

GREECE

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Executive summary

- [1]. Greek legislation relating to issues of intellectual disability and mental disorder does not use a consistent terminology to refer to these terms. No accurate definition of the similar or equivalent terms used in the various laws is usually given. Over the years, legislative changes have almost eradicated pejorative terms which referred to persons with intellectual disability and mental disorder. However, the discrepancies in terminology cause difficulties in the interpretation of the various laws.
- [2]. Greek equality law has been oriented towards anti-discrimination provisions on the grounds of sex. A comprehensive anti-discrimination legislation was introduced in 2005 with the transposition of EC Directives 2000/78 and 2000/43 in Greek law. Law 3304/2005 has given rise to minimal case law. With the notable exception of the Ombudsman, the other two equality bodies have been fairly inactive in monitoring the application of the law. On the other hand, Greek equality law has traditionally favoured measures of positive action for certain categories of the population. The most important of these legislative measures is in the field of employment. Law 2643/1998 regulates the compulsory employment of persons with disabilities in both the public and private sector. The impact of this legislation is doubtful, even though it has generated a certain amount of case law.
- [3]. Lack of implementation of existing legislation has also lead to inadequate protection of basic fundamental rights for persons with intellectual disability and mental disorder. Cases relating to the right to life emerge frequently. The understaffing and general lack of resources of mental health facilities raise serious concerns of degrading treatment. The problems of access to court are manifest in the dearth of case law relating to the rights of persons with intellectual disability and mental disorder.
- [4]. The procedure for involuntary treatment is cumbersome and frequently set aside by mental health practitioners. Court review of the involuntary admission is on occasion bypassed. The strict time limits that the law sets down are not respected. As a consequence, issues of unlawful detention arise. Involuntary treatment is an inflexible procedure. The court has no authority to impose less intrusive, or more proportionate therapeutic measures.
- [5]. The Greek framework of guardianship provides a well-thought regulation of matters of incapacity. Intrusions in the person's capacity are proportional and flexible. There exist numerous legal and procedural safeguards against abuse, despite the fact that there is no periodic review of guardianship over time.
- [6]. In a nutshell, Greek legislation relating to issues of intellectual disability and mental disorder leaves a lot to be desired. However, an equally pressing issue is

to secure the correct implementation of existing legislation, by providing an adequate framework of mental health services and social support.

1. Definitions

- [7]. Greek legislation relating to persons with mental disorder and persons with intellectual disability does not use a consistent terminology to refer to these persons. For example:
- [8]. Articles 1666-1688 of the Civil Code regulate legal carership for adults, who because of psychological or mental disorder are incapable of administrating their own affairs. Psychological or mental disorder (psychiki i dianoitiki diatarachi) is a catch-all phrase which refers both to persons with mental disorder as well as to persons with intellectual disability.
- [9]. Law 2716/1999 relates to the development and modernization of mental health services. Article 1 para. 1 states that: “The State is responsible for providing mental health services which aim to prevent, diagnose, cure, foster, socially and psychologically rehabilitate and socially reintegrate adults, children and adolescents with phychological disorders and disorders of autism and learning disabilities (psychikes diataraches kai diataraches autistikou tupou kai me mathisiaka problimata)”. In this instance, the term psychological disorders refers to persons with mental disorder, whereas the terms autism and learning disabilities are equivalent to intellectual disability.
- [10]. The very recent Law 3699/2008 relates to the special education of individuals with disability or special educational needs. Article 1 para. 1 states that: “Special education is the framework of educational services provided to students with disability and certified special educational needs or students with special educational needs (mathites me anapiria kai diapistomenes eidikes ekpaideutikes anagkes i mathites me eidikes ekpaideutikes anagkes).” Here, the term special educational needs refers to intellectual disability.
- [11]. In spite of the discrepancies in the terminology used in national legislation, the term Individuals with Special Needs (Atoma me Eidikes Anagkes, or AMEA) is more often used to designate persons with mental disorders, physical or intellectual disability. For instance, Law 2643/1998, which sets down protective measures of employment, stipulates in Article 1, para. 1: “The provisions of this Act apply to the following categories of persons: ... b. Individuals, with at least 50% disability, who have limited capability for professional employment due to any chronic physical or mental or psychological condition or deficiency (individuals with special needs)...”
- [12]. There are no reported judgments which interpret the meaning of these terms.

2. Anti-discrimination

2.1. Incorporation of UN standards

- [13]. The recent adoption of the Convention on the Rights of Persons with Disabilities by the General Assembly of the UN has initiated a process of national ratifications. However, the mere ratification of the Convention is not enough to ensure compliance with both the spirit and the letter of the Convention. In particular, Article 4 (b) of the Convention declares the obligation of States Parties to "...to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities".
- [14]. Greece has signed the Convention on 30.04.2007. The ratification process is still pending. The translation of the Convention was undertaken in close cooperation with the National Confederation of Persons with Disabilities. On the other hand, no clear Disability Action Plan has so far been prepared by the Administration in order to review and repeal existing legislation, which contravenes the Convention. In addition, awareness-raising measures in the general population relating to the Convention have been virtually non-existent. The eventual ratification of the Convention represents a unique opportunity to air issues which are of importance to persons with intellectual disability, and by implication, persons with mental disorders. No immediate plans for public consultation on occasion of the ratification process have been made. It must be noted however that the reasons delaying the ratification of the CRPD are not specifically related to the rights of persons with mental disorder and persons with mental disability. Similar to any ratification of an international treaty, the ratification procedure of the CRPD has been lengthy. According to information from the Ministry of Foreign Affairs, the ratification procedure usually takes a year to complete, but may on occasion stretch to more than two years. This is the case with the CRPD, as the delay has been exacerbated by the national elections of 04.10.2009. The draft Act ratifying the CRPD must now be signed by the new Ministers and this is a lengthy procedure.

2.2. The Anti-Discrimination National Framework

- [15]. *a. Anti-discrimination/Equality rules at the constitutional level* The general equality clause in the Greek Constitution is Article 4, which states in para. 1 that "All Greeks are equal before the law". Para. 2 of the same article declares that "Greek men and Greek women have the same rights and responsibilities". This clause has been interpreted as an anti-discrimination clause between men

and women. No similar provision exists in the Constitution with regard to mental disorders or intellectual disability or any of the other prohibited grounds of discrimination in EU legislation, such as race or sexual orientation. *b. Anti-discrimination/Equality rules at the legislative level* The Greek legal system did not have any comprehensive anti-discrimination legislation prior to the passing of Law 3304/2005, which transposed Directives 2000/78/EC and 2000/43/EC in a single Act. *c.* There is no reported case law applying the provisions of Law 3304/2005 with respect to persons with mental disorder or intellectual disability.

- [16]. *a. Preferential treatment arrangements at the constitutional level* With regard to persons with disabilities, Article 21 para. 6 of the Constitution states: “Individuals with disabilities have the right to enjoy measures which ensure their autonomy, their professional inclusion and their participation in the social, economical and political life of the Country”. The wording of this provision may lead one to believe that this is a regulation of preferential treatment. However, Article 21, in the entirety of its provisions, guarantees social rights. This argument is reinforced by the fact that the only provision referring to preferential treatment in the Greek Constitution is set down in Article 116 para. 2, which states: “Positive measures to promote equality between men and women does not constitute discrimination on grounds of sex. The State is mindful to lift the inequalities which exist in practice, especially against women”. In this sense, the measures mentioned in Article 21 para. 6 are not necessarily measures of preferential treatment. However, if the legislator does enact measures of preferential treatment in respect of persons with disabilities, these will be deemed not to violate the general equality clause of Article 4 in the light of Articles 21 para. 6 and 116 para. 2. However, the distinction is semantically important, as the Constitution engages with the issue of disability primarily as a social right, rather than as an issue of inequality, which requires the taking of positive measures in order for the inequality to be lifted. *b. Preferential treatment arrangements at the legislative level.* Several legal provisions, especially in the field of employment, contain clauses of preferential treatment towards persons with mental disorder or intellectual disability (Individuals with Special Needs – AMEA). The most important of these is Law 2643/1998. Law 2643/1998 requires businesses in the private and wider public sector to employ 8% of their personnel from the categories of persons protected by the Act, if these businesses employ more than 50 persons. This obligation is diminished to 5% for public services, legal entities of public law and local administrations. The effectiveness of this measure is dampened by the cumbersome procedure required to ascertain that the prospective employee falls within the protected categories of the Act: at least eight different certifications need to be provided in the case of persons with special needs. There exist few reported judgments relating to the application of Law 2643/1998. For example, judgment 377/2007 of the Appellate Court of Larissa accepts that the denial of the employer to actually provide work to the person employed under Law 2643/1998 places the employer in default for wages due for as long as this denial continues.

- [17]. Law 3304/2005 transposed Directive 2000/78/EC together with Directive 2000/43/EC into Greek law. The incorporation of Directive 2000/78/EC was made without any major changes in the wording of the Directive. For this reason, Law 3304/2005 does not give any definition of the term disability, as this was also absent from the text of the Directive. Given the autonomous interpretation of the term disability by the ECJ in *Chacón Navas v Eurest Colectividades SA*, disability for the purposes of Law 3304/2005 also covers mental disorder, albeit implicitly. There is no reported case law interpreting Law 3304/2005 in that respect.
- [18]. Given the fact that the Greek legal system does not have any anti-discrimination laws besides those transposed from community law, there is no clear indication whether an interpretation of disability in the areas of health care, social protection education and housing would be extended to cover mental disorder as well. Article 27 of Law 3304/2005 enables the extension of application of Law 3304/2005 to other areas besides work and employment, by means of issuing a Presidential Decree. Such a Decree has not as yet been issued nor are there any immediate plans for adopting one. Furthermore, there is no reported case law which would extend the application of Law 3004/2005 to other areas as well.
- [19]. Besides the regulation of reasonable accommodations in Directive 2000/78/EC, the concept of reasonable accommodation is also evident in the provisions of Law 2643/1998, which enacts positive measures of employment with regard to protected categories of persons. Article 8 of the Act sets down a series of measures which constitute measures of reasonable accommodation. Para. 3 of Article 4 establishes that the State may cover part or the totality of the cost for the professional training of persons with special needs. Furthermore, para. 4 of Article 4 extends the right to annual paid leave to six more days for persons with special needs. The obligation of providing reasonable accommodation under Law 3304/2005 (which transposed Directive 2000/78/EC) has not been adjudicated in any reported court judgment. On the contrary, there is a reported case resolved by the mediation of the Greek Ombudsman, which, however relates to issues of physical disability¹. The only known instance where reasonable accommodation under Law 3304/2005 has been provided to a person with mental disorder is reported in the study *Practices of providing reasonable accommodation for persons with disabilities in the workplace in the EU as far as it analyses the legal framework of the EU member states* (2008). This case involves a bank employee, who worked full time as a cashier before developing manic depression following the death of the employee's mother. The employee returned to work after receiving medical support. However, due to the employee's mood changes and mental condition, the bank manager modified the employee's work status. In order to maintain the employee's productivity, the employee was assigned new responsibilities as a salesperson of bank

¹ Accessible at: http://www.synigoros.gr/ygeia/docs/diakrisi_logo_anapirias_SEPE.pdf, last accessed on 01.11.09

services with flexible working hours. This case not only constitutes an instance of reasonable accommodation in the sense of Law 3304/2005, but is also an example of best corporate practice. No other reported cases in relation to reasonable accommodation have been reported.

- [20]. Article 19 of Law 3304/2005 has assigned the monitoring of the implementation of Directive 2000/78/EC to three different equality bodies, each one competent to deal with cases in different areas of the law. The Greek Ombudsman is competent to deal with cases of discrimination in the public sector. In the field of work and employment in the private sector, this competence is assigned to the Body of Employment Inspectors (Soma Epitheorisis Ergasias – SEPE). Finally, all other cases of discrimination involving private individuals or legal entities are investigated by the Committee of Equal Treatment, which forms part of the Ministry of Justice. Given the fact that intellectual disability forms part of the meaning of the term disability in Directive 2000/78/EC, each of the preceding monitoring bodies is competent to investigate cases of discrimination on the grounds of intellectual disability. No such cases have so far been reported.

3. Specific Fundamental Rights

- [21]. *Right to life.* In the Greek Constitution, there exists no provision directly equivalent to Article 2 of the ECHR, which protects the right to life. Article 5 para. 2 is similar: “All persons on Greek soil enjoy full protection of their life, honour and freedom, without discrimination based on ethnicity, race, language and religious or political creed. Exceptions are allowed in cases provided for by international law.” The omission of intellectual disability or mental disorder from the prohibited grounds of discrimination in this constitutional provision does not mean that these categories of persons may be discriminated against in the protection of their life that they enjoy. This would run contrary to Article 2 para. 1 of the Greek Constitution, which states that: “Respect and protection of human dignity constitute the primary obligation of the State”. The right to life imposes a negative duty on state authorities not to take life intentionally or negligently. This duty may be breached if there are systemic failures to provide adequate and adequately trained staff in mental health residential facilities and psychiatric wards in prisons, in order to ensure the safety of users or prisoners. In this respect, the 2006 CPT Report for Greece highlights the need for reinforcing staff levels in both Corfu Psychiatric Hospital as well as the Korydallos Prison Psychiatric Ward. In addition to this negative duty, there are also positive obligations to safeguard life inherent in the right to life. In those instances where the authorities know or ought to know of a real and immediate risk to the life of a person with intellectual disability or mental disorder, the right to life is breached if the responsible authorities fail to take reasonable measures within the scope of their powers to avert the risk. Most importantly, to the extent that these persons are in the custody of the state, there is a heightened responsibility to provide protection. A second positive obligation imposed on state authorities is to investigate any death occurring under state custody. In relation to these positive obligations, two worrying cases involving persons with mental disorder are reported in the Annual Report (covering October 2007 to September 2008) issued by the Special Committee to Control the Protection of the Rights of Persons with Mental Disorder. This Committee was set up in Law 2716/1999 and forms part of the Ministry of Health and Social Solidarity. *The first case* relates to no less than two persons with mental disorder, who were discharged by the Attica Psychiatric Hospital to be admitted in a residential facility in the community. Following their admission, the patients committed suicide. The actual text of the Committee’s Report was not made available, as it was included in a previous Report (covering 2005-2007). The 2007-2008 Report contains the follow-up exchange of letters between the Committee and the residential facility. The Committee took the view that the placement in the residential facility was undertaken in order to decongest the Attica Psychiatric Hospital. The residential facility responded by arguing that the psychiatric evaluation of the patients at the time of their discharge from the Hospital had not diagnosed a risk of suicide. It remains unclear whether the residential committee maintained adequate supervision over these two persons. *The second case*, also mentioned in the Annual Report of the Special Committee, relates to

a patient named G.K., who is autistic and diagnosed with psychotic behaviour. G.K. was discharged from Dromokaiteion Psychiatric Hospital to be admitted to a residential facility in the community. Whilst staying at the residential facility G.K. presented frequent outbursts of violent behaviour towards staff as well as self-destructive behaviour. G.K. was re-admitted in Dromokaiteion for evaluation and therapy on a number of occasions, only to be discharged to the same residential facility after a few days. Each time upon his arrival at the residential facility, G.K. displayed his constant unwillingness to remain at the facility through further outbursts of violent and self-destructive behaviour. The Committee intervened in order for G.K. to be transferred to a suitable private residential facility in the community, but that facility refused to provide accommodation to G.K. At the time the Report was published (March 2009) G.K. continued to stay at the same residential facility. This case represents a failure on the part of Greek mental health services to provide safe and suitable accommodation to a psychiatric patient. By failing to do so, state authorities are in clear breach of their positive obligations to safeguard G.K.'s right to life. It is also worthy to note that the Committee resigned in October 2009 and no further information is available through the Ministry of Health and Social Solidarity. A *third case* relevant to the positive obligations inherent in the right to life was investigated by the Greek Ombudsman². The case involved the death of a residential patient at the Rehabilitation, Care and Social Integration Centre of Rhodes island. The unnamed long-term patient was physically and intellectually disabled and had developed psychotic behaviour, for which he was being treated. The patient, who resided at the upper floor of the facility, was found dead, lying on the ground of the courtyard. His death was attributed to the fall. The incident was investigated by an Administrative Enquiry under Oath (Enorkos dioikitiki eksetasi) which did not establish any criminal liability of either the staff or of other in-patients concerning the accident. The Ombudsman made two important comments in relation to this case, upon the request by the National Confederation of Persons with Disabilities to investigate further. The first remark relates to the fact that the actual reasons that caused the incident were not investigated. Establishing the causes would determine whether the death was a suicide or an accident and thereby help prevent similar incidents from happening. The second important issue which is stressed by the Ombudsman is that no medical records of the patient were kept. This constitutes a clear breach of medical ethics.

- [22]. *Right to freedom from torture or cruel, inhuman or degrading treatment or punishment.* The relevant constitutional provisions are Article 2 para. 1 and Article 7 para. 2 of the Greek Constitution. Article 2 para. 1 states: "Respect and protection of human dignity constitute the primary obligation of the State". Article 7 para. 2 states: "Torture, any bodily harm, damage to health or the exercise of psychological violence, as well as any other affront to human

² Accessible at: http://www.synigoros.gr/pdf_01/8043_1_esamea2.pdf, last accessed on 01.11.2009)

dignity are prohibited and are punished in accordance to the law.” The penal law counterpart of this constitutional provision is article 137A of the Greek Penal Code. According to this provision, it is a punishable offence for a military or civil servant to inflict torture during interrogation, criminal prosecution or imprisonment, in order to extract a confession or information, or to punish, or to frighten the person or others. There are no reported national judgments relating to torture or degrading treatment in relation to persons with intellectual disability or mental disorder. However, the deficiencies in infrastructure and/or staffing in detention centres for illegal immigrants as well as Psychiatric Wards in Greek prisons are well documented in the Reports of the CPT. The recent judgment of the European Court of Human Rights in the case of *S.D. v. Greece* also highlights the lack of proper medical examination in respect of the applicant, a Turkish political refugee, who had sustained physical and psychological damage due to torture by Turkish authorities. *S.D.* is the first case which deals specifically with conditions of detention of illegal immigrants and finds a violation of Article 3 of the ECHR. In this sense, the lack of any reported national case law on the matter is an issue of access to justice.

[23]. *The right to freedom from exploitation.* The legal framework of guardianship represents the main protection of Greek law against exploitation and abuse for persons with intellectual disability and mental disorder (articles 1666-1688 of the Civil Code). With regards to sexual exploitation, article 338 para. 1 of the Penal Code prescribes the offence of sexual abuse: “The person who abuses the insanity of another, or their inability for whatever reason to resist, in order to commit fornication or any other indecent act, is punished with imprisonment up to ten years.” The case law interpreting this criminal provision is settled. Insanity is here used as a legal term to denote any disturbance in mental or intellectual faculties which precludes the victim from understanding the sexual assault so as to resist it. In all other cases where the victim did resist, but the resistance was physically crushed by the sexual assailant, the punishable offence is that of rape and not sexual abuse (Judgment 1323/2006 of the Court of Cassation).

[24]. *The right to liberty and security.* The relevant constitutional provision is Article 5 para. 3, which states: “Personal freedom is inviolable. No one is pursued or arrested or imprisoned or otherwise confined, except in accordance to the law.” The importance of this constitutional provision cannot be overstated in the context of involuntary treatment of patients with intellectual disability and mental disorder. A Special Report on involuntary treatment published by the Greek Ombudsman in 2007³ shows that the strict deadlines which the law sets down in relation to the initial psychiatric evaluation (48 hours), the 10 day period for the court to hear the case and order the involuntary treatment are to a large extent not applied. Unlawful detention of these persons therefore arises

³ Accessible at: http://www.synigoros.gr/reports/Eidiki_Ekthesi_Akousia_Nosileia_17_5_07.pdf, last accessed on 01.11.2009.

each time one of these deadlines is breached. In its judgment 719/2006, the Court of First Instance of Patras turned down the authorisation of involuntary treatment for a person who had been detained for more than ten days before the court could hear the case. Significantly, another Report by the Greek Ombudsman⁴ castigates the practice of detaining persons awaiting evaluation by psychiatrists in holding cells in police stations and not in psychiatric hospitals.

- [25]. *The right to a fair trial.* The relevant constitutional provision is Article 20 para. 1 of the Greek Constitution, which states: “Everyone has the right to the provision of legal protection by the courts and may present before them their views on their rights and interests, in accordance to the law.” Interferences with the right to a fair trial for persons with mental disorder and persons with intellectual disability are especially evident in their right to access to justice. For instance, these persons may be deemed incompetent to appear before a court and a guardian must be appointed on their behalf. In relation to the criminally insane, who are involuntarily admitted to psychiatric facilities according to article 69 of the Penal Code, the Decision of 19-6-2003 of the National Committee on Human Rights⁵ is particularly important. The Committee has taken the view that the procedure for involuntary detention is unconstitutional, insofar as the decision for the involuntary detention is made by a Judicial Council with no right of appeal. With regard to involuntary treatment according to Law 2071/1992, the aforementioned Special Report of the Greek Ombudsman⁶ reveals that in the majority of cases examined, the person treated involuntarily is not notified to appear before the court, which shall authorise the involuntary treatment. A single reported judgment 11519/1997 of the Court of First Instance of Thessaly declares the hearing inadmissible because the person concerned was not lawfully notified. This issue, coupled with the fact that there exist cases of involuntary treatment which have not been authorised by the courts, leads to a total denial of access to justice for many persons with mental disorders and intellectual disability. The framework of involuntary treatment set up by Law 2071/1992 does not contain any specific provisions with regards to free legal support for persons admitted for involuntary treatment. On the other hand, Greek legislation has been enacted setting down a general framework for the provision of legal aid. Legal aid is made available to persons under involuntary treatment, in accordance to Law 3226/2004. Legal aid may be provided in civil and penal cases to citizens with low income, following an application of the person concerned to the court which will hear the case. The court then appoints a counsellor to represent the person.

- [26]. *The right to privacy.* The relevant constitutional provision is Article 9 para. 1 sentence b, which states: “Private and family life of the person is inviolable.”

⁴ Accessible at: http://www.synigoros.gr/reports/ioannina_psych.pdf, last accessed on 01.11.2009.

⁵ See ΠΟΙΝ Δ/ΝΗ 2004/554

⁶ Accessible at: http://www.synigoros.gr/reports/Eidiki_Ekthesi_Akousia_Nosileia_17_5_07.pdf, last accessed on 01.11.2009.

Access to medical records is not specifically regulated in the legal framework of involuntary treatment. The Special Committee for the Protection of the Rights of Persons with Mental Disorders does however have the right to access these records, according to article 2 of law 2176/1999. In this sense, persons treated involuntarily have an indirect right to access their medical records through the Committee.

[27]. *The right to marry, to found a family and to respect of family life.* The relevant constitutional provision is Article 21 para. 1 of the Greek Constitution, which states: “The family, as the foundation of maintaining and promoting the Nation, as well as marriage, motherhood and childhood are under the protection of the State.” The right to marry presupposes full capacity to enter into legal transactions. In this sense, in those cases where the person is incapacitated, the person has no capacity to marry. Consequently, persons under full guardianship with removal of capacity cannot marry. Persons under guardianship with partial removal of capacity cannot marry, if the court order placing them under guardianship specifically removes this capacity from them (articles 1351, 129 number 2 of the Civil Code). For persons placed under guardianship with reservation of consent, marriage requires the approval of the guardian, or the permission of the court (article 1352 b of the Civil Code). Irrespective of being placed under guardianship, the capacity to marry also follows the general rule of article 131 of the Civil Code. In this sense, if the person at the time of entering into marriage was not aware of his/her actions or displayed psychological or mental disturbance which significantly reduced his/her will, the marriage is void. Special provisions regulating the right to found a family are not contained in the law regulating involuntary treatment, or guardianship. Interferences with the right to respect for family life are examined under the following heading, as the issue of parental rights is the major area where state regulation and interference occur.

[28]. *The right to have children and maintain parental rights.* In contrast to the German system of guardianship, which formed the basis for the Greek system of guardianship, the Greek Civil Code contains no specific procedure with regards to sterilisation of persons under guardianship. The number and spacing of children remains to be decided by the spouses, as any other matter of marital life (article 1387 para.1 of the Civil Code). Parental rights are also exercised by both parents, unless one of the two is physically or legally incapable of exercising these rights. In this context, legal incapacity exists when one of the husbands has lost his/her capacity to marry, i.e. is under guardianship or is not aware of his/her actions, according to Article 131 of the Civil Code. If the parent who is legally incapable of exercising his/her parental rights insists on the exercise of parental care and issues of parental responsibility arise, the other parent, or close relatives, or the Public Prosecutor may apply to the court for an order which shall regulate the conditions of exercise of parental care (article 1532 para. 1 of the Civil Code).

- [29]. *The right to property.* The Greek framework of guardianship does not contain any specific regulation with regard to the person's right to property. To the extent that the court order for guardianship has curtailed the person's capacity to enter into legal transactions, the person's right to manage his/her property is curtailed accordingly. The management of property is entrusted to the guardian. A safeguard against abuse of the guardian's powers is article 1624 of the Civil Code, which applies by reasoning of analogy. This legal provision requires that all important decisions regarding the person's patrimony have to be authorised by the Supervisory Board as well as the court.
- [30]. *The right to vote.* The relevant constitutional provision is Article 51 para. 3, which states: "Members of Parliament are elected by direct, universal and secret vote by citizens who have the right to vote in accordance to the law. The law may not limit the right to vote except for a minimum age limit or incapacity for legal acts or as a result of a definite penal sentence for certain crimes." In accordance to this constitutional provision, article 5 of the Presidential Decree 96/2007, which codifies Greek electoral legislation, states that persons who have been placed under guardianship with deprivation of legal capacity for all legal acts do not have the right to vote.

4. Involuntary Placement and Involuntary Treatment

- [31]. The Report on *Compulsory Admission and Involuntary Treatment of Mental Ill Patients – Legislation and Practice in EU-Member States* is still valid in accurately stating the law and highlighting the important problems in its application. The cumbersome procedure of involuntary admission has led to its frequent circumvention by mental health practitioners. Moreover, the provision of aftercare for persons who are discharged after being treated involuntarily remains low. There are significant delays in the process of court authorisation for involuntary treatment, which raise the question of unlawful detention, as well as inadequate access to court. These issues are also highlighted in the more recent Ombudsman's Special Report on involuntary treatment⁷. Statistical data compiled in respect of involuntary patients are presented in Annex Statistical Data. Compared to the Principles enumerated in the *Council of Europe Recommendation (2004)10 of the Committee of Ministers to member states concerning the protection of the human rights and dignity of persons with mental disorder*, the procedure of involuntary treatment does not fully incorporate considerations of proportionality (Article 17 para. 2). This is in part due to lack of funding for adequate mental health services, so that more flexible therapeutic measures other than involuntary treatment are unavailable. Another important inadequacy of the Greek system of involuntary treatment is the lack of a flexible and easily accessible mechanism of complaint and review (Article 25). The Ombudsman's Special Report on involuntary treatment⁸ places an emphasis on the fact that the vast majority (84%) of patient's files examined did not contain the actual court order authorising the involuntary treatment.
- [32]. The recent reports of CAT focus on the issue of conditions of detention for illegal immigrants in police stations and other temporary holding facilities. The Third Periodic Report of CAT (A/56/44)⁹ specifically expresses its concern for the lack of comprehensive training of medical personnel and law-enforcement officers at all levels on the provisions of the Convention (para. 87 d). The more recent *Conclusions and recommendations: Greece. 10/12/2004. CAT/C/CR/33/2. (Concluding Observations/Comments)*¹⁰ also expresses its concern for the lack of an effective independent system to investigate

⁷ Accessible at http://www.synigoros.gr/reports/Eidiki_Ekthesi_Akousia_Nosileia_17_5_07.pdf, last accessed on 01.11.2009.

⁸ Ibid.

⁹ Accessible at

<http://www.universalhumanrightsindex.org/documents/828/235/document/en/text.html>, last accessed on 01.11.2009.

¹⁰ Accessible at

<http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/CAT.C.CR.33.2.En?Opendocument>, last accessed on 01.11.2009.

complaints and reports that allegations of torture and ill-treatment are not investigated promptly and impartially. Furthermore, the crowded and inappropriate conditions of detention especially in police stations, which are heavily criticised in these reports, may be considered as an aggravating factor in the temporary detention of either illegal immigrants or arrested persons with mental disorders. A relevant complaint has been investigated by the Greek Ombudsman¹¹.

- [33]. The more recent visits of the CTP in Greece did not bear any direct relevance to issues of involuntary treatment. However, the Report *CTP/Inf (2006) 41* which is based on the findings of the Committee's visit to Greece in 2005 presents a bleak picture of Korydallos Prison Psychiatric Ward (paras. 117-134) and Corfu Psychiatric Hospital (paras. 135-150). In respect of Korydallos Prison Psychiatric Ward, the Committee noted that it is both overcrowded and understaffed. This resulted in the poor provision of therapeutic measures to patients. With regard to Corfu Psychiatric Hospital, the Committee also noted that the Hospital was understaffed and that no other therapeutic measures besides medication were offered to the patients. It was also noted that the time limits for review and discharge of patients were not always carried out.

4.1. Legal Framework

- [34]. The general statement in the law regulating involuntary treatment is to be found in Article 1687 of the Greek Civil Code, which states: "When the condition of a person dictates her involuntary treatment in a mental health unit, this is authorised beforehand by the court and according to the provisions of specific legislation". The specific legislation mentioned in this general provision of the Civil Code is Law 2071/1992, which regulates involuntary treatment by mental health services.
- [35]. The framework of involuntary treatment according to the provisions of Law 2071/1992 does not separate between placement and treatment. The person is institutionalised in order to receive involuntary treatment. The only legislative provision which comes close to involuntary placement is article 69 of the Penal Code, which provides for the placement of criminals of unsound mind in public therapeutic facilities.
- [36]. The aims pursued by involuntary treatment are implicitly stated in the legal requirements of the regulation. Involuntary treatment has a therapeutic purpose. Its aim is to treat the person with mental disorder, and prevent further harm to the person. Secondly, involuntary treatment aims to prevent acts of violence against the person or third parties (article 95 of Law 2071/1992).

¹¹ Accesible at http://www.synigoros.gr/reports/ioannina_psych.pdf, last accessed on 01.11.2009.

- [37]. Measures of psychosocial rehabilitation are regulated in Law 2716/1999. Even if the framework of aftercare is in theory adequate, understaffing and inadequate funding result in poor provision of aftercare. As a result, revolving door patients are quite a common feature of Greek mental health services.
- [38]. No specific framework for the involuntary treatment of minors or any other separate class of persons exists.

4.2. Criteria and Definitions

- [39]. The criteria for involuntary treatment are stated in article 95 of Law 2071/1992. In particular, the person must have a mental disorder. The person must not be competent to reach a decision on his/her health welfare and the lack of treatment may lead to the impossibility of his/her cure or to the deterioration of his/her health. Alternatively, the involuntary treatment is authorised if treatment is necessary to prevent violent actions of the person towards him/herself or third parties.
- [40]. No alternative or less intrusive measures are to be adopted before the person is treated involuntarily.
- [41]. The opinion of the person is not a listed criterion for involuntary treatment. The opinion of the person is not required and is irrelevant to the process. On the contrary, it is the evaluation of the competence of the person to decide for his/her welfare which carries the decisive weight.
- [42]. The threshold criterion as to the danger the person poses to him/herself or to others are violent actions. A specific threshold of violence is not specified in the Act.

4.3. Assessment, Decision Procedures and Duration

- [43]. The application for the involuntary treatment is supported by two expert opinions of psychiatrists. If a second psychiatrist is not available, the second expert opinion is drawn up by a doctor of similar speciality.
- [44]. Two expert opinions are required to support the application for involuntary treatment.
- [45]. The application for involuntary treatment, together with two positive expert opinions, is addressed to the Public Prosecutor of the person's normal place of residence. The Public Prosecutor orders the transfer of the person to a

psychiatric unit and makes an application, within three days of the transfer, to the Court of First Instance, which has the sole authority to order the involuntary treatment of the person.

- [46]. Article 99 para. 1 of Law 2071/1992 provides that involuntary treatment is terminated when the criteria of article 95 are no longer satisfied. If this is the case, the scientific director of the mental health unit discharges the person, while at the same time informing the Public Prosecutor's Office about the discharge.
- [47]. Law 2071/1992 does not specifically regulate the procedure to be followed when a voluntary admission becomes involuntary treatment. Given the fact that when admitted voluntarily, the person acquiesced to the treatment, the procedure does not differ.
- [48]. As mentioned, the application for involuntary treatment is addressed to the Public Prosecutor, who orders the transfer of the person to a psychiatric unit and makes an application, within three days of the transfer, to the Court of First Instance, to authorise the involuntary treatment of the person. The Court of First Instance hears the case within ten days of receiving the Prosecutor's application (article 96 of Law 2071/1992).
- [49]. In emergency situations, the previous time frames do not change. What differs is that the psychiatric evaluation of the person must be completed within 48 hours from his/her admission to a mental health unit for evaluation. In this sense, in emergency situations, an application is made to the Public Prosecutor, who orders the transfer and admission of the person for psychiatric evaluation. The evaluation must be completed within 48 hours of admission. Within three days from admission, the Public Prosecutor must apply to the Court of First Instance, which convenes within 10 days of the submission of the Prosecutor's application. In practice, the time limit of 48 hours is frequently not observed, thus raising issues of habeas corpus¹².
- [50]. Article 99 para. 2 of Law 2071/1992 states that involuntary treatment cannot exceed six months. The necessity of the involuntary treatment is reviewed after the first three months by the Public Prosecutor, who receives a new psychiatric evaluation of the person. Based on this evaluation, the Prosecutor may apply to the Court of First Instance to continue or terminate the involuntary treatment.
- [51]. Mental health measures as well as other coercive measures are not enumerated in the law. However, Law 2071/1992 states clearly that all measures should respect the personality of the person.

¹² A relevant case was investigated by the Greek Ombudsman, available at: http://www.synigoros.gr/reports/akousia_eksetasi.pdf, last accessed on 01.11.2009.

[52]. Law 2071/1992 specifies that the court hears the case concerning involuntary treatment within 10 days of the initial placement of the person for psychiatric evaluation at a mental health unit. Both the patient as well as the clinical director of the mental health unit have a right to appeal against the judgment of the court. If the court orders the treatment and no appeal is exercised, or the appeal is exercised but is turned down, the necessity of the involuntary treatment is reviewed within the first three months that the person is admitted to the mental health unit. The clinical director of the mental health unit and a second psychiatrist submit an expert opinion to the Public Prosecutor. The Public Prosecutor may then apply to the court in favour of terminating or continuing the treatment. Irrespective of this review procedure, the patient and other specific persons may request the termination of the involuntary treatment. If the request is turned down by the court, a new request may be submitted after 3 months. Against this backdrop, the procedural standards set down in Article 25 of Rec (2004) 10 of the Committee of Ministers of the Council of Europe are in theory largely met. The patient has a right to appeal against the court order (para. 1(i) of Article 25). At short intervals of three months, the patient may request the termination of involuntary treatment (para. 1(ii) of Article 25). In these procedures, the general rules of the Code of Civil Procedure apply with regards to the patient's right to be heard in person or through a lawyer at such reviews or appeals (para. 1(iii) of Article 25). However, the requests to terminate the involuntary treatment are not automatic; rather, the examination of the necessity of treatment depends on the application of the patient or a third party (para. 2 of Article 25). On the other hand, the clinical authority may at any time discharge the patient from the mental health unit, without applying for a court order, if it is satisfied that the conditions for involuntary treatment are no longer met. Legal aid may become available to the person under involuntary treatment, under the general provisions of Law 3226/2004 (para. 3 of Article 25). Legal representation of the involuntary patient in court proceedings is limited to an attorney, rather than an advocate or other representative (paras. 4-5 of Article 25). Court proceedings concerning involuntary treatment fall under the procedure of non-contentious legal proceedings. Judgments are therefore handed down swiftly (para. 6 of Article 25). More importantly however, the actual implementation of these legislative provisions reveals a different picture. In contrast to the requirements of Article 25 of Rec (2004) 10 of the Committee of Ministers of the Council of Europe, the effective enjoyment of various statutory safeguards and procedural rights is not secured under current Greek mental health law practice. These inadequacies are highlighted in the Ombudsman's Special Report on involuntary treatment¹³ (date last accessed 20.11.2009). For instance, the strict deadlines which the law sets down in relation to the initial psychiatric evaluation (48 hours), the 10 day period for the court to hear the case and order the involuntary treatment are to a large extent not applied. Legal aid may become available to the person under involuntary treatment, in accordance to Law 3226/2004.

¹³ Accessible at http://www.synigoros.gr/reports/Eidiki_Ekthesi_Akousia_Nosileia_17_5_07.pdf.

5. Competence, Capacity and Guardianship

- [53]. The constitutional framework relevant to issues of competence, capacity and guardianship in the Greek legal system is based on the combination of several articles of the Constitution: Article 5 para. 1, which guarantees the free development of one's personality, Article 2 para. 1, which guarantees the respect and protection of human dignity and Article 4 para. 1, which forms the general equality clause of the Constitution. The combination of these provisions guarantees that persons who are impaired from taking part in social and economic life, are entitled to protective measures designed to uphold their dignity and provide support for the development of their personality, so that these persons may enjoy the same rights on an equal basis with others.
- [54]. The general regulation of capacity is to be found in article 131 of the Greek Civil Code. Para. 1 of this provision states: "A legal act is invalid if, at the time it was undertaken, the person was not conscious of his/her acts or was in a mental or psychological disorder which limited decisively the exercise of his/her will." This regulation is of general application in every case where a mental or psychological disorder, however temporary, may be considered to have decisively affected the will of the person. On the other hand, the specific legislative measures with regard to competence, capacity and guardianship are to be found in Law 2447/1996, which amended articles 1666-1688 of the Greek Civil Code. This legislative reform was modelled after the German and Austrian systems of guardianship. The principles which underpin the Greek system of Judicial Guardianship (Dikastiki Sumparastasi) are, first and foremost, the protection of the personality and autonomous choice of the person to be placed under guardianship. This is achieved by the restrictive enumeration in the law, of the reasons which may authorise a guardianship placement (article 1666). Importantly, the number of persons who are empowered to petition the court for the guardianship placement is also very limited (article 1667). The guardianship measures are taken in the best interests of the person and are both flexible as well as proportional to the person's need of protection (article 1676).
- [55]. Articles 1666-1688 of the Greek Civil Code regulate guardianship over adults, who cannot manage their own affairs. In relation to persons with intellectual disability or mental disorder, article 1666 states: "An adult is placed under guardianship, when: 1. because of psychological or mental disorder or physical disability, he/she is not able, in whole or in part, to manage his/her own affairs on his/her own."
- [56]. The Greek system of guardianship is influenced by the German regulation of guardianship. There is therefore, no definition and no distinction between capacity and competence in the law.

- [57]. An adult may be placed under guardianship if he/she cannot manage his/her own affairs due to psychological or mental disorder. The term psychological or mental disorder refers to any, even temporary, disruption of the psychological or intellectual functions of the person, irrespective of its pathology (whether purely psychological or physical).
- [58]. The Greek system of guardianship adheres to the principles of proportionality and flexibility. For this reason, guardianship measures are distinguished, according to their degree of intensity, into two categories: a) guardianship with deprivation of capacity for some, or all legal transactions and b) guardianship with consent of the guardian. In the latter case, the person under guardianship may enter in some, or all legal transactions on his/her own, but his/her guardian must consent before the transaction takes place. A third option is of course a combination between the two regimes.
- [59]. Similar to the regulation of guardianship in German law, the Greek legal system of guardianship is unified: there is a single framework for guardianship, however, different measures may be ordered by the court, in order to meet the person's needs. In this sense, guardianship in Greek law is distinguished into two categories: a) guardianship with deprivation of capacity for some, or all legal transactions and b) guardianship with consent of the guardian, for some or all legal transactions.
- [60]. Article 1676 of the Greek Civil Code regulates the legal consequences of being placed under the different modalities of guardianship. Guardianship with deprivation of capacity for some, or all legal transactions is the most restrictive form of guardianship under Greek law. This form of guardianship excludes the protected person from all, or some, legal transactions. These are undertaken by the person's guardian. On the other hand, guardianship with consent of the guardian does not preclude the person under guardianship from entering in some, or all, legal transactions. However, the person's guardian must give his/her consent to the envisaged act before it is concluded.
- [61]. The conditions which must be met for placing adults under guardianship are their inability to look after their own affairs on their own due to psychological or mental disorder or physical disability (article 1666 of the Greek Civil Code). A relevant application must be submitted to the court by either the person wishing to be placed under guardianship or the persons enumerated in article 1667. Before reaching its judgment, the court must also take into account the Report submitted by the court's social service. Due to understaffing problems and lack of funding of Greek courts, the court may reach its judgment without having to consider such a Report, if it is not submitted in time.
- [62]. The court judgment which places an adult under guardianship remains valid for an indefinite time, unless the guardianship is lifted by a new court judgment, when the circumstances which justified the placement of the person under guardianship have ceased to exist (article 1685).

- [63]. The legal process for placing a person under guardianship in the Greek legal system is initiated by a relevant application which is submitted either by the person wishing to be placed under guardianship, or by his/her spouse, children, parents, the public prosecutor, or by the court acting of its own motion (article 1667).
- [64]. The court judgment which places a person under guardianship may declare the person's incapacity for certain, or all legal acts (article 1676). The court may also authorise the guardian to have personal custody over the person who was placed under guardianship. In this sense, the court judgment which places a person under guardianship does not contain any other measures relating to the person's custody or patrimony, except the appointment of the guardian, who has the guardianship powers specifically accorded by the court. A further appointment of three to five persons is also made. These persons comprise the Supervisory Board (Epopitiko symvoulio), which is distinct from the guardian and has the right to authorise certain legal transactions.
- [65]. According to article 1685 of the Greek Civil Code, a right to appeal against the court judgment which places a person under guardianship is accorded to the person under guardianship and the other persons who may apply for the guardianship placement (i.e. the spouse or the children or the parents of the person, or the public prosecutor). According to Article 803 of the Code of Civil Procedure, the court may discharge the guardian from his/her duties by an interim order, if the court is convinced that the conditions for discharge are met and there is imminent danger for the person under guardianship.
- [66]. If the person to be placed under guardianship is over sixteen years of age, he/she may propose a person to become his/her guardian. The court appoints the physical person it deems more suitable to fulfil the role and functions of the guardian (article 1669 of the Civil Code). In addition to this, persons who do not have full legal capacity, or are placed under temporary guardianship, or are linked to the mental facility where the person is eventually residing, may not be appointed as guardians of the person (article 1670).
- [67]. The powers of the guardian are restrictively described in the court judgment which authorises the placement of the person under guardianship. In the case where the person is deprived of capacity for some, or all legal transactions, the guardian represents the person in these legal acts. In those cases where the person is placed under guardianship with consent of the guardian, the person under guardianship may enter in some, or all legal transactions on his/her own, but his/her guardian must consent before the transaction takes place. In addition to this, the personal custody of the person under guardianship may also be specifically entrusted to the guardian. If the person is placed under guardianship with consent of the guardian, and the guardian refuses to provide this consent in relation to a certain legal act, the court hears the case following an application of the person under guardianship. The court decides in the best interests of the person.

- [68]. If the person is placed under guardianship with deprivation of capacity, and there is a conflict of interest between the guardian and the person under guardianship, the court appoints a special guardian in relation to the specific measure or decision (article 1605).
- [69]. The court judgment placing a person under guardianship and the need for a guardian are not reviewed periodically. However, the judgment may be changed or lifted by the court of its own motion, or following an application of the person or persons entitled to apply for the placement of guardianship.

6. Miscellaneous

- [70]. An issue which has recently caused great concern in relation to intellectual disability is the enactment of Law 3699/2008. This Act regulates matters of special education for students with intellectual disability and learning difficulties. Mainstreaming of students with intellectual disability and learning difficulties is neglected. In contrast, priority is given to schooling in special schools. This policy of segregation goes contrary to the spirit of the UN Convention on the Rights of Persons with Disabilities.
- [71]. A further issue is the parceling of the authority for monitoring the implementation of Law 3304/2005, which transposed Directives 2000/78/EC and 2000/43/EC into Greek law. It is reminded here that there exist no less than three distinct bodies competent to promote equal treatment under Law 3304/2005. More importantly, it is only the Greek Ombudsman who has so far dealt with cases of discrimination in the public sector. This dearth of reported cases raises two questions in relation to discrimination in the private sector. Firstly, it is questionable whether the positive measures for the employment of persons with intellectual disability and mental disorder (Law 2643/1998) have any real impact in the Greek job market. Secondly, it is questionable whether employees with mental disorders or intellectual disability actually avail themselves to the protection afforded by Law 3304/2005. Issues of discrimination may be resolved via alternative means of dispute resolution, e.g. via the mediation of disability NGOs.
- [72]. A final point would be to stress that, in spite of considerable legislative efforts to reduce the social stigma as well as the social isolation of persons with intellectual disability and mental disorder, prejudices against these persons continue to persist. A negative example is judgment 716/2004 of the Athens Court of First Instance¹⁴. The judgment ordered the eviction of a protected apartment for persons with mental disorder, by accepting, *inter alia*, that the mere cohabitation with psychiatric patients in an apartment block causes stress to the other occupants. This judgment was also criticised by the Greek Ombudsman¹⁵.

¹⁴ See APXN 2005/108.

¹⁵ See http://www.synigoros.gr/reports/porisma_prostateumena_diagrammata.pdf, last accessed on 01.11.2009.

Annex – Case Law

Case title	-
Decision date	2007
Reference details (reference number; type and title of court/body; in original language and English [official translation, if available])	Appeal Court of Larisa (Efeteio Larisis)
Key facts of the case (max. 500 chars)	Plaintiffs were appointed as employees as protected persons under Law 2643/1998. The employer denied to actually provide them with work
Main reasoning/argumentation (max. 500 chars)	The appointment of protected persons as employees is obligatory on the part of the employer. Denial to offer work places the employer in default for wages for as long as this denial continues
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Legal consequences of denial to employ protected persons under Law 2643/1998
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Default of employer who does not actually provide work to persons appointed as employees under Law 2643/1998
Proposal of key words for data base	Persons with disabilities - employment – positive measures – default of employer

See attachment

Case title	-
Decision date	2006
Reference details (reference number; type and title of court/body; in original language and English [official translation, if available])	1323/2006 Court of Cassation (Crim.) (Areios Pagos (Poiniko))
Key facts of the case (max. 500 chars)	Group rape of a minor with intellectual disability
Main reasoning/argumentation (max. 500 chars)	The victim was not sexually exploited, since the defendants used physical violence to diminish the victim's resistance
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Sexual exploitation covers those cases of sexual assault, where the victim's resistance is subdued by reason of his/her mental or psychological disorder
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Cassation turned down
Proposal of key words for data base	Penal law – sexual exploitation – distinction from rape

See attachment

Case title	-
Decision date	1997
Reference details (reference number; type and title of court/body; in original language and English [official translation, if available])	11519/1997 Three-member Court of First Instance of Thessaly (Polymeles Protodikeio Thessalias)
Key facts of the case (max. 500 chars)	Admission for involuntary treatment. The person admitted was not summoned before the court hearing the case.
Main reasoning/argumentation (max. 500 chars)	Right to access to court. No document of notification of the person admitted involuntarily to be present at the court hearing.

Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Procedural safeguards in relation to involuntary treatment are to be applied rigorously
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Adjourned the hearing until the person was lawfully notified of the pending procedure
Proposal of key words for data base	Involuntary treatment – court summons

See attachment

Case title	-
Decision date	2004
Reference details (reference number; type and title of court/body; in original language and English [official translation, if available])	716/2004 Single Court of First Instance of Athens (Monomeles Protodikeio Athinon)
Key facts of the case (max. 500 chars)	Protected apartment of Law 2172/1999 in rented property. Regulation of apartment block prohibiting clinics.
Main reasoning/argumentation (max. 500 chars)	Apartments in the particular apartment block could not be rented as clinics. A protected apartment of Law 2172/1999 is a clinic. Cohabitation with mental patients in the same apartment block causing stress to other occupants.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Protected apartment as clinic. Dangerousness of persons with mental disorder. (Not followed by similar court judgments)
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Eviction of the protected apartment from the apartment block. Judicial prevalence of prejudice against persons with mental disorder
Proposal of key words for data base	Tenancy law – life in the community – eviction

See attachment

ANNEX Statistical Data

CONDITION OF COMPULSORY TREATMENT FOR THE YEARS 2000 UNTIL 22-09-2009¹⁶

YEAR	TOTAL
2000	1423
2001	1558
2002	1790
2003	1779
2004	1895
2005	1987
2006	2022
2007	2011
2008	2008
2009	1684

¹⁶ Data provided by the Public Prosecutor of the Court of First Instance of Athens

Statistical data a) on the execution of the public prosecutor's order related to involuntary treatment and b) number of persons with mental disorder and intellectual disability temporarily detained in police stations (the figures do not contain users of narcotic substances)¹⁷

TOTAL	2000		2001		2002		2003		2004	
	PUBLIC PROSECUTOR ORDER	TEMPORARILY DETAINED	PUBLIC PROSECUTOR ORDER	TEMPORARILY DETAINED	PUBLIC PROSECUTOR ORDER	TEMPORARILY DETAINED	PUBLIC PROSECUTOR ORDER	TEMPORARILY DETAINED	PUBLIC PROSECUTOR ORDER	TEMPORARILY DETAINED
	3732	277	4157	289	4454	316	4635	319	5050	334

TOTAL	2005		2006		2007		2008		2009	
	PUBLIC PROSECUTOR ORDER	TEMPORARILY DETAINED	PUBLIC PROSECUTOR ORDER	TEMPORARILY DETAINED	PUBLIC PROSECUTOR ORDER	TEMPORARILY DETAINED	PUBLIC PROSECUTOR ORDER	TEMPORARILY DETAINED	PUBLIC PROSECUTOR ORDER	TEMPORARILY DETAINED
	5427	393	5409	402	5791	414	6057	439	4977	378

¹⁷ The data is provided by the Ministry of Citizen Protection, Headquarters of the Hellenic Policy, Department of Security and Order

TOTAL YEARS	
PUBLIC PROSECUTOR ORDER	TEMPORARILY DETAINED
49689	3561

Types of units available for people with mental disabilities

S/N	Unit Type	Legal Entity	Number of Units	Patients (Capacity)
1	Guest House	Legal Entity of Public Law	82	996
2	Short Stay Guest House	Legal Entity of Public Law	1	15
3	Guest House for Adolescents	Legal Entity of Private Law	1	8
4	Guest House with Workshop	Legal Entity of Public Law	12	125
5	Residential Unit	Legal Entity of Private Law	2	30
6	Residential Unit for Persons with Severe Intellectual Disability	Legal Entity of Private Law	11	165
7	Residential Unit for Persons with Comorbidity (dual diagnosis)	Legal Entity of Private Law	51	771
8	Residential Unit with Workshop	Legal Entity of Public Law	2	40
9	Residential Unit for Persons with Mental Disorder	Legal Entity of Private Law	26	347
10	Residential Unit for the Elderly with Mental Disorder	Legal Entity of Public Law	33	544
11	Protected Apartment	Legal Entity of Public Law	231	657
12	Psychiatric Ward	Legal Entity of Public Law	9	8606
13	Mobile Unit	Legal Entity of Private Law	5	5303
14	Day Center	Legal Entity of Private Law	13	944
15	Center of Mental Health	Legal Entity of Public Law	1	1958
16	Center for persons with autistic disorder	Legal Entity of Private Law	9	172
17	Center for Alzheimer's treatment	Legal Entity of Private Law	2	30
18	Clinical incidents accids	Legal Entity of Public Law	1	22
19	Protected workshop	Legal Entity of Private Law	1	10