraph 55).

requests for information

- on the current layout of the detention facility in the Port of Patras, as well as the average occupancy and the longest duration of stay for the period of June and July 2013 (paragraph 56).

Immigration detention centres

Preliminary remarks

comments

- the Internal Operating Regulations for Alien Detention facilities of 10 March 2013 are too restrictive and should be revised (paragraph 61);
- the CPT trusts that detention centres such as Petrou Ralli and Filakio, with their totally inappropriate carceral design, will in future only be used for holding persons for short periods (paragraph 61).

requests for information

- the Greek authorities’ observations on the additional ground of threat to public health described in paragraph 58, as a reason for the detention of asylum seekers (paragraph 58);
- an update on the implementation of the Action Plan on Asylum and Migration Management. In particular, the operation to date of the first reception centre in Filakio: average occupancy, length of detention and an indication of where the persons went once they left the centre (paragraph 60);
- on the reasons for Syrian nationals to be detained in immigration detention centres for periods of up to several months, as was the case at the time of the visit, in light of the armed conflict in Syria and the evident inability to return Syrians to their country of origin (paragraph 60).

Ill-treatment

recommendations

- the practice of handcuffing persons to a fence, encountered at Amygdaleza pre-departure centre, to be ended immediately (paragraph 64);
- the Greek authorities to take rigorous action to counter acts of ill-treatment in immigration detention centres. That action should include instigating investigations into any allegations of ill-treatment (paragraph 64);
- all police officers assigned to custodial tasks in such centres to be provided with appropriate training in inter-personal skills and to be regularly reminded that any ill-treatment of detainees, including of a verbal nature, will be punished accordingly (paragraph 64);
- all future interventions by external units to meet the requirements set out in paragraph 66, including independent monitoring (paragraph 66).

requests for information

- whether any action was taken to investigate allegations of physical ill-treatment by police officers in the context of the disturbance at Komotini pre-departure centre on 23 November 2012 (paragraph 66).

Conditions of detention

recommendations

- with respect to the pre-departure centres, the Greek authorities to take the necessary steps to ensure that:
 - official occupancy rates are revised so as to offer a minimum of 4 m² of space per detainee in multi-occupancy accommodation, and are respected in practice;
 - all multi-occupancy rooms are equipped with tables and chairs commensurate with the number of persons detained and each person is provided with personal lockable space;
 - detainees are offered clean bedding and the ability to wash their clothes;
 - all detainees are offered at least one hour of outdoor exercise every day;
 - a programme of activities (educational, recreational and vocational) is developed in each centre;
 - at least one common association room, equipped with television and games, is established in every centre;
 - every centre is equipped with a multi-faith room;
 - detainees are provided with sufficient quantities of personal hygiene and cleaning products (including washing powder)(paragraph 72);
- steps to be taken to ensure that regular maintenance work is carried out in all pre-departure centres (paragraph 72);

- with respect to the special holding facilities, the Greek authorities to take the necessary steps to ensure that:
 - official occupancy rates are revised so as to offer a minimum of 4 m² of space per detainee in multi-occupancy accommodation, and are respected in practice;
 - all detainees are offered a bed or plinth, mattress, blanket and bedding, all clean;
 - all detainees have ready access to toilet facilities, including at night;
 - all detainees are offered at least one hour of outdoor exercise a day;
 - each facility has a common association room, equipped with television and games, and a room for prayers;
 - regular maintenance work and disinfection is carried out and sufficient funding is made available to this end;
 - sufficient quantities of detergent and products for personal hygiene are made available at all times to detainees(paragraph 77);
- for persons detained longer than a few days in a special holding facility, a programme of activities (educational, recreational and vocational) to be developed (paragraph 77).

requests for information

- on the refurbishment of the sanitary facilities at Komotini pre-departure centre (paragraph 69).

