

Criminal Detention in the EU Conditions and Monitoring

Update of FRA's Criminal Detention Database
(FRANET)

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Contractor: Centre for European Constitutional Law (in cooperation with Hellenic League for Human Rights and Antigone- Information and Documentation Centre on racism, ecology, peace and non-violence)

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Part I: National standards

***Important Notice:** According to Presidential Decree 81/2019¹, competencies regarding crime policies and the supervision of Greek prisons were transferred from the Ministry of Justice, Transparency and Human Rights to the Ministry of Citizen Protection, also competent for the Hellenic police. As a result, the large majority of penitentiary legislative acts or regulations, which were previously publicly available on the Ministry of Justice's website, are not available anymore. Consequently, all the URLs or hyperlinks, that are being mentioned as footnotes in this document and present the relevant ruling's full text, derive from valid, publicly available legal websites, but not from the competent Ministry's official website.*

1. Cells

a) **Cell space:** What is the national standard for cell space available to detainees in m²? Are the calculation requirements spelled out by the CJEU in its *Dorobantu* ruling² observed?

Cell space (minimum capacity) is provided for in article 21 of the Greek Penitentiary Code³ and it applies to pre-trial and post-trial detention in prison facilities: a) 35 cubic meters for private cells, b) 40 cubic meters in case of placement of a second inmate in a private cell, c) 40 cubic meters for female inmates detained with their infants, who are always held in private cells, d) 6 square meters per inmate in wards/ multi occupancy cells.

The calculation requirements spelled out by the CJEU in its *Dorobantu* ruling (as cited in paragraphs 72-77 of the judgment of the Court of Justice), are observed.

b) **Cell equipment, furniture and facilities:** Are there any national standards for cell equipment (heating, ventilation, cooling, etc.), furniture (bed, mattress, shelf, wardrobe, seating, table, etc.) and/or facilities (lighting, incl. windows, washbasin, toilet, shower etc.), including any measurements? If so, what do they require?

As regards cell equipment and facilities: according to article 20 of the Greek Penitentiary Code⁴, the construction and layout of detention establishments ensures to satisfactory degree sunlight and ventilation with the use of windows, heating, comfortable circulation within the areas, suitable for the climate of their location.

Private cells and wards have their own heating and sanitation (sink, toilet) appliances⁵. Every sanitation installation of the wards must not serve more than three inmates. The existence of a bath in the cells and wards is not necessary, if there is an adequate number of common use bathroom installations with hot and cold water for the personal hygiene and cleanliness of each inmate. Furthermore, according to article 15 of the Internal Regulation for the Operation of General Detention

¹ Greece, Presidential Decree 81/2019 Establishment, merger, renaming and abolition of Ministries and definition of their responsibilities - Transfer of services and responsibilities between Ministries (*Σύσταση, συγχώνευση, μετονομασία και κατάργηση Υπουργείων και καθορισμός των αρμοδιοτήτων τους - Μεταφορά υπηρεσιών και αρμοδιοτήτων μεταξύ Υπουργείων*), available in [Greek](#) (OGG Issue A 119/9.7.2019)

² For the CEU's calculation requirements please see: CJEU, [C-128/18, Dorobantu](#) [GC], Judgment of 15 October 2019, oper. part.

³ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁴ Greece, article 20 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁵ Greece, article 21 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

Facilities⁶, 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 essential toiletries and cleaning materials for free. Prisoners are also provided with a mattress, two pillow cases, two blankets, four sheets, two face towels, two bath towels and they have the right to use their own sheets, blankets and towels of different colour from the ones granted by the facility (without any selvage). New entrants that are indigent are supplied by the facility with sanitary paper and personal hygiene items (toothpaste, toothbrush, washing powder, soap, etc.). The other detainees may procure personal hygiene items by ordering them from a contracted super market and the cost is debited to their account kept with the accounts department.

As regards furniture, as referred to in article 21 of the Greek Penitentiary Code⁷, private cells have a bed, table, chair and closet, while wards should be equipped with the corresponding beds, closets, as well as with the relevant table(s) capacity and an equal amount of chairs.

c) **Video-surveillance of cells:** Are there any national standards for video-surveillance of cells? If so, what do they require?

