



# Report of Various Size – Fieldwork research (FRANET)

## Criminal Detention in the EU – Conditions and Monitoring

### Country Report Greece

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## 1. Cell space

- a) What is the national standard for cell space available to prisoners in m<sup>2</sup>? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- b) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- c) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

### Please cite any relevant sources

- a) Cell space is regulated in article 21 of the Greek Penitentiary Code<sup>1</sup>. According to it, prisoners are placed either in individual cells, or in chambers preferably accommodating up to 6 persons. Individual cells must have a capacity of at least 35 cubic meters and be equipped with a bed, a table, a seat and closet space. Chambers must provide an area of at least 6 square meters per prisoner and must also be equipped with the appropriate number of beds, closet space, tables and seating. Individual cells are reserved for prisoners with specific needs, provided that the detention facility's capacity permits it. The placing of a second prisoner in an individual cell is permitted exceptionally for a limited period of time, or permanently, provided that the cells are at least 40 cubic meters in size. Mothers detained with their infants always stay in individual cells at least 40 cubic meters in size, arranged suitably to accommodate them.<sup>2</sup>
- b) Not applicable. Reference is made to semi-open detention facilities in the Penitentiary Code where it is also mentioned that these can be established by presidential decrees where necessary.<sup>3</sup> No presidential decree has been issued so far to establish semi-open detention facilities.
- c) The National Preventive Mechanism (Greek Ombudsman) in its special report of 2015 on the prevention of torture and ill-treatment<sup>4</sup> made note of a number of issues, among which overcrowding, shortages in infrastructure and old facilities, citing some alarming examples. These concerns remain in its 2017 annual report.<sup>5</sup> There, the NPM noted that although the overall number of detainees is low (total prison population remains below 10.000), overcrowding persists, creating issues in certain facilities.

*Special Report 2015: "Τα προβλήματα που εντοπίζονται και πάλι είναι, μεταξύ άλλων, ο υπερπληθυσμός των κρατουμένων, οι ελλείψεις σε υποδομές και η παλαιότητα των εγκαταστάσεων, προβλήματα θέρμανσης των χώρων και παροχής ζεστού νερού, φαρμμένα και λερωμένα στρώματα και ύπαρξη παρασιτικών εντόμων (κοριών)...", "Αν και η κατάσταση σχετικά με τον υπερπληθυσμό των κρατουμένων παρουσιάζεται βελτιωμένη σε σχέση με προηγούμενες χρονιές, ωστόσο και πάλι σε συγκεκριμένα Καταστήματα παραμένει ιδιαίτερα προβληματική. Χαρακτηριστικό παράδειγμα είναι το Κατάστημα Κράτησης Ναυπλίου, όπου 212 άτομα αναγκάζονται να κοιμούνται στο πάτωμα σε στρώματα, τα οποία κατά τη διάρκεια της ημέρας τοποθετούνται σε υπερυψωμένο σημείο, ώστε να μην εμποδίζεται η κίνηση. Η ίδια κατάσταση παρουσιάζεται και στο Κατάστημα*

<sup>1</sup> Greece, Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>2</sup> Greece, Article 21 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>3</sup> Greece, Articles 18 and 19 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>4</sup> Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Prevention of torture and ill-treatment' Special Report 2015, available at [https://www.synigoros.gr/resources/docs/npm\\_2015\\_en.pdf](https://www.synigoros.gr/resources/docs/npm_2015_en.pdf).

<sup>5</sup> Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Annual Report 2017' (Ετήσια Έκθεση 2017), available in Greek at <https://www.synigoros.gr/resources/ee2017-p00.pdf>

Κράτησης Κω, όπου κρατούμενοι, εκτός από το πάτωμα, κάτω από τα κρεβάτια, κοιμούνται ακόμη και στην οροφή (ταβάνι) των τουαλετών εντός των θαλάμων, εικόνα που ουδέποτε είχε αντικρίσει ο Συνήγορος μέχρι τότε στις ελληνικές φυλακές, και αποκαλύπτει με τον πιο δραματικό τρόπο το πρόβλημα των συνθηκών διαβίωσης των ανθρώπων που στερούνται της ελευθερίας τους. Ο ΕΜΠ ζήτησε με έγγραφο προς το Υπουργείο Δικαιοσύνης να επιδειχθεί ιδιαίτερη μέριμνα. Ήδη από το υπ' αριθμ. πρωτ. 86847/26.11.2015 απαντητικό έγγραφο του Γενικού Γραμματέα Αντεγκληματικής Πολιτικής προκύπτει ότι στις 16.11.2015 ο αριθμός των κρατουμένων είχε μειωθεί σε 137 άτομα, ενώ την 1η Δεκεμβρίου, σύμφωνα με τα επίσημα, αναρτημένα στο διαδίκτυο, στατιστικά στοιχεία του Υπουργείου Δικαιοσύνης, ο αριθμός αυτός ήταν 113 άτομα. Σημειώνεται ότι οι προβλεπόμενες για το κατάστημα θέσεις είναι 45”.

Special Report 2015, English Translation: “The problems identified again are, among other things, the overcrowding of the prisoners, shortages in infrastructures and the age of the facilities, problems with the heating of the facilities and the supply of hot water, worn and dirty mattresses with parasitic insects (bedbugs) ...”, “however, in specific Facilities it is still particularly problematic. A typical example is the Nafplio Detention Facility, where 212 people are forced to sleep on the floor on mattresses, which during the day are placed in an elevated area, in order not to obstruct circulation. The same situation is found in the Kos Detention Facility, where prisoners, in addition to the floor and under the beds, are also sleeping on the roof of the bathrooms inside the cells, something which the Ombudsman has never encountered in the Greek prisons, and which is revealing, in the most dramatic manner, of the problem with the living conditions of the people who are deprived of their liberty. The NPM requested, with a document to the Ministry of Justice, that special attention be demonstrated. With the document of reply with ref. no. 86847/26.11.2015 of the Secretary General for Crime Policy, it emerges that on 16.11.2015 the number of the prisoners had dropped to 137 persons, while on 1 December, according to the official statistics of the Ministry of Justice posted on the internet, their number was 113. Note that the capacity of this facility is 45.”

Annual Report 2017: “Εξακολουθεί, σε γενικές γραμμές, να διατηρείται ο συνολικός αριθμός των κρατουμένων κάτω από το όριο των 10.000, γεγονός που έχει οδηγήσει, κατ’ αρχήν, σε σημαντική βελτίωση των συνθηκών κράτησης, χωρίς, ωστόσο, να εκλείπουν περιπτώσεις υπερπληθυσμού σε αρκετά καταστήματα, με αντίστοιχα προβλήματα ως προς τη διαβίωση των κρατουμένων. (no official translation available)”.

Annual Report 2017 (unofficial translation): “In general, the total number of prisoners is maintained below the capacity threshold of 10.000 prisoners, a fact which in principle has led to a significant improvement in detention conditions. Cases of overcrowding, however, are still observed in several facilities, so are the relevant problems with regards to the prisoners’ stay”

## 2. Sanitary Facilities

- a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do prisoners have access to these facilities without undue delay, even during the night? Do these facilities offer privacy to prisoners who use them?
- b) What is the national standard with regard to access to regularly cleaned shower/bathing facilities? How often is this access provided? Do these facilities offer privacy to prisoners who use them?
- c) Is the provision of cleanly sanitary facilities regulated by any legal instrument such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- e) Please, provide a link to the National Preventive Mechanism’s reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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- a) Individual cells and chambers are equipped with their own heating and personal hygiene facilities (washbasin, toilet). Lavatories must accommodate no more than three prisoners. <sup>6</sup>The NPM has voiced serious concerns about privacy and dignity, raising out of lack of isolation, in particular as regards the Special Detention Facilities for Juveniles.<sup>7</sup>
- b) Showers are located in separate, joint facilities, used by all prisoners. Both cold and hot water should be available. It is not mandatory to have a shower inside the individual cells or chambers, unless the common facilities do not suffice to ensure each prisoner satisfies their daily personal hygiene needs<sup>8</sup>. Prisoners have daily access to the showers, at hours determined by daily order of the detention facility's director, following the warden's recommendation. Hot water is available, both in the showers and in the laundry facilities. New prisoners are provided with essential personal hygiene products, such as soap, shaving cream, cotton, disposable razors, toothpaste, toothbrushes, and shampoo. Soap and toilet paper are provided to all prisoners, and prisoners who lack the necessary means may receive other personal hygiene items for free. Common facilities are cleaned daily by the prisoners<sup>9</sup>.
- c) The provision of cleanly sanitary facilities is regulated by the Internal Regulation for the Operation of General Detention Facilities (Ministerial Decree 58819/7.4.2003, O.G.G. issue B 463/17.4.2003).<sup>10</sup>
- d) Not applicable. A reference is made to semi-open detention facilities in the Penitentiary Code where it is also mentioned that these can be established by presidential decrees where necessary. <sup>11</sup> No presidential decree has been issued so far to establish semi-open detention facilities.
- e) The NPM highlights issues of overcrowding, as well as problems with the supply of hot water.<sup>12</sup>

*Special Report 2015: "Τα προβλήματα που εντοπίζονται και πάλι είναι, μεταξύ άλλων, ο υπερπληθυσμός των κρατουμένων, οι ελλείψεις σε υποδομές και η παλαιότητα των εγκαταστάσεων, προβλήματα θέρμανσης των χώρων και παροχής ζεστού νερού, φθαρμένα και λερωμένα στρώματα και ύπαρξη παρασιτικών εντόμων (κοριών)..."*

Special Report 2015, English Translation: "The problems identified again are, among other things, the overcrowding of the prisoners, shortages in infrastructures and the age of the facilities, problems with the heating of the facilities and the supply of hot water, worn and dirty mattresses with parasitic insects (bedbugs) ...".

### 3. Time out of cell

- a) What is the national standard set for time per day/week spent by prisoners outside of their cells:
  - a. Outdoors (within the boundary of the prison)?
  - b. Indoors in the common area?
- b) Are sports or other recreational and educational facilities available to prisoners? If so what types?

<sup>6</sup> Greece, Article 21 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OGG Issue A 290/24-12-1999)

<sup>7</sup> Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Prevention of torture and ill-treatment' Special Report 2015, available at [https://www.synigoros.gr/resources/docs/npm\\_2015\\_en.pdf](https://www.synigoros.gr/resources/docs/npm_2015_en.pdf)

<sup>8</sup> Greece, Article 21 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OGG Issue A 290/24-12-1999)

<sup>9</sup> Greece, Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'), available in Greek at [http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>10</sup> Greece, Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'), available in Greek at [http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>11</sup> Greece, Articles 18 and 19 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>12</sup> Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Prevention of torture and ill-treatment' Special Report 2015, available at [https://www.synigoros.gr/resources/docs/npm\\_2015\\_en.pdf](https://www.synigoros.gr/resources/docs/npm_2015_en.pdf)

- c) Is time spent in cells regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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- a) a. According to the daily schedule, administered on the basis of article 8 of the Internal Regulation for the Operation of General Detention Facilities, prisoners spend a large portion of the day outdoors (within the boundaries of the detention facility), doing sports, working, participating in educational and other programmes, and enjoying free time. The schedule provides for time outdoors between 08.00 am and 12.00 pm, and in the afternoon, between 15.00 pm and half an hour before sunset.<sup>13</sup>
  - b. Prisoners also spend time outside their cells and within the common areas. This time is spent mainly during daily meals (approximately 15 minutes, 3 times a day). Prisoners are also allowed to spend some free time confined within their wards, between sunset and 20.30 pm in the winter or 21.00 pm in the summer months. Special provisions are applicable and prisoners are allowed to remain outside their cells, but confined within their wards, on New Year's eve (until 00.30 am on the 1<sup>st</sup> of January), during established religious, national, and local holidays (during "noon hours": approx. between 15.00 pm and 17.30 pm), on days when temperatures exceed 36°Celsius (during noon hours, or, in exceptional circumstances, when state measures are required to combat the heat, for an additional 1-2 hours following evening lock down). During bank holidays no educational or other programmes are taking place. Following a decision by the detention facility's council, prisoners may deviate from the daily schedule for reasons relating to their participation in educational or vocational programmes, inside or outside the boundaries of the detention facility.<sup>14</sup>
- b) In order to maintain their physical and mental health, prisoners are given at least one hour each day to walk or exercise in the yard of the detention facility or in any other open space protected from weather conditions. For this purpose, the law stipulates that adequate spaces should be created either indoors (gym) or outdoors (courts), and should be properly equipped for individual or group exercises. Exercise and sports programmes are to be organized and supervised by trainers, while the facility's doctor performs the necessary checks to ensure each prisoner has the physical ability to participate in these programs.<sup>15</sup> Prisoners may also exercise, under appropriate supervision, in indoors sports facilities outside the boundaries of the detention facility. The Department of Social Work of each detention facility, in cooperation with the Office for Physical Education of the Prefecture, may organize group sports programs for prisoners by creating sports clubs, provided there are suitable spaces and the proper operation of the detention facility is not obstructed<sup>16</sup>.

<sup>13</sup> Greece, Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'), available in Greek at [http://www.dsanet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsanet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>14</sup> Greece, Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'), available in Greek at [http://www.dsanet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsanet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>15</sup> Greece, Article 36 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24.12.1999)

<sup>16</sup> Greece, Article 17 of the Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'), available in Greek at [http://www.dsanet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsanet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

Each detention facility organises educational and vocational training programmes for small groups of prisoners, in cooperation with specialised training centres, under the supervision of the Social Work Department, the sociologist and the Advisor for Education of the facility. All educational programs are conducted in an appropriate room, inside or outside the detention facilities and at least one guard is available to escort and supervise the prisoners.<sup>17</sup> The Prison Council shall ensure the establishment of training programs, if necessary, such as: (a) programs for illiterates; (b) secondary schools; (c) vocational training; (d) learning of foreign languages.<sup>18</sup> Primary education is compulsory for young prisoners. Illiterate adults are encouraged to attend primary education or vocational programs training. For this purpose, elementary schools operating under the auspices of the Ministry of Education are established where possible inside the detention facilities. Any degrees awarded are equivalent to those obtained outside the detention regime<sup>19</sup>. The Counsellor for the Education of Prisoners assigns special spaces as study rooms and libraries, well equipped with fiction, non-fiction, and professional volumes. Where possible these operate as a branch to municipal libraries. The library must be open during all working days for at least two hours in the morning and in the afternoon<sup>20</sup>. Lectures with specialists in various fields may also be organized.<sup>21</sup>

Prisoners may participate in individual or group art events such as theatrical plays, choir, painting exhibitions, arts and crafts, theatrical releases. Where possible, a cinema may operate within the facility. Recreational activities take place in a suitably designed outdoor or indoor area.<sup>22</sup> Within each private cell or chamber there is at least one television set all prisoners may have free access to.<sup>23</sup> The use of personal computers and video games is prohibited, unless required for educational purposes.

- c) Time spent in cells is regulated by the Greek Penitentiary Code (Law 2776/1999, OG A 290/24-12-1999) and the Internal Regulations for the Operation of General Penitentiaries type A & B (Ministerial Decision 58819/7.4.2003, O.G. B 463/17.4.2003).<sup>24</sup>
- d) Not applicable. A reference is made to semi-open detention facilities in the Penitentiary Code where it is mentioned that these can be established by presidential decrees where necessary.<sup>25</sup> No presidential decree has been issued so far to establish semi-open detention facilities.

<sup>17</sup> Greece, Article 20 of the Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in Greek at [http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>18</sup> Greece, Article 20 of the Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in Greek at [http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>19</sup> Greece, Article 35 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24.12.1999)

<sup>20</sup> Greece, Article 18 of the Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in Greek at [http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>21</sup> Greece, Article 37 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24.12.1999)

<sup>22</sup> Greece, Article 38 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24.12.1999)

<sup>23</sup> Greece, Article 19 of the Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in Greek at [http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>24</sup> Greece, Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in Greek at [http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003); Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>25</sup> Greece, Articles 18 and 19 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

- e) The NPM in its special report underscored the complete lack of educational or creative activity programme in General Detention facilities, as well as the lack of vocational training programmes and of recreational area in the Special Detention Facility for Juveniles of Corinth<sup>26</sup> In its annual report of 2017 these issues were brought once more to the fore. The NPM stressed the absence of creative outlets for the prisoners and the impact on their morale and general mental condition.<sup>27</sup>

*Special Report 2015: «Τα προβλήματα που εντοπίζονται και πάλι είναι, μεταξύ άλλων, ... η ανυπαρξία οποιουδήποτε επιμορφωτικού προγράμματος ή προγράμματος δημιουργικής δραστηριότητας, ... και η ελλιπέστατη έως και ανύπαρκτη, σε κάποιες περιπτώσεις, στελέχωση της Κοινωνικής Υπηρεσίας των Καταστημάτων», «Ιδιαίτερο προβληματισμό, τέλος, προκαλεί η έλλειψη πρόβλεψης χώρων άθλησης και σχετικού εξοπλισμού άθλησης, χώρων/θέσεων εργασίας (π.χ. εργαστήρια, σιδηρουργείο – ξυλουργείο κ.λπ.) και λοιπών χώρων εκτόνωσης και ενασχόλησης των κρατουμένων», «Κατά την επίσκεψη στο Ειδικό Κατάστημα Κράτησης Νέων (15-18 ετών) Κορίνθου τον Φεβρουάριο του 2015, διαπιστώθηκαν, μεταξύ άλλων, ... μη υλοποίηση προγραμμάτων επαγγελματικής κατάρτισης και προγραμμάτων νομικής συμβουλευτικής, έλλειψη χώρου αναψυχής»*

Special Report 2015, English Translation: “The problems identified again are, among other things, ... the lack of any educational or creative activity programme whatsoever, ..., and the deficient or even non-existent in some cases staff in of the Social Service of the Facilities”, “Special concern finally, is caused by the lack of any provision for spaces for sports and related sporting equipment, work positions/spaces (e.g. workshops for iron - wood, etc.) and other areas where the prisoners can be employed and be entertained”, “During the visit to the Special Detention Facility for Juveniles of Corinth (15-18 years old) in February 2015, we found, among other things, that ... there were no vocational training programmes and legal consultation programs being implemented, there was no recreational area”.

*Annual Report 2017: «Παραμένουν σημαντικά προβλήματα, η έλλειψη δημιουργικής απασχόλησης των κρατουμένων...», «Αποτελεί κοινή παραδοχή ότι η απραξία επιβαρύνει περαιτέρω την ήδη επιβαρυσμένη ψυχολογική κατάσταση των κρατουμένων. Η οργάνωση σεμιναρίων και εργαστηρίων θα συντελέσει στην «αποσυμπίεση» των κρατουμένων και στη διαχείριση των εντάσεων εντός του καταστήματος. Περαιτέρω, θα συμβάλει στη διατήρηση της αυτοεκτίμησης των κρατουμένων και στην ομαλή επανένταξή τους, καθώς η επιμόρφωση αποτελεί επαγγελματικό προσόν» (no official translation available).*

Annual Report 2017, unofficial translation by CECL: “Significant problems persist, such as the lack of recreational activities for prisoners...”, “It is common knowledge that inaction aggravates further the already strained mental state of the prisoners. Organising seminars and workshops will contribute to the prisoners’ relaxation and to the management of tensions within the facility. Furthermore, it will contribute to the prisoners’ self-respect and their smooth reintegration, as vocational training is a professional qualification”

#### 4. Solitary confinement

- What is the national standard set regarding solitary confinement? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- Please, provide a link to the National Preventive Mechanism’s reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

<sup>26</sup> Grece, Greek Ombudsman (Συνήγορος του Πολίτη), ‘Prevention of torture and ill-treatment’ Special Report 2015, available at [https://www.synigoros.gr/resources/docs/npm\\_2015\\_en.pdf](https://www.synigoros.gr/resources/docs/npm_2015_en.pdf)

<sup>27</sup> Grece, Greek Ombudsman (Συνήγορος του Πολίτη), ‘Annual Report 2017’ (Ετήσια Έκθεση 2017) , available in Greek at <https://www.synigoros.gr/resources/ee2017-p00.pdf>

**Please cite any relevant sources**

- a) Confinement in a cell is a disciplinary measure imposed on prisoners who have committed a particularly serious disciplinary offence (Class A disciplinary offence). These are strictly enumerated in article 68 of the Penitentiary Code and include violent attempt to escape, violence or threat of violence against the facility's personnel, physical violence against a fellow inmate, construction and possession of objects capable of being used as a weapon, possession of drugs etc. <sup>28</sup>No penalties are imposed for offences not previously prescribed by law.

Confinement is ordered by reasoned decision of the Detention Facility's Disciplinary Council, Public Prosecutor presiding<sup>29</sup>. Prisoners are notified in writing of the disciplinary offence they are accused of committing and are called for a hearing before the Council 48 hours prior. If they do not speak Greek an interpreter is present during the proceedings<sup>30</sup>. In extremely urgent cases, a fast track procedure may be followed, whereby the decision for solitary confinement is taken by the facility's director, subject to approval within 24 hours by the detention facility's Council. After this approval, the disciplinary procedure continues as normal.<sup>31</sup> Prisoners may appeal the decision on their confinement before the competent courts within five days from the issuance of the Council's decision. The appeal does not automatically suspend the execution of the confinement penalty, but suspension may be ordered by the Disciplinary Council<sup>32</sup>. The law proscribes the imposition of multiple penalties for the same offence, it does not, however, preclude disciplinary punishment, including confinement in disciplinary cells, when criminal procedures have been initiated for the same offence<sup>33</sup>.

When imposing the penalty of confinement in disciplinary cells the Council takes into account the severity of the offence and the conditions under which it was perpetrated, the prisoner's personality, the time left until the end of their sentence, and any other element it deems important in each particular case. The Council, the Minister for Justice, and, in exceptional cases, the director of the facility, may decide, ex officio or following a request submitted by the prisoner, the suspension, discontinuance, or extinction, fully or partially, of the confinement penalty when there is a real risk for the life, or a risk of serious and irreversible damage to the health of the prisoner, or when exceptional actions undertaken by the prisoner convince them that his sense of restraint has been restored<sup>34</sup>.

<sup>28</sup> Greece, Article 68 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>29</sup> Greece, Article 70 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999); Greece, Article 2 of the Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in Greek at [http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>30</sup> Greece, Article 70 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999); Greece, Article 31 of the Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in Greek at [http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>31</sup> Greece, Articles 71 and 65 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>32</sup> Greece, Article 71 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>33</sup> Greece, Article 66 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>34</sup> Greece, Article 70 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24-12-1999); Greece, Article 32 of the Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in Greek at [http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)



Confinement is implemented in regular cells as defined in article 21 of the Penitentiary Code, for a duration of one to ten days maximum. The cells where disciplinary confinement is executed are located in a separate part of the detention facility, so as not to disrupt its daily function<sup>35</sup>. Daily visits from the detention facility's doctor are mandated during the time of disciplinary confinement<sup>36</sup>. Collective punishment as well as confinement in dark cells, or punishment which may constitute torture, or which can cause bodily harm, or damage the health of the prisoner or which may constitute psychological violence are strictly prohibited. Measures contrary to the prisoners' rights, as defined in articles 4-6 of the Penitentiary Code, and measures capable of violating human dignity, or which may cause disruption of psychological or mental functions are also proscribed.

According to the Penitentiary Code, elderly prisoners, women, prisoners who are ill, and adolescents may be placed in solitary confinement only in exceptional circumstances following a specifically reasoned decision by the Disciplinary Council.<sup>37</sup> In addition to the aforementioned safeguards, the solitary confinement of minors has been specifically addressed by the Ministry of Justice, Transparency and Human Rights in circular No 32638/2.5.2017<sup>38</sup>, which stresses the importance of treating solitary confinement of minors as a measure of last resort, in compliance with Greece's international obligations, and in line with the relevant recommendations issued by the UN and the Council of Europe. Specific mention is made of General Comment No 10 of the Committee on the Rights of the Child on Children's rights in Juvenile Justice (CRC/C/GC/10 25 April 2007, para. 89), and of Recommendation CM/Rec (2008)11 (rule 95(3)) of the Committee of Ministers of the Council of Europe on the European Rules for juvenile offenders subject to sanctions or measures. Despite not going as far as to abolish solitary confinement for minors in practice, the circular concludes that the solitary confinement of minors is a wholly exceptional measure, justified only when it can be demonstrated with absolute certainty that less strict penalties will not be effective. Furthermore, disciplinary confinement of minors is only permitted when the available cells fulfil all the standards envisaged in the Penitentiary Code.

- b) Not applicable. A reference is made to semi-open detention facilities to the Penitentiary Code where it is also mentioned that these can be established by presidential decrees where necessary.<sup>39</sup> There is no presidential decree issued so far that establishes semi-open detention facilities.
- c) Upon inspecting the Komotini Detention Facility, the NPM found that the disciplinary cells there lack natural lighting and ventilation, and are often utilized as ordinary cells for the regular stay of prisoners due to overcrowding. The NPM also underscored the problems associated with the existence and use of isolation cells in juvenile detention facilities, especially as regards the suitability of these spaces for minors, as well as the functional link between the measure and the intended purpose<sup>40</sup>. The NPM in its annual report for 2017 noted the shutting down of the disciplinary cells in the Corfu and Patras facilities. The former are to be converted into a museum.<sup>41</sup>

<sup>35</sup> Greece, Article 21 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24-12-1999)

<sup>36</sup> Greece, Article 69 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24-12-1999)

<sup>37</sup> Greece, Article 69 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24-12-1999)

<sup>38</sup> Greece, Ministry of Justice Circular No 32638/2.5.2017 Detention-isolation of juvenile prisoners in disciplinary cells (*Κράτηση-απομόνωση ανηλίκων κρατουμένων σε πειθαρχικά κελιά*)

<sup>39</sup> Greece, Articles 18 and 19 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>40</sup> Greece, Greek Ombudsman (*Συνήγορος του Πολίτη*), 'Prevention of torture and ill-treatment' Special Report 2015, available at [https://www.synigoros.gr/resources/docs/npm\\_2015\\_en.pdf](https://www.synigoros.gr/resources/docs/npm_2015_en.pdf)

<sup>41</sup> Greece, Greek Ombudsman (*Συνήγορος του Πολίτη*), 'Annual Report 2017' (*Ετήσια Έκθεση 2017*), available in Greek at <https://www.synigoros.gr/resources/ee2017-p00.pdf>

*Special Report 2015: «Επίσης, στο Κατάστημα Κράτησης Κομοτηνής εξ ανάγκης χρησιμοποιείται ο χώρος των πειθαρχικών κελιών, στερούμενος φυσικού φωτισμού και εξαερισμού, ως χώρος κανονικής και συνήθους διαμονής κρατουμένων (και μάλιστα κατ' επιθυμία τους), λόγω του συνωστισμού των κρατουμένων στους λοιπούς θαλάμους και στα κελιά», «Επίσης προβληματική κρίνεται η ύπαρξη και χρήση στο Κατάστημα κελιών απομόνωσης, ιδίως ως προς την καταλληλότητα των συγκεκριμένων χώρων για ανηλίκους, αλλά και τη λειτουργική σύνδεση του μέτρου με τον επιδιωκόμενο σκοπό»*

Special Report 2015, English Translation: "Also, in the Komotini Detention Facility, the disciplinary cells which lack natural lighting and ventilation, are used out of necessity as the place of regular and usual stay of the prisoners (in fact according to their wish), due to the overcrowding of the prisoners in the other cells", "The existence and use of isolation cells in the Facility is also deemed to be problematic, especially as regards the suitability of these spaces for minors, as well as the functional link between the measure and the intended purpose."

*Annual Report 2017: «Τέλος επισημαίνεται ότι έπαψαν να λειτουργούν τα πειθαρχικά κελιά στο Κατάστημα της Κέρκυρας, τα οποία μετατρέπονται σε μουσειακό χώρο, ενώ γκρεμίστηκαν και τα πειθαρχικά κελιά στο Κατάστημα της Πάτρας, σε συνέχεια σχετικών επικρίσεων της Ευρωπαϊκής Επιτροπής για την Πρόληψη των Βασανιστηρίων και της Απάνθρωπης ή Εξευτελιστικής Μεταχείρισης ή Τιμωρίας και του Συνηγόρου του Πολίτη»*

Annual Report 2017, unofficial translation by CECL: Finally, it is noted that disciplinary cells in the detention facility of Corfu have ceased their operation, and are now being converted to a museum space, while disciplinary cells in the Patras facility have been demolished, following the relevant criticism of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment at the Greek Ombudsman".

#### 5. Access to healthcare

- a) What is the national standard with regard to access to medical services in prisons? (E.g. do prisoners have prompt access to medical services within prisons or externally? Do prisoners have access to dentists and opticians?)
- b) Are there any special provisions relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly prisoners, the mentally ill, drug addicted prisoners etc.)
- c) Is access to healthcare in prisons regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes.
- e) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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- a) Prisoners should receive medical services and pharmaceutical care of a level comparable to that of the general population.<sup>42</sup> Each prisoner is examined by the detention facility's doctor upon admission and every six months henceforth. They may also request at any given time an examination either by the facility's doctor or a private doctor of their choice. In the latter case the prisoners must bear the relevant expenses<sup>43</sup>. If the facility's doctor disagrees with the diagnosis or the course of treatment proposed by the doctor chosen by the prisoner, the competent coroner or a listed doctor, preferably serving in a public hospital, is called in to opine on the matter and the prisoner is moved to an external medical care facility.<sup>44</sup>

<sup>42</sup> Greece, Article 27 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24.12.1999)

<sup>43</sup> Greece, Article 27 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24.12.1999)

<sup>44</sup> Greece, Article 27 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24.12.1999)

When the facility does not employ permanent medical personnel of the appropriate specialisation, prisoners' medical needs are covered on a 24-hour basis by external doctors and nurses<sup>45</sup>. If the presence of a doctor cannot be secured based on the aforementioned provisions, the competent judge, following the recommendation of the detention facility's director, summons a specialised doctor, whom he selects from a list of available doctors, preferably serving in a public hospital.<sup>46</sup>

Members of the facility's in-house medical personnel include dentists<sup>47</sup>. Dentists provide essential treatments such as dental fillings and tooth extractions. They also perform prosthetic services at the prisoners' cost<sup>48</sup>. Access to an optician is not explicitly regulated. Nevertheless, ophthalmological care in Greece is generally provided by ophthalmologists, hence the general provisions on medical care apply in that case as well: if the facility does not employ an ophthalmologist, access to one must be made available through recourse to an external doctor of the relevant specialisation. Glasses with corrective lenses are, of course, a permitted item within the detention facility's premises<sup>49</sup>.

- b) Prisoners who suffer from long-term diseases at the time of their detention may request that their treatment is carried out by their personal doctor, in the presence of the facility's doctor<sup>50</sup>. Patients may not remain in the infirmary for a period longer than one month. If treatment within the facility, or, in cases of mental illness, within the specialised therapeutic detention facilities, is not possible, the prisoners are transferred to local public hospitals for the duration of their treatment, as mandated by their specific medical needs.

Prisoners with severe mental health problems are admitted to the infirmary, or are restricted to a separate space within the detention facility. If necessary for their treatment, they are transferred to the specialised therapeutic detention facilities, where they receive appropriate care and participate in therapeutic programmes.

Detainees suspected of suffering from infectious diseases are restrained in a special unit of the detention facility, following a decision by the facility's director, the attending doctor concurring, for as long as medically necessary for their final diagnosis.<sup>51</sup>

Prisoners who are using drugs are subject to the special legal regime for drug-related offences, while article 30 (4) of the Penitentiary Code guarantees a therapeutic approach to their cases, mandating that the general principles for medical treatment apply to them as well.<sup>52</sup> Article 34 of Law 4139/2013 on Addictive Substances stipulates that any prisoner who claims that they are addicted to drugs, and they wish to participate in a rehabilitation programme must first go through a diagnostic and detoxification

<sup>45</sup> Greece, Article 27 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24.12.1999) και 2(6) ΥΑ

<sup>46</sup> Greece, Article 27 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24.12.1999)

<sup>47</sup> Greece, Article 2 of the Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in Greek at [http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>48</sup> Greece, Article 46 of the Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in Greek at [http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>49</sup> Greece, Article 11 of the Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in Greek at [http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsnet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>50</sup> Greece, Article 27 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24.12.1999)

<sup>51</sup> Greece, Article 30 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24.12.1999)

<sup>52</sup> Greece, Article 30 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24.12.1999)

process for a period of one to three weeks, based on their specific needs, as assessed by the head of the relevant programme.<sup>53</sup> This process includes drug replacement therapy<sup>54</sup>. A committee, appointed by the Minister for Justice and comprising the detention facility's Council and the head of the facility's detoxification and rehabilitation programme, assesses the success of the above process and, following the diagnosis of the prisoner as psychologically dependent on the use of drugs, grants them permission to follow a specialised programme of psychological rehabilitation, administered within the facility.

The aforementioned programmes and processes are administered by specialised, accredited organisations, listed in article 51 of law 4139/2013.<sup>55</sup> Ministerial Decree 212/2014 regulates the establishment and operation of OKANA, a private legal entity and social actor for drug-related policy, prevention and treatment supervised by the Ministry of Health, within the detention facilities of Patras and Korydallos (similar programmes have already been operating in other detention facilities around the country).<sup>56</sup> Treatment and rehabilitation programmes run by OKANA are administered in specially modified areas within the detention facilities. These areas should include a space for administrative personnel, a space for therapy sessions, a space for administering pharmaceutical treatments, and a lavatory. Prisoners participating in treatment and rehabilitation programmes are also tested for infectious diseases commonly associated with drug abuse, such as HIV-AIDS, hepatitis, and TB. Finally, OKANA is responsible for providing the necessary education and training to the detention facility's personnel as regards all matters related to the implementation of the treatment and rehabilitation programmes.

Prisoners participating in treatment and rehabilitation programmes are not to be transferred to a different detention facility for the duration of the programme they are following.<sup>57</sup>

- c) Access to healthcare is regulated by the Greek Penitentiary Code (Law 2776/1999, OG A 290/24-12-1999)<sup>58</sup> and the Internal Regulations for the Operation of General Penitentiaries type A & B (Ministerial Decision 58819/7.4.2003, O.G. B 463/17.4.2003)<sup>59</sup>, Special provisions on prisoners suffering from drug addiction are found in law 4139/2013<sup>60</sup>, as amended by law 4322/2015<sup>61</sup>, and ministerial decree 212/2014<sup>62</sup>.

<sup>53</sup> Greece, Article 34 of Law 4139/2013 Law on Addictive Substances (*Νόμος Περί Εξαρτησιογόνων Ουσιών*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=YTYbJcYuEkl%3D&tabid=132> (OG A 74/20.03.2013)

<sup>54</sup> Greece, Ministerial Decree 212/2014, (OG issue 524/28.2.2014); Ministerial Decree Υ5γ/Γ.Π.οικ.100847/14.10.2002 Authorization of providing substances for the remedy from drugs dependence from the Combatting Drugs Organisation (*Άδεια χορήγησης ουσιών για την αποκατάσταση της εξάρτησης από τον Οργανισμό Καταπολέμησης Ναρκωτικών*) (OG B' 1343/2002)

<sup>55</sup> Greece, Article 51 of Law 4139/2013 Law on Addictive Substances (*Νόμος Περί Εξαρτησιογόνων Ουσιών*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=YTYbJcYuEkl%3D&tabid=132> (OG A 74/20.03.2013)

<sup>56</sup> Greece, Ministerial Decree 212/2014, (OG issue 524/28.2.2014)

<sup>57</sup> Greece, Article 30 of Law 4139/2013 Law on Addictive Substances (*Νόμος Περί Εξαρτησιογόνων Ουσιών*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=YTYbJcYuEkl%3D&tabid=132> (OG A 74/20.03.2013)

<sup>58</sup> Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24.12.1999)

<sup>59</sup> Greece, Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in Greek at [http://www.dsanet.gr/Epikairotha/Nomothesia/ya58819\\_2003.htm](http://www.dsanet.gr/Epikairotha/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>60</sup> Greece, Law 4139/2013 Law on Addictive Substances (*Νόμος Περί Εξαρτησιογόνων Ουσιών*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=YTYbJcYuEkl%3D&tabid=132> (OG A 74/20.03.2013)

<sup>61</sup> Greece, Law 4322/2015 Reforms of criminal provisions, abolition of Type C detention facilities and other provisions (*Μεταρρυθμίσεις ποινικών διατάξεων, κατάργηση των καταστημάτων κράτησης Γ' τύπου και άλλες διατάξεις*) (OG A 42/27.4.2015), available in Greek at [http://www.ministryofjustice.gr/site/Portals/0/uploaded\\_files/uploaded\\_11/N\\_4322-2015.pdf](http://www.ministryofjustice.gr/site/Portals/0/uploaded_files/uploaded_11/N_4322-2015.pdf)

<sup>62</sup> Greece, Ministerial Decree 212/2014, (OG issue 524/28.2.2014)

- d) Not applicable. A reference is made to semi-open detention facilities to the Penitentiary Code where it is also mentioned that these can be established by presidential decrees where necessary.<sup>63</sup> There is no presidential decree issued so far that establishes semi-open detention facilities.
- e) In its annual report for 2017, the NPM noted the complete lack, in the vast majority of detention facilities, of any permanent in-house medical personnel, and the practice of a member of the staff undertaking the administrative aspects of nurse duties, such as registering medical information). It also underscored the need for a defibrillator and a cardiograph in every facility, In addition, the NPM found a conflict between the frequent need for medical services to be provided in external facilities and the cumbersome regime of prisoner transfers, which may create problems with access to healthcare in practice.<sup>64</sup> As regards drug addicted prisoners, the NPM in its special report of 2015 stressed the fact that the correct implementation of alternative penalty measures in these cases, with the goal of effectively implementing all new relevant provisions of Law 4322/2015, is of paramount importance. Same goes for supporting consulting and promptly launching therapeutic programmes for the physical and psychological rehabilitation in all Detention Facilities of the country, aiming at the exclusive operation of therapeutic or detention facilities specific for this purpose.<sup>65</sup>

*Special Report 2015: “Κομβικής σημασίας αναδεικνύεται η μέριμνα για την ορθή εφαρμογή των εναλλακτικών μέτρων έκτισης ποινής στις περιπτώσεις αυτές, προς τον σκοπό της ουσιαστικής εφαρμογής στο σύνολό τους των νέων σχετικών διατάξεων του Ν. 4322/2015, καθώς και η ενίσχυση των συμβουλευτικών και η άμεση λειτουργία θεραπευτικών προγραμμάτων σωματικής και ψυχικής απεξάρτησης σε όλα τα Καταστήματα Κράτησης της χώρας, με στόχο την αποκλειστική λειτουργία θεραπευτικών ή ειδικών καταστημάτων κράτησης για τον σκοπό αυτόν. Σημαντική εξέλιξη, στο σημείο αυτό, αποτελεί η λειτουργία εντός του έτους Μονάδας Απεξάρτησης στο Κατάστημα Κράτησης Διαβατών. Προς αυτή την κατεύθυνση, της ορθολογικής και αξιοπρεπούς μεταχείρισης των τοξικοεξαρτημένων κρατουμένων της χώρας, ο ΕΜΠ τονίζει ότι επείγουσα αναδεικνύεται, μεταξύ άλλων, η αναγκαιότητα άμεσης αποπεράτωσης της μονάδας απεξάρτησης στο Αγροτικό Κατάστημα Κράτησης Κασσάνδρας”.*

Special Report 2015, English Translation: “The correct implementation of alternative penalty measures in these cases is of paramount importance, with the goal of effectively implementing all new relevant provisions of Law 4322/2015, as well as supporting consulting and promptly launching therapeutic programmes for the physical and psychological rehabilitation in all Detention Facilities of the country, aiming at the exclusive operation of therapeutic or detention facilities specific for this purpose. An important related development is the operation, within the year, of a Rehabilitation Unit in the Diavata Detention Facility. To this end, of the rational and decent treatment of the country's drug addicted prisoners, the NPM underlines that among other things, there is urgent need for the prompt completion of the rehabilitation unit at the Cassandra Rural Detention Facility”.

*Annual Report 2017: “Παραμένουν σημαντικά προβλήματα, ..., η πλημμελής στελέχωση των καταστημάτων με μόνιμους γιατρούς, νοσηλευτικό προσωπικό, κοινωνιολόγους και ψυχολόγους”, “Διαπιστώθηκε η απουσία, στη συντριπτική πλειοψηφία των καταστημάτων κράτησης, μόνιμου ιατρικού και νοσηλευτικού προσωπικού και, κατά συνέπεια, η δυνατότητα παρουσίας του καθ’ όλη τη διάρκεια του 24ώρου. Η πρακτική, που συνήθως ακολουθείται να αναλαμβάνει καθήκοντα νοσηλευτή άτομο από το σωφρονιστικό προσωπικό μπορεί να καλύψει ανάγκες μόνο διοικητικού χαρακτήρα (όπως π.χ. ταξινόμηση φαρμάκων ή καταχώριση πληροφοριών στους φακέλους) αλλά δεν είναι πρόσφορη για τη διενέργεια ιατρικών πράξεων. Πλέον αυτού, κρίνεται απαραίτητο να υπάρχει σε κάθε Κατάστημα απινιδωτής και καρδιογράφος. Τέλος η εγγύτητα του Καταστήματος με Νοσοκομείο ή Κέντρο Υγείας, παρόλο που, καταρχήν, φαίνεται να εξασφαλίζει την παροχή υγειονομικών υπηρεσιών στους κρατουμένους, εντέλει διαπιστώθηκε ότι προσκρούει στη διαδικασία της μεταγωγής, που είναι πολύπλοκη και χρονοβόρα, ενώ σε κάποιες περιπτώσεις πιθανόν να επιβραδύνει σημαντικά τη μεταφορά ή ακόμα και να την αποτρέπει”.*

<sup>63</sup> Greece, Articles 18 and 19 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>64</sup> Greece, Greek Ombudsman (Συνήγορος του Πολίτη), ‘Annual Report 2017’ (Ετήσια Έκθεση 2017), available in Greek at <https://www.synigoros.gr/resources/ee2017-p00.pdf>

<sup>65</sup> Greece, Greek Ombudsman (Συνήγορος του Πολίτη), ‘Prevention of torture and ill-treatment’ Special Report 2015, available at [https://www.synigoros.gr/resources/docs/npm\\_2015\\_en.pdf](https://www.synigoros.gr/resources/docs/npm_2015_en.pdf)

Annual Report 2017, unofficial translation by CECL: “Important issues still remain, ... the lacklustre staffing of the facilities with permanent doctors, nurses, sociologists, and psychologists”, “We noticed the absence, in the vast majority of detention facilities, of permanent medical personnel and hence, of its capacity to be present in the facilities on a 24-hour basis. The common practice of assigning administrative duties (such as assortment of medications, of the filling of information) normally carried out by nurses to a member of the detention facility’s staff is not appropriate for the performance of medical acts. Furthermore, it is essential to make available in every facility a defibrillator and a cardiograph. Finally, the proximity of the detention facility with a hospital or health centre, despite seemingly guaranteeing access to healthcare for prisoners, it has been found to conflict with transfer procedures, while in some cases may significantly delay or even deter transfers”.

#### 6. Special measures in place to protect juvenile prisoners.

- a) Are there any legal instruments, such as a legislative act, internal prison regulations, manuals, policy papers etc. regulating the separation of juvenile prisoners from adults? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)
- b) What age category falls under this specific juvenile prison regime?
- c) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- d) Please, provide a link to the National Preventive Mechanism’s reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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- a) Juveniles in Greece are detained in special facilities, which must be separated from the general detention facilities where adult prisoners stay. This is mandated, first and foremost, by the Greek Penal Code<sup>66</sup>, which lays down the conditions under which a minor may be detained in general. Article 19(3) of the Penitentiary Code<sup>67</sup> also stipulates that juvenile detention facilities fall under the category of “special facilities” to be distinguished from the “general detention facilities” of article 19 (2).<sup>68</sup> These facilities may comprise autonomous sections of the general detention facilities<sup>69</sup>. Moreover, according to article 12(2) of the Penitentiary Code<sup>70</sup>, separate, autonomous structures solely for juveniles may be established by Presidential Decree. A number of such special detention facilities for juveniles have been instituted to date<sup>71</sup> (see, for instance, Presidential D 27/1992 OGG Issue A’ 7/30.1.1992, PD 6/1999 OGG issue A’ 4/21.1.1999). Today the autonomous juvenile facilities in operation are listed in art. 2(17.2.d) of Presidential Decree 96/2017<sup>72</sup>. Three separate juvenile detention facilities are currently operating in

<sup>66</sup> Greece, Presidential Decree 283/1985 Penal Code (Ποινικός Κώδικας), (OG A 106/31.5.1985)

<sup>67</sup> Greece, Article 19 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>68</sup> Greece, Article 19 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>69</sup> Greece, Article 11 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>70</sup> Greece, Article 12 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>71</sup> Greece, Presidential Decree 27/1992 Establishment of special detention facilities for juveniles in Andritsaina (Περί ίδρύσεως ειδικού καταστήματος κράτησης νέων στην Ανδρίτσαινα), (OG A 7/30.1.1992); Greece, Presidential Decree 6/1999 Establishment of detention facilities for juveniles in Kasaveteia and Volos and shutting down of the detention facilities in Volos and Avlona in Attica (Ίδρυση Ειδικών Καταστημάτων Κράτησης Νέων στην Κασσαβετεια και στον Βόλο και Κατάργηση των Καταστημάτων Κράτησης Βόλου και Αυλώνας Αττικής), (OG A’ 4/21.1.1999)

<sup>72</sup> Greece, Presidential Decree 96/2017, Ministry of Justice internal regulation (Οργανισμός Υπουργείου Δικαιοσύνης, Διαφάνειας και Ανθρωπίνων Δικαιωμάτων), (OG A 136/11.9.2017)

Avlonas, Volos, and Kassavetia. All juvenile facilities are subject to their own internal regulations, based on the provisions of Ministerial Decree 62367/2005<sup>73</sup>.

- b) According to articles 127 and 130(1) of the Greek Penal Code, as amended by law 4322/2015<sup>74</sup>, minors over the age of 15 are detained in special juvenile detention facilities only in cases where they have committed a crime which, if committed by a criminally responsible adult, would be a felony capable of incurring a life in prison sentence (such as premeditated murder, certain terrorist acts et al.), or if they are found guilty of rape, and the victim was a minor under the age of 15<sup>75</sup> (art 127 PenalC). The above also apply to those who have committed a crime between the age of 15 and 18, but have turned 18 years old (the age of majority in Greece) by the time of their trial<sup>76</sup>.
- c) Not applicable. A reference is made to semi-open detention facilities to the Penitentiary Code where it is also mentioned that these can be established by presidential decrees where necessary. <sup>77</sup> There is no presidential decree issued so far that establishes semi-open detention facilities
- d) The NPM in his special report of 2015 iterated its firm positions and proposals to restrict the detention of minors, in combination with taking legislative steps for a more mild penal treatment of minors for specific crimes, and also to establish structures with a welfare/educational character and the possibility of a differentiated treatment of minors depending on their personality and progress (especially with the promotion of the regulations for the Juvenile Care Facilities and the practical support of the role of juveniles' monitors)<sup>78</sup>. Finally, in the cases of drug addicted juveniles that commit crimes related to the use and trafficking of substances, the NPM has expressed the view that there should be provision for their placement in therapeutic facilities.<sup>79</sup>

*Special Report 2015: “Ο Συνήγορος και αυτή τη χρονιά επανέλαβε τις πάγιες θέσεις και προτάσεις του για περιορισμό της κράτησης των ανηλίκων, με συνδυασμό αφενός νομοθετικών ενεργειών για την ηπιότερη ποινική μεταχείριση των ανηλίκων για συγκεκριμένα αδικήματα, αφετέρου δε της δημιουργίας δομών με προνοιακό / παιδαγωγικό χαρακτήρα και δυνατότητα διαφοροποιημένης μεταχείρισης των ανηλίκων ανάλογα με την προσωπικότητα και την πορεία τους (ιδίως με την προώθηση των ρυθμίσεων για τις Μονάδες Μέριμνας Ανηλίκων και την έμπρακτη στήριξη του ρόλου των επιμελητών ανηλίκων). Τέλος, για τις περιπτώσεις τοξικοεξαρτημένων ανηλίκων που διαπράττουν αδικήματα συνδεδεμένα με τη χρήση και διακίνηση ουσιών, διατυπώθηκε η άποψη ότι θα πρέπει να προβλέπεται και να εφαρμόζεται η τοποθέτησή τους σε θεραπευτικά καταστήματα (βλ. «Νομοθετικές και οργανωτικές προτάσεις»). Ο νέος Ν. 4322/2015 περιόρισε την επιβολή ποινικού σωφρονισμού σε ανηλίκους μόνο για περιπτώσεις αδικημάτων για τα οποία προβλέπεται η ποινή της ισόβιας κάθειρξης ή του άρθρου 336 ΠΚ (βιασμός) εναντίον προσώπου νεότερου των 15 ετών, κατέργησε την προσωρινή κράτηση για όλα τα αδικήματα πλην των παραπάνω, ενώ παράλληλα συστάθηκε στο Υπουργείο Δικαιοσύνης νομοπαρασκευαστική επιτροπή για τη σύνταξη σχεδίου νόμου για τις Μονάδες Μέριμνας Νέων, ρυθμίσεις που ο ΕΜΠ εκτιμά ότι κινούνται προς την ορθή κατεύθυνση. Κατά την επίσκεψη στο Ειδικό Κατάστημα Κράτησης Νέων (15-18 ετών) Κορίνθου τον Φεβρουάριο του 2015, διαπιστώθηκαν, μεταξύ άλλων, κοινή κράτηση υποδίκων και*

<sup>73</sup> Greece, Ministerial Decree 62367/2005 Ministerial decision 47503 / 21.6.2005 internal rules of operation of special detention facilities (Υπουργική απόφαση 47503/21.6.2005 εσωτερικός κανονισμός λειτουργίας των ειδικών καταστημάτων κράτησης) (OG B' 889/30.6.2005)

<sup>74</sup> Greece, Law 4322/2015 Reforms of criminal provisions, abolition of Type C detention facilities and other provisions (Μεταρρυθμίσεις ποινικών διατάξεων, κατάργηση των καταστημάτων κράτησης Γ' τύπου και άλλες διατάξεις) (OG A 42/27.4.2015), available in Greek at [http://www.ministryofjustice.gr/site/Portals/0/uploaded\\_files/uploaded\\_11/N\\_4322-2015.pdf](http://www.ministryofjustice.gr/site/Portals/0/uploaded_files/uploaded_11/N_4322-2015.pdf)

<sup>75</sup> Greece, Presidential Decree 283/1985 Penal Code (Ποινικός Κώδικας), (OG A 106/31.5.1985)

<sup>76</sup> Greece, Presidential Decree 283/1985 Penal Code (Ποινικός Κώδικας), (OG A 106/31.5.1985)

<sup>77</sup> Greece, Articles 18 and 19 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>78</sup> Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Prevention of torture and ill-treatment' Special Report 2015, available at [https://www.synigoros.gr/resources/docs/npm\\_2015\\_en.pdf](https://www.synigoros.gr/resources/docs/npm_2015_en.pdf)

<sup>79</sup> Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Prevention of torture and ill-treatment' Special Report 2015, available at [https://www.synigoros.gr/resources/docs/npm\\_2015\\_en.pdf](https://www.synigoros.gr/resources/docs/npm_2015_en.pdf)

καταδικασμένων, μη υλοποίηση προγραμμάτων επαγγελματικής κατάρτισης και προγραμμάτων νομικής συμβουλευτικής, έλλειψη χώρου αναψυχής, φθορά των στρωμάτων κ.ά. Επισημαίνεται ότι η μη απομόνωση της τουαλέτας από το υπόλοιπο κελί αξιολογείται ως γεγονός ιδιαίτερα προβληματικό, από πλευράς ανθρώπινης αξιοπρέπειας. Επίσης προβληματική κρίνεται η ύπαρξη και χρήση στο Κατάστημα κελιών απομόνωσης, ιδίως ως προς την καταλληλότητα των συγκεκριμένων χώρων για ανηλίκους, αλλά και τη λειτουργική σύνδεση του μέτρου με τον επιδιωκόμενο σκοπό. Ο Συνήγορος πρότεινε σειρά βελτιωτικών ρυθμίσεων στο Κατάστημα, όπως κατάλληλη διαμόρφωση και εξοπλισμό των ήδη υπαρχόντων χώρων, διαμόρφωση αίθουσας ψυχαγωγίας και βιβλιοθήκης, οργάνωση και συστηματική υλοποίηση προγραμμάτων σε σύνδεση με την κοινότητα, ενίσχυση και στελέχωση του σχολείου που υπολειπόμενες και υλοποίηση προγραμμάτων επαγγελματικής κατάρτισης σε συνεργασία με τον οικείο δικηγορικό σύλλογο”

Special Report 2015, English Translation: “The Ombudsman once more this year repeated its firm positions and proposals to restrict the detention of minors, in combination with taking legislative steps for a more mild penal treatment of minors for specific crimes, and also to establish structures with a welfare/educational character and the possibility of a differentiated treatment of minors depending on their personality and progress (especially with the promotion of the regulations for the Juvenile Care Facilities and the practical support of the role of juveniles’ monitors). Finally, in the cases of drug addict juveniles that commit crimes related to the use and trafficking of substances, the view was expressed that there should be provision for their placement in therapeutic facilities (see “Legislative and organisational proposals”). The new law 4322/2015 restricted the imposition of penal correction to minors only to cases of crimes where there is provision for a life sentence penalty or of article 336 of the Criminal Code (rape) against a person younger than 15, repealed the provisional detention for all crimes except the above, while a legislative committee was also established in the Ministry of justice to draft a bill for Juvenile Care Units, regulations which the NPM estimates are a step in the right direction. During the visit to the Special Detention Facility for Juveniles of Corinth (15-18 years old) in February 2015, we found, among other things, that remand and sentenced prisoners were detained together, there were no vocational training programmes and legal consultation programs being implemented, there was no recreational area, worn mattresses, etc. It is also noted that the lack of any isolation of the toilet from the rest of the cell is assessed as a particularly problematic fact, from the aspect of human dignity. The existence and use of isolation cells in the Facility is also deemed to be problematic, especially as regards the suitability of these spaces for minors, as well as the functional link between the measure and the intended purpose. The Ombudsman recommended a number of improvements for the Facility, such as suitable design and equipment of the existing spaces, creation of recreational halls and library, organisation and systematic implementation of programmes in connection with the community, support and staffing of the school that was underfunctioning, and implementation of vocational training programmes in cooperation with the relevant bar association”.

## 7. Special measures in place to protect prisoners from violence

- a) Are any special measures in place to protect prisoners against violence, including sexual violence? (E.g. are prisoners supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do prisoners have access to a complaints mechanism?)
- b) Are there any special measures in place to protect LGBTI prisoners, who are particularly vulnerable to violence/sexual violence?
- c) Are these measures regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.)..
- e) Please, provide a link to the National Preventive Mechanism’s reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

**Please cite any relevant sources**



- a) Prisoners are separated in categories on the basis of, among others the severity of the crime they have committed, as well as their particular characteristics (such as their sex or their age), which may render them vulnerable during detention. Different categories of prisoners are detained separately.<sup>80</sup>

Prisoners are subject to 24h monitoring by guards under the supervision of the prison's Warden<sup>81</sup>. Guards are responsible for maintaining order and security within the facility, as well as in every space where prisoners live or work. They are also entrusted with facilitating the prisoners' every-day lives, ensuring respect for human dignity, and bolstering the self-respect and sense of social responsibility of the prisoners<sup>82</sup>. As part of their duties guards are performing regular and unprogrammed inspections of the premises, especially of cells and chambers, and remove prohibited and dangerous items. The General Directory of the Ministry of Justice, competent for the Management and Functioning of Detention Facilities is responsible for ensuring that the facility's personnel are trained adequately and appropriately<sup>83</sup>. The establishment of a national training school for prison personnel is currently under consultation.

If no other specific recourse is available to them, prisoners may always report illegal actions against them to the Prison Council. The facility's director must forward, within three days of their submission, all reports and letters addressed to public authorities or international organisations, without accessing their content<sup>84</sup>. Violence, threat of violence, and sexual violence, besides potentially giving rise to autonomous criminal proceedings, constitute serious disciplinary offences (class A disciplinary offences) which may be punished with confinement in disciplinary cells, transfer to a different facility, a ban from participating in prison work schemes or vocational training for a year, or 16-30 "penalty points"<sup>85</sup>. Generalised violence is dealt with through measures ordered by the supervising prosecutor, or in cases of emergency, by the director or the warden of the facilities, in collaboration with police forces. Ministerial Decree 104356/2014<sup>86</sup> sets out specific security measures applicable to the interior as well as the perimeter of the facilities.

- b) As of the present time, LGBTI prisoners are not treated as a separate, vulnerable category of prisoners, and no mention of specific measures for their protection is being made in the current Penitentiary Code. The specific safety threats they are faced with seem, however, to be acknowledged in the draft Penitentiary Code, currently under consultation. The draft law takes into account sexual orientation and gender identity when it comes to regulating the treatment of prisoners.
- c) Measures are regulated by the Penitentiary Code and the aforementioned Ministerial Decrees.
- d) Not applicable. A reference is made to semi-open detention facilities to the Penitentiary Code where it is also mentioned that these can be established by presidential decrees where necessary.<sup>87</sup> There is no presidential decree issued so far that establishes semi-open detention facilities

<sup>80</sup> Greece, Article 11 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>81</sup> Greece, Article 3 of the Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in Greek at [http://www.dsanet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsanet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>82</sup> Greece, Article 59 of the Ministerial Decision 58819/7.4.2003 Internal Regulations for the Operation of General Penitentiaries type A & B (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in Greek at [http://www.dsanet.gr/Epikairothta/Nomothesia/ya58819\\_2003.htm](http://www.dsanet.gr/Epikairothta/Nomothesia/ya58819_2003.htm), (O.G. B 463/17.4.2003)

<sup>83</sup> Greece, Presidential Decree 96/2017, Ministry of Justice internal regulation (*Οργανισμός Υπουργείου Δικαιοσύνης, Διαφάνειας και Ανθρωπίνων Δικαιωμάτων*), (OG A 136/11.9.2017)

<sup>84</sup> Greece, Article 6 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

<sup>85</sup> Greece, Articles 68 and 69 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG A 290/24-12-1999)

<sup>86</sup> Greece, Ministerial Decree 104356/2014 Internal Regulation for the security of detention facilities (*Κανονισμός Ασφάλειας των Καταστημάτων Κράτησης*) (OG B' 3581/2014)

<sup>87</sup> Greece, Articles 18 and 19 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in Greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=d-6-KTmJ17Q%3D&tabid=132> (OG Issue A 290/24-12-1999)

- e) No specific mention of issues related to safety and security.

## 8. Responsible authorities

- a) What authority is responsible for the provision of additional information requested under Article 15 of the EAW Framework Decision? *(Please specify whether there a central authority deals with these requests, if yes, please provide contact details, such as the name of the institution, a website, physical and email addresses, and a telephone number. In the absence of a central authority, who deals with those requests?)*
- b) What authority is responsible for monitoring conditions of detention and putting forward recommendations?

### **Please cite any relevant sources**

- a) According to article 9 of law 3251/2004, competent to receive a EAW is the Public Prosecutor appointed to the Court of Appeal of the place of residence of the requested person, or the Prosecutor of the Athens Court of Appeal if their residence is not known,<sup>88</sup> The Procecutor is the authority responsible for receiving and transmitting all the relevant information to and form the authorities of the issuing member state. The Greek Ministry of Justice is the central authority responsible to assist the national judicial authorities with the administrative process of transmitting and receiving EAWs, as well as with the exchange of official correspondence. The Ministry is not competent to provide any information on specific cases, but communicates the details of the competent judicial authorities to the General Secretariat of the Council.
- b) The public body responsible for monitoring conditions of detention and putting forward recommendations for their improvement is the Agency for the Inspection and Monitoring of Detention Facilities, established by law 3090/2002.<sup>89</sup> According to the latter the agency is responsible for running regular and unannounced inspections in order to assess detention conditions, the observance of order and security measures, and the application of the provisions of the Penitentiary Code, internal regulations and circulars concerning the operation of the detention facilities. It is also competent to investigate criminal acts committed within detention facilities, and to collect, assess and utilise any information made known to it for that purpose<sup>90</sup>. The Agency produces reports on the results of its inspections and, each December, submits annual reports to the Secretary General of the Ministry of Justice, including comments and recommendations for the improvement of the management and operation of the detention facilities.<sup>91</sup>

Contact details:

<sup>88</sup> Greece, Law 3251/2004 European Arrest Warrant, amendment of Law 2928/2001 for criminal organisations and other provisions (*Ευρωπαϊκό Ένταλμα Σύλληψης, τροποποίηση του νόμου 2928/2001 για τις εγκληματικές οργανώσεις και άλλες διατάξεις*), (OG A 127/9.7.2004), available in greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=xrwjwYAxKAE%3D&tabid=132>

<sup>89</sup> Greece, Law 3090/2002 'Establishment of the Agency for the Inspection and Monitoring of Detention Facilities and other provisions' (*Σύσταση Σώματος Επιθεώρησης και Ελέγχου των Καταστημάτων Κράτησης και άλλες διατάξεις*), (OG A 329/24.12.2002), available in greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=2OUPtCGmwiY%3D&tabid=132>

<sup>90</sup> Greece, Article 2 of Law 3090/2002 'Establishment of the Agency for the Inspection and Monitoring of Detention Facilities and other provisions' (*Σύσταση Σώματος Επιθεώρησης και Ελέγχου των Καταστημάτων Κράτησης και άλλες διατάξεις*), (OG A 329/24.12.2002), available in greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=2OUPtCGmwiY%3D&tabid=132>

<sup>91</sup> Greece, Article 2 of Law 3090/2002 'Establishment of the Agency for the Inspection and Monitoring of Detention Facilities and other provisions' (*Σύσταση Σώματος Επιθεώρησης και Ελέγχου των Καταστημάτων Κράτησης και άλλες διατάξεις*), (OG A 329/24.12.2002), available in greek at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=2OUPtCGmwiY%3D&tabid=132>

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