Unaccompanied minors

recommendations

- the Greek authorities to take the necessary steps to ensure that unaccompanied children, who are deprived of their liberty as a last resort, are only held in centres designed to cater to their specific needs, staffed with properly trained men and women and offering a range of constructive activities (paragraph 80);
- all unaccompanied minors to be provided with a guardian who keeps them informed of their legal situation and effectively protects their interests (paragraph 80);
- the Amygdaleza Special holding facility no longer to be used for the detention of unaccompanied minors; instead, more suitable premises, preferably open, should be found, which meet the requirements set out in paragraph 79 for such a facility (paragraph 80);
- steps to be taken to put in place contingency plans in each pre-departure centre to manage unaccompanied minors in accordance with their status (paragraph 81);
- police officers to be reminded to accurately record the ages provided by apprehended irregular migrants (paragraph 81);
- persons who claim to be juveniles to be treated as such until proven otherwise, unless the claim is manifestly unfounded (paragraph 81).

comments

- every effort should be made to avoid resorting to the deprivation of liberty of an irregular migrant who is a minor (paragraph 79).

requests for information

- on the current facilities (capacity and actual occupancy) available for receiving unaccompanied minors and whether their future operation is financially secure (paragraph 81).

Staffing

recommendations

- the Greek authorities to review the staffing of immigration detention centres, in the light of the remarks in paragraphs 82 and 83 (paragraph 83);
- staff not to openly carry batons inside the accommodation areas of immigration detention centres (paragraph 83);
- if it is considered necessary for riot control equipment to be available on site, that equipment to be stored in a designated facility out of the view of detained persons (paragraph 83).

Health-care

recommendations

- the health-care team at the Amygdaleza pre-departure centre to be reinforced, in the light of the remarks in paragraph 84. The number of doctors and nurses should be increased significantly and provision made for a dentist to attend the centre (paragraph 85);
- steps to be taken to ensure that an adequate health-care presence is provided at the Metagogon (Transfer) Centre in Thessaloniki (paragraph 85);
- provision to be made for a psychiatrist to visit all the immigration detention centres and the psychologists to take a more proactive role in supporting detainees (paragraph 85);
- the Greek authorities to pursue their efforts to ensure that every newly-arrived detainee is properly interviewed and physically examined by a medical doctor or by a fully qualified nurse reporting to a doctor, as soon as possible after his/her admission to a pre-departure centre or special holding facility (paragraph 87).

comments

- in all immigration detention centres visited, an increased nursing presence would be desirable (paragraph 85).

requests for information

- clarification as regards the funding of health-care services in immigration detention centres (paragraph 86).

Other issues

recommendations

- all detained irregular migrants to be provided with full information, in a language they understand, on their legal situation and to be informed in advance of their right to be represented by a lawyer at the detention review hearings before the administrative courts and of their right to challenge the detention measure in deportation cases (paragraph 88);
- house rules to be adopted for each pre-departure centre and special holding facility, which should be clearly posted in the accommodation areas in languages understood by the detainee population (paragraph 90);
- appropriate visiting facilities to be set up in all immigration detention centres enabling detained persons to meet with their visitors in an amenable and open setting (e.g. around a table) with an area set aside for children who visit. Immediate steps should be taken to establish a proper visiting area at the Amygdaleza pre-departure centre (paragraph 91);
- the Greek authorities to permit persons detained in immigration detention centres to retain their mobile phones and the relevant regulations to be amended accordingly (paragraph 92).

requests for information

- the observations of the Greek authorities on the matter raised in paragraph 89 (paragraph 89).

Prison establishments

Preliminary remarks

recommendations

- the Greek authorities to vigorously pursue their efforts to combat prison overcrowding, by placing further emphasis on non-custodial measures in the period before the imposition of a sentence, increasing the use of alternatives to imprisonment and adopting measures facilitating the reintegration into society of persons deprived of their liberty. In this context, they should be guided not only by Recommendation Rec (99) 22, but also by other relevant Recommendations of the Committee of Ministers of the Council of Europe such as Recommendation Rec (2000) 22 on improving the implementation of the European rules on community sanctions and measures, Recommendation Rec (2003) 22 on conditional release (parole), Recommendation (2006) 13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse, and Recommendation Rec (2010) 1 on the Council of Europe Probation Rules (paragraph 94).

requests for information

- on the measures being taken by the Greek authorities to combat prison overcrowding (paragraph 94);
- on the development of the prison estate (paragraph 94);
- to what extent foreign national prisoners could be included in the existing early release schemes in the future (paragraph 94).

Ill-treatment

recommendations

- the Ministry of Justice to remain vigilant and to send a clear message to all prison officers that physical ill-treatment of prisoners and the use of abusive language will not be tolerated (paragraph 96);
- the recommendation made in paragraph 66 concerning interventions by external units to apply equally in the context of interventions to deal with disturbances in prison establishments (paragraph 97);
- the Ministry of Justice, together with the Ministry of Citizen Protection, to develop a protocol regulating the use of police units conducting prison cell searches and to ensure its enforcement (paragraph 97);
- the Greek authorities to devise an effective national strategy concerning the prevention of inter-prisoner violence and intimidation (paragraph 98).

requests for information

- whether any action has been taken to investigate allegations of physical ill-treatment by police officers in the context of their interventions at Trikala Prison in late March 2013 (paragraph 97);
- whether the juveniles have been transferred from Avlona Special Detention Facility for Juveniles to the Corinth Detention Facility (paragraph 99).

Conditions of detention

recommendations

- the Greek authorities:
 - i) as a matter of the utmost urgency, to reduce occupancy levels at Korydallos Men's Prison, Avlona Special Detention Facility for Juveniles, and Ioannina, Komitini and Larissa Prisons, so that:
 - each prisoner has his own bed; no prisoner should be obliged to share a bed with another inmate or to sleep on the floor;
 - all prisoners can be accommodated in cells and dormitories as distinct from a corridor;
 - ii) to ensure that the in-cell/dormitory sanitary facilities in all establishments visited are fully partitioned;
 - iii) to make concerted efforts to reduce the occupancy levels in all the establishments visited, with the objective of offering a minimum of 4 m² of living space per prisoner. Official occupancy rates should be revised accordingly;
 - iv) to make concerted efforts to maintain the establishments visited in a good state of repair (paragraph 108);
- as regards Korydallos Female Prison, the cell keys to be easily and rapidly accessible to prison officers on duty in the wings at night (paragraph 108);
- more effective steps to be taken to deal with the infestations in the prisons visited (paragraph 109);
- the Greek authorities to ensure that:
 - all prisoners are provided with sufficient quantities of cleaning products to keep their cells/dormitories clean as well as of products for personal hygiene;
 - bedding is washed on a regular basis (paragraph 109);
- the Greek authorities to ensure that inmates in all prisons have regular access to hot water, both for reasons of personal hygiene as well as for washing clothes and dishes. More specifically, prisoners should have the possibility to shower with warm water at least twice a week (paragraph 110);
- appropriate measures to be taken to ensure an adequate temperature in cells at all times, including during the winter months (paragraph 110);
- the Greek authorities to make every effort to increase the number of work opportunities available in prisons, preferably work with a vocational value (paragraph 113);

- the Greek authorities to make every effort to offer basic educational classes and vocational training in all prisons (paragraph 114).

comments

- the CPT trusts that the schools in Avlona, in particular, and in Larissa Prison will continue to receive the necessary teaching staff and resources (paragraph 114).

requests for information

- confirmation that the new wing of Korydallos Female Prison is now operating (paragraph 108);
- confirmation that the Corinth Detention Facility offers adequate schooling (paragraph 114).

Health-care services

recommendations

- the Greek authorities to urgently re-examine the general state of health-care services in prison establishments (paragraph 115);
- as an initial measure, the Greek authorities to take the following steps as a matter of urgency to reinforce health-care staffing levels in the establishments visited:
 - at Korydallos Men's Prison, recruit the equivalent of four full-time general practitioners, and at least six additional full-time nurses, at least one of whom should be a qualified mental health nurse; and increase the number of dental and psychiatric consultations;
 - at Korydallos Female Prison, recruit at least two full-time qualified nurses;
 - at Avlona Special Detention Facility for Juveniles, recruit at least the equivalent of a full-time general practitioner as well as two additional qualified nurses;
 - at Diavata Prison, recruit at least the equivalent of a full-time general practitioner as well as at least three additional qualified nurses;
 - at Komotini Prison, reinforce the presence of general practitioners to the equivalent of a full-time post and the presence of qualified nurses to the equivalent of three full-time posts;
 - at Larissa Prison, recruit the equivalent of two full-time general practitioners as well as an additional two full-time qualified nurses, one of whom should be a qualified mental health nurse; and ensure regular visits by a psychiatrist (paragraph 123);
- provision to be made for all prisons to be visited on a regular basis by a dermatologist (paragraph 123);
- the procedures for transferring inmates from Avlona Special Detention Facility for Juveniles to local hospitals to be reviewed in order to ensure there are no unnecessary delays (paragraph 123);
- the necessary steps to be taken to replace prisoners performing the duties described in paragraph 124 in health-care services, preferably by qualified nursing staff (paragraph 124);

- every newly-arrived prisoner at Korydallos Men's Prison, Avlona Special Detention Facility and Komotini Prison to be properly interviewed and physically examined by a doctor or a fully qualified nurse reporting to a doctor within 24 hours of admission. Further, steps should be taken in all the establishments visited to ensure that medical screening upon admission is carried out in a thorough manner (paragraph 125);
- steps to be taken in all establishments to ensure that the record drawn up after the medical examination of a prisoner - whether newly arrived or following a violent incident in the prison - contains:
 - i) an account of statements made by the person concerned which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment);
 - ii) a full account of objective medical findings based on a thorough examination;
 - iii) the doctor's observations in the light of i) and ii) indicating the consistency between any allegations made and the objective medical findings (paragraph 127);
- recording of the medical examination in cases of injuries to be made on a special form provided for this purpose, with "body charts" for marking injuries that will be kept in the medical file of the prisoner. If any photographs are made, they should be filed in the medical record of the person concerned. In addition, documents should be compiled systematically in the existing special trauma register (paragraph 127);
- the results of every examination, including the statements made by the person concerned which are relevant to the medical examination and the doctor's opinions/observations, to be made available to the prisoner and, upon request, to his/her lawyer (paragraph 127);
- the existing procedures to be reviewed in order to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner (or which, even in the absence of allegations, are indicative of ill-treatment), the report is immediately and systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the person concerned (paragraph 127);
- if a decision is taken to segregate a prisoner due to his/her HIV status, the prisoner to be placed in appropriate conditions according to his/her needs (paragraph 128);
- the Greek authorities to draw up a comprehensive strategy for the provision of assistance to prisoners with drug-related problems, as one aspect of a national drugs strategy (paragraph 129);
- the Greek authorities to take the necessary steps to guarantee medical confidentiality at Korydallos Men's Prison and at the Avlona Special Detention Facility for Juveniles, taking into consideration the remarks in paragraph 130 (paragraph 130).

comments

- as regards drug treatment, the CPT invites the Greek authorities to consider the possibility of initiating substitution programmes in prison (paragraph 129);
- in the context of medical consultations, the CPT considers it inappropriate to use prisoners as interpreters apart from emergency situations (paragraph 131).

requests for information

- on the plans to hand over responsibility for prison health-care to the national health service (paragraph 115).

Other issues

recommendations

- staffing levels in all prisons visited to be urgently reviewed and, as necessary, increased to ensure effective control and a safe environment for prisoners and staff (paragraph 132);
- the Greek authorities to introduce proper reception and first night procedures as well as an induction process for all prisoners being admitted to a prison, with a priority placed on those establishments which are points of entry to the prison system. The procedures / process should include the provision of introductory information in writing about the prison. Further, foreign-national prisoners should be provided with information in a language they understand (paragraph 136);
- the Greek authorities to immediately ensure that all prisoners placed in segregation, for whatever reason, are offered at least one hour of outdoor exercise every day. The outdoor exercise facilities should be sufficiently large for prisoners to exert themselves physically (paragraph 143);
- steps to be taken to ensure that all cells in segregation units of the establishments visited have adequate access to natural light (i.e. sufficient to read by during the day in normal conditions) (paragraph 143);
- the recommendations made in paragraphs 108 and 110 apply equally to the conditions of detention in segregation units (paragraph 143);
- the Greek authorities to review the current practice of searches at Diavata Prison, in the lights of the remarks in paragraph 144 (paragraph 144);
- sentenced prisoners to be entitled to at least one hour of visiting time per week, and prisoners whose families live far away to be allowed to accumulate visiting time. Further, visits with a physical separation between the prisoner and the visitor(s) should be the exception rather than the rule (paragraph 148);
- appropriate conditions for visits to be provided at Ioannina Prison (paragraph 149);

- the Greek authorities to take the necessary steps to ensure that the cubicles in the transport vehicles mentioned in paragraph 150 hold no more than two persons and that the vehicles are properly ventilated and fitted with safety belts. Further, all prisoners being transported should be provided with water as well as with food at appropriate intervals, and regular stops should be made on long journeys to allow prisoner to satisfy the needs of nature (paragraph 150).

comments

- the CPT considers that mixed-sex staffing can have a positive impact (paragraph 133);
- the CPT encourages the Greek authorities to develop a comprehensive plan for staff training, including on intercultural communication, in order to strengthen the motivation and performance of prison officers (paragraph 135);
- the CPT considers that all decisions to separate prisoners from the mainstream population for protection purposes should be periodically reviewed in consultation with the prisoner and that review processes should be properly documented (paragraph 139);
- the placement of prisoners who refused to undergo a urine test in a cell on their own for *up to three days* appeared to be punitive rather than a means to secure a urine sample (paragraph 144);
- more needs to be done to address the specific needs of foreign national prisoners, including as regards attracting prison officers from different cultural and ethnic backgrounds to reflect the changing inmate population (paragraph 151).

requests for information

- on the new recruitment process of prison officers, including information on whether there are plans to increase mixed-sex staffing (paragraph 134);
- on the steps taken to end the use of laxatives vis-à-vis prisoners suspected of attempting to smuggle drugs or other contraband (paragraph 145).

APPENDIX II:

**LIST OF THE NATIONAL AUTHORITIES AND ORGANISATIONS
MET BY THE CPT'S DELEGATION**

A. Ministerial authorities

Ministry of Foreign Affairs:

Dimitris CHRONOPOULOS	Director, Directorate for OSCE and Council of Europe
Georgios ALAMANOS	Directorate for OSCE and Council of Europe, CPT Liaison Officer

Ministry of Justice, Transparency and Human Rights:

Antonios ROUPAKIOTIS	Minister of Justice, Transparency and Human Rights
Kontantinos KARAGOUNIS	Deputy Minister of Justice, Transparency and Human Rights
Marinos SKANDAMIS	General Secretary of Crime Policy
Joannis STALIKAS	Deputy Director General of Penitentiary Policy
Ourania LIGOMENIDOU	Head of Department of Juveniles' detention, training and special treatment conditions
Efthihia KATSIGARAKI	Head of Directorate of Criminality Prevention and Juveniles' Penitentiary Treatment
Georgios THRAPSANIOTIS	Head of Department of Penitentiary and Therapeutic Institutes Function
Maria KARAKASI	Department of Penitentiary and Therapeutic Institutes Function, CPT Liaison Officer
Evagelia ROGA	Deputy Head of Department for Training, Prison work and Social rehabilitation
Athanasios HOULIARAS	Consultant

Ministry of Public Order and Citizen Protection:

Patroklos GEORGIADIS	General Secretary of Civil Protection
Maria THEODOROU	Diplomatic Consultant of the Minister of Public Order and Citizen Protection
Adamantios STAMATAKIS	Police Lieutenant General, Deputy Chief of the Hellenic Police
Georgios NITSAS	Police Major General, Director of Security Branch
Emmanouil KATRIADAKIS	Police Major General, Hellenic Police Headquarters
Athanasia FOUNDA	Police Brigadier General, Director of Public Security Division
Alexandros DENEKOS	Police Brigadier General, Director of Aliens Division
Dimitrios KRIKAS	Police Colonel, Director of Police Personnel Division
Dimitrios MASSELOS	Police Colonel, Director of Organisation, Legislation Division
Ioannis KARAGEORGOPOULOS	Commodore, Hellenic Coast Guard
Katerina GEORGAKOPOULOU	Police Lieutenant for Special Duties (Legal Advisor) Aliens Division / Hellenic Police Headquarters
Maria SAVROPOULOU	Director of Asylum Service
Labrini KOLETTA	Director of the Appeals Authority
Panayotis NIKAS	Director of First Reception Service

B. Other authorities

Office of the Ombudsman:

Calliope SPANOU	Ombudsman
Vassilis KARYDIS	Deputy Ombudsman for Human Rights

C. International Organisations

United Nations High Commissioner for Refugees' Office in Greece

D. Civil Society Organisations

Aitima

Amnesty International

Greek Council for Refugees

Greek Helsinki Monitor

Greek National Commission for Human Rights

Group of Lawyers for the Rights of Refugees and Migrants

Hellenic League for Human Rights

Médecins Sans Frontières

Praksis