No specific mention of issues related to video-surveillance of cells. There is no explicit prohibition, but there is an explicit provision when and where visual inspection of cells is allowed, under article 9 of the Internal Regulation for the Operation of General Detention Facilities⁸. In exceptional cases, when there is urgent need for special treatment of a detainee due to disputes with co-detainees, self-destructive tendencies or health problems, the detainee may be placed in a special protection area, if the infrastructure and the staffing of the prison permit it. This area is systematically monitored even with the use of electronic means, provided that the detainees who are under protection are already informed. The placement is executed with the consent or after approval of the prison's public prosecutor (supervisor) or the prison doctor and in exceptional cases, this placement is carried out by the chief warden or the head of the shift.

Furthermore, according to article 3 of the Security Regulation for Detention Facilities⁹, all the common areas of the Detention Facilities are being monitored, controlled and recorded by an electronic system, which is being operated by the control room, and a relevant registration file is being kept for a sufficient period of time, which is being handed out to the competent authorities for the verification of any criminal offenses.

d) **Hygienic conditions in cells:** Are there any national standards with regard to cleaning and/or cleanliness of cells? If so, what do they require?

The administration of each prison is responsible for the hygienic conditions of the facility, maintains in good operating order all the premises and provides the means

⁶ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

⁷ Greece, article 21 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁸ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

⁹ Greece, Ministerial Decision 104356/2014 Internal Regulation for the Security of Detention Facilities (Κανονισμός Ασφάλειας των Καταστημάτων Κράτησης) (O.G.G Issue B 3581/31.12.2014)

for personal hygiene and cleanliness of the prisoners. The detainees are obliged to comply with the rules of personal hygiene and cleanliness of the common use areas, as these are being determined by the internal regulation and according to the instructions of the competent prison staff¹⁰. The hygiene control of the detention facilities is conducted either by the sanitation inspector of the Ministry of Justice or by the competent sanitation inspection of the prefecture, in the region of which the establishment belongs, with the participation of one representative of the local Medical Association. The control is carried out regularly, during the first ten days of each trimester, by the competent judicial officer and exceptionally, if necessary, by the aforementioned judicial officer or the Sanitation Inspector of the Ministry of Justice or the Sanitation Inspection of the local Prefecture or the direction of the detention establishment. Those procedures are initiated by the judicial officer who is also present during the control¹¹.

According to article 15 of the Internal Regulation for the Operation of General Detention Facilities¹², bedclothes and linen are being washed in the laundry area of the prison facility by working prisoners, under the supervision of the authorized prison employees. Detainees are required to comply with the rules of personal hygiene and cleanliness and to maintain their clothing, bedclothes and living areas clean.

e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The same standards apply for pre-trial and post-trial detention and all the detention regimes in prison facilities.

The criminal detention conditions described in the submitted template are applicable to pre-trial detention and regular imprisonment; the standards are the same. According to article 1 of the Greek Penitentiary Code¹³ **prisoners (regular imprisonment)** are those persons who are serving sentences against freedom, as well as **pre-trial detainees**; namely, according to Greek legislation, sentences against freedom as well as temporary (pre-trial) detention are being exclusively carried out **in prison facilities**.

On the other hand, detention facilities in police stations (**police detention**) aim at accommodating the detention of persons for very short time periods either before their trial or in case of their transfer to another prison facility. According to article 66, par. 6 of Presidential Decree 141/1991¹⁴, as amended by article 2 of Presidential Decree 38/1994¹⁵, detention either of persons whose trial is pending or of convicts that are supposed to enter a penitentiary facility (prison) is prohibited in the detention facilities of the police departments, with the exemption of the time that is absolutely necessary before the transfer and only if the direct transfer and delivery to the appropriate prison facility is not possible. Due to the above-mentioned, police detention facilities neither

¹⁰ Greece, article 25 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹¹ Greece, article 26 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹² Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

¹³ Greece, Law 2776/1999 [Penitentiary Code](#) (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁴ Greece, Presidential Decree 141/1991 Responsibilities of bodies and official actions of the staff of the Ministry of Public Order and issues of organization of Services (*Αρμοδιότητες οργάνων και υπηρεσιακές ενέργειες του προσωπικού του Υπουργείου Δημόσιας Τάξης και θέματα οργάνωσης Υπηρεσιών*), available in [Greek](#) (O.G.G. Issue A 58/30.04.1991)

¹⁵ Greece, Presidential Decree 38/1994 Amendment of Presidential Decree 141/1991 and various others (for convicts) (*Τροποποίηση Π.Δ. 141/1991 και διαφόρων άλλων (για κατόδικους)*), available in [Greek](#) (O.G.G. Issue A 30/08.03.1994)

resemble prison facilities nor do they provide stable living conditions but only temporary stays.

f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 1. a) – e), including their respective legal basis.

A report in writing to the Prison Council and then an appeal against the Council's decision to the Sentence Enforcement Court is a remedy that detainees can exercise in case of a breach or violation of the standards addressed under 1. a) – e), according to article 6 of the Penitentiary Code¹⁶. In case of an illegal act against them or an illegal order, detainees have the right to report in writing, within a reasonable time, to the Prison Council. Within fifteen days from service of the decision rejecting their request, or one month from submission of the report where no decision has been issued, detainees shall have the right to appeal to the Sentence Enforcement Court. If this court grants the appeal on the merits, it shall annul the effects of the illegal act or order. Moreover, the competent service of the Ministry of Justice, which monitors the operation of the establishment and is responsible for the immediate application of the decision to the Prison Council, revokes the illegal action and satisfies the request of the detainee proceeding with an investigation of the parties responsible. Finally, the administration of the establishment is under the obligation to forward, within a three day period, any report or letter by a prisoner addressed to a state authority (e.g the Ombudsman¹⁷) or international organization, without becoming informed of its contents. A special protocol registry is kept to this effect.

Articles 25 and 31 of the Internal Regulation for the Operation of General Detention Facilities¹⁸ grant any detainee the right to lodge a complaint regarding the conditions of detention before the prison authorities and in particular the public prosecutor (supervisor) of the prison. If the complaint is rejected, detainees may challenge this decision under articles 6 and 86 of Penitentiary Code¹⁹ before the competent enforcement tribunal.

National law provides additional remedies, as it allows to detainees to make their complaints before the competent public prosecutor, under article 572(old)/567(new) of the Code of Penal Procedure²⁰. The public prosecutor is required to visit the prison once a week and monitors the treatment of detainees, the execution of sentences and the implementation of security measures of the facility.

It is finally noted that detainees can request their transfer to another Detention Center, according to articles 72 and 73 of the Penitentiary Code²¹ and in case the request for transfer is rejected for substantial reasons for the second consecutive time, they can

¹⁶ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁷ A detainee can also appeal to the Ombudsman, who, under Article 2 of Law 4228/2014 (O.G.G Issue A 7/10.1.2014), has been designated as National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) of the General Assembly of the United Nations, which was ratified by the above law. The Ombudsman, as National Preventive Mechanism, as well as in the exercise of his duties under Article 3 of Law 3094/2003 (O.G.G. Issue A 10/22.1.2003), visits prisons; collects data through any available means (including through visits, interviews and photographs); orders expert examinations; conducts investigations and publishes reports, according to the relevant provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹⁸ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

¹⁹ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

²⁰ Greece, Presidential Decree 258/1986 Code of Criminal Procedure (Κώδικας Ποινικής Δικονομίας), (O.G.G. Issue A 121/8.8.1986). The new Code of Penal Procedure entered into force on 1.7.2019 with Law 4620/2019 (O.G.G. Issue A 96/11.6.2019)

²¹ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

appeal against the decision of the Central Transfers' Committee (K.E.M.) to the Sentence Enforcement Court which meets as a Council within 10 days from the notification of the rejection decision²².

g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

The National Preventive Mechanism (Greek Ombudsman) in its annual special report of 2018 on the prevention of torture and ill-treatment²³ noted that in the vast majority of the detention facilities the overcrowding phenomenon has reappeared, improvement of prison conditions requires a holistic approach to managing overcrowding and legislation must be passed to rationalise penalties, protect human dignity and reduce the length of sentences via the adoption of alternative measures. In its annual special report of 2019²⁴, the NPM stressed that the initial significant prison decongestion trend has gradually receded, mainly due to the high rates of pre-trial detention and the severity of penalties imposed by courts on certain categories of crimes.

Annual special report of 2018: "Η επανεμφάνιση φαινομένων υπερπληθυσμού επαναφέρει στην επικαιρότητα παλαιότερη πρόταση του ΕΜΠ, ότι η βελτίωση των συνθηκών εγκλεισμού προϋποθέτει την ολιστική προσέγγιση στη διαχείριση του φαινομένου. Η λήψη περιστασιακών μέτρων αποσυμφόρησης δεν είναι παρά μία μόνο πτυχή της μέριμνας που οφείλει η πολιτεία στο πεδίο του ποινικού εγκλεισμού. Σε αυτή την κατεύθυνση πρέπει να αναληφθούν κεντρικές νομοθετικές παρεμβάσεις για τον εξορθολογισμό των ποινών, την προστασία της ανθρώπινης αξιοπρέπειας και τη μείωση του χρόνου εγκλεισμού με την υιοθέτηση εναλλακτικών μέτρων..... Κίνδυνος επανάληψης φαινομένων υπερπληθυσμού.... Τα ευρήματα του 2018 φαίνεται να επαληθεύουν εκείνη την προειδοποίηση, καθώς σε σημαντικό αριθμό καταστημάτων κράτησης το φαινόμενο του υπερπληθυσμού επανέρχεται. Ήδη παρατηρούνται θεαματικές υπερβάσεις στα Καταστήματα Κράτησης Κέρκυρας (προβλεπόμενες θέσεις 138, κρατούμενοι τη μέρα της αυτοψίας 194), Τρίπολης (θέσεις 64, κρατούμενοι 118), Ναυπλίου (θέσεις 273, κρατούμενοι 351), Κω (θέσεις 56, κρατούμενοι 105) και Χαλκίδας (θέσεις 127, κρατούμενοι 179), καθώς και σχετικά διαχειρίσιμες υπερβάσεις στα Καταστήματα Κράτησης Πάτρας (θέσεις 446, κρατούμενοι 504) και Λάρισας (θέσεις 554, κρατούμενοι 567). Οι πραγματικές συνέπειες του υπερπληθυσμού είναι ιδιαίτερως ορατές σε μικρές φυλακές χωρίς περιθώρια αξιοποίησης συμπληρωματικών χώρων, όπως στις περιπτώσεις των Καταστημάτων Κράτησης Χαλκίδας και Τρίπολης όπου οι ασφυκτικές συνθήκες διαβίωσης στους θαλάμους αποκλείουν κάθε μορφή ιδιωτικότητας και αποκλίνουν από τα ελάχιστα όρια χώρου ανά κρατούμενο σύμφωνα με τις ευρωπαϊκές προδιαγραφές. Γενικεύοντας, ο ΕΜΠ διαπιστώνει ότι, ενώ οι συνέπειες των αποσυμφορητικών πολιτικών –που ξεκίνησαν με το ν. 4322/2015 και στη συνέχεια παρατάθηκαν διαδοχικά με τους ν. 4356/2015, 4411/2016, 4489/2017 και 4571/2018 – οδήγησαν, αρχικά, σε αξιοσημείωτη μείωση του συνολικού αριθμού των κρατουμένων και, μάλιστα, σημαντικά κατώτερο από το διαθέσιμο αριθμό θέσεων (συγκεκριμένα: από 11.798 άτομα την 1.1.2015 σε 9.611 την 1.1.2016 και σε 9.560 την 1.1.2017 για 9.815 θέσεις), εντούτοις, μετά από τρία χρόνια, παρατηρήθηκε σταθερή ανοδική τάση των

²² Greece, article 9 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

²³ Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Annual Special Report 2018' (Ετήσια Ειδική Έκθεση 2018), available in [English](#)

²⁴ Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Annual Special Report 2019' (Ετήσια Ειδική Έκθεση 2019), available in [English](#)

τιμών φυλάκισης, που υπερέβη το διαθέσιμο αριθμό θέσεων (συγκεκριμένα: 10.011 άτομα την 1.1.2018 και 10.654 την 1.1.2019 για 9.935 θέσεις). Επιπλέον, αξίζει να σημειωθεί ότι, για τις 9.935 συνολικά διαθέσιμες θέσεις στα 33 καταστήματα κράτησης της χώρας, ο συνολικός αριθμός των κρατουμένων μπορεί μεν να ανέρχεται σε 10.654 την 1.1.2019 (συνολικά, δηλαδή, η υπέρβαση των υφιστάμενων θέσεων μετράται σε 801 άτομα), ωστόσο τα μισά σχεδόν σωφρονιστικά καταστήματα της χώρας εμφανίζουν πληρότητα που υπερβαίνει το 100% της χωρητικότητάς τους, με προφανή τον κίνδυνο περαιτέρω ανόδου. Απ' αυτή την άποψη, το πρόβλημα του σωφρονιστικού υπερπληθυσμού στη χώρα μας εμφανίζεται κυρίως ως αποτέλεσμα της ανισοκατανομής των κρατουμένων στα καταστήματα κράτησης, με αποτέλεσμα να διατηρείται, αφενός, ο συνολικός αριθμός των κρατουμένων κοντά στο «ψυχολογικό όριο» των 10.000 αλλά, αφετέρου, ορισμένα καταστήματα κράτησης να εμφανίζουν ανησυχητικό βαθμό υπερπληρότητας – χωρίς, βέβαια, να συνυπολογίζονται τα απαιτούμενα ελάχιστα όρια χώρου ανά κρατούμενο. Διαπιστώνεται, συνεπώς, ότι η αρχική σημαντική τάση αποφόρτισης των καταστημάτων κράτησης στη συνέχεια υποχώρησε σταδιακά, εξαιτίας, κυρίως, της αυστηρότητας των δικαστικών αποφάσεων σε σχέση τόσο με την εκτεταμένη χρήση του μέτρου της προσωρινής κράτησης όσο και με τη βαρύτητα των επιβαλλόμενων ποινών για ορισμένες κατηγορίες εγκλημάτων. Συγκεκριμένα, από το συνολικό αριθμό των 10.654 κρατουμένων την 1.1.2019, οι 3.317, δηλαδή περίπου το 31%, ήταν υπόδικοι, ενώ οι υπόλοιποι 7.337, δηλαδή περίπου το 69%, ήταν κατάδικοι, από τους οποίους οι 2.372, δηλαδή περίπου το 32%, για παραβάσεις του νόμου περί ναρκωτικών, ενώ οι υπόλοιποι 4.965, δηλαδή το 68%, για άλλα αδικήματα. Αλλά και σε σχέση με τις επιβληθείσες ποινές, παρατηρείται σημαντική ανισοκατανομή μεταξύ των καταδικών, αφού σε 6.524 άτομα, δηλαδή στο 89% περίπου των καταδικών, έχουν επιβληθεί ποινές από πρόσκαιρη κάθειρξη 5 έως 15 ετών και πάνω (συγκεκριμένα, σε 5.564 άτομα ή στο 76% των καταδικών) μέχρι ποινή ισόβιας κάθειρξης (σε 960 άτομα δηλαδή στο 13%). Οι υπόλοιποι 763 κρατούμενοι κατάδικοι, δηλαδή μόλις το 11% του συνόλου, εκτίουν ποινές φυλάκισης μέχρι 5 έτη - ενώ ασφαλώς υπάρχουν ανάμεσά τους και κάποιοι που δεν μπόρεσαν να μετατρέψουν ή/και να εξαγοράσουν ποινές μέχρι 6 μήνες, από 6 μήνες μέχρι 1 χρόνο και από 1 έως 2 χρόνια...

Αγροτικό Κατάστημα Κράτησης Ενηλίκων Τίρυνθας: Το πλήθος στους θαλάμους είναι μεγάλο (12-20 άτομα), γεγονός που αποστερεί από τους κρατούμενους οποιαδήποτε αίσθηση ιδιωτικότητας, ενώ δεν τηρούνται και οι εκ του νόμου προϋποθέσεις ως προς την αναλογία χώρου ανά κρατούμενο”.

Annual special report of 2018 (English language):“ The reappearance of overcrowding lends new currency to the earlier proposal from the National Preventive Mechanism (NPM), which is that improvement of prison conditions requires a holistic approach to managing overcrowding. Taking isolated measures to decongest prisons is but one aspect of the actions the State needs to take in the criminal detention sector. In this direction, legislation must be passed to rationalise penalties, protect human dignity and reduce the length of sentences via the adoption of alternative measures...Risk of recurrence of overcrowding The 2018 findings seem to verify that warning, as in the vast majority of the detention facilities the overcrowding phenomenon has reappeared. Significant overpopulation on inspection day was recorded at the Corfu Detention Facility (138 places, 194 prisoners), Tripolis (64 places, 118 prisoners), Nafplio (273 places, 351 prisoners), Kos (56 places, 105 prisoners) and Chalkis (127 places, 179 detainees), as well as relatively manageable overcrowding at the Patra Detention Facility (446 places, 504 prisoners) and Larissa (554 places, 567 prisoners). The actual consequences of overcrowding are particularly visible in small prisons with no supplementary spaces available for use, as in the cases of the Chalkis and Tripolis detention facilities, where stifling living conditions on the blocks exclude all forms of privacy and deviate from the minimum space per prisoner according to European specifications. From this perspective, the problem of overcrowding in prisons in our country appears mainly as a result of the uneven distribution of prisoners in detention facilities, thus keeping the total number of detainees close to the "psychological limit" of 10,000, but, on the other hand, some detention centres have a worrying degree of overcrowding – without, of

course, taking into account the required minimum space per prisoner. We therefore see that the initial significant decongestion of detention facilities was gradually reversed, mainly due to the stringency of court rulings in relation to both the extensive use of temporary detention and the severity of the penalties imposed on certain categories of crimes. In particular, out of the total of 10,654 detainees on 1.1.2019, 3,317, i.e. about 31%, were not yet convicted, while the remaining 7,337, i.e. about 69%, were convicted, of whom 2,372, or about 32 %, for drug law offences, while the remaining 4,965, or 68%, for other offences. However, in relation to the sentences imposed, there is a significant disparity among the convicts: 6,524 persons, that is, approximately 89% of convicts, have been sentenced to imprisonment from 5 to 15 years and over (namely, 5,564 or 76% of convicts) up to life imprisonment (960, i.e. 13%). The remaining 763 convicted prisoners, i.e. only 11% of the total, serve prison sentences of up to 5 years – while there are of course some who have been unable to convert and/or pay off sentences of up to 6 months, from 6 months to 1 year, and from 1 to 2 years. It is noteworthy that, with regard to prison overcrowding, the impact of the new provisions introduced with the new penal code and the new code of penal procedure is yet to be assessed as, until the end of 2019, they have not yet shown their fully-fledged repercussions. What is more, since their entry into force and up until the end of 2019, they did not seem to affect significantly the initial gradually increasing trend of the detention population in order to allow us an assessment of the introduced legislative changes, e.g the abolition of the option to have one's sentence diverted to pecuniary, or the indefinite suspension of the measure of community service (article 98 § 1 of Law 4623/2019). In fact, after a short and marginal downwards trend in the 1,5 month that followed the changes, the trend gradually increased and reached its peak on 1.1.2020... Rural Detention Facility for Adults in Tiryntha: The population of detainees in the dormitories (multiple occupancy cells) is large (12-20 people), so that they are deprived of any sense of privacy, while the requirements regarding the space-per-detainee are not respected”.

Annual special report of 2019: *“Ο ΕΜΠ διαπιστώνει ότι, ενώ οι συνέπειες των πρόσφατων αποσυμφορητικών πολιτικών - που ξεκίνησαν με το ν. 4322/2015 και στη συνέχεια παρατάθηκαν διαδοχικά με τους ν. 4356/2015, 4411/2016, 4489/2017 και 4571/2018 - οδήγησαν, σταδιακά, σε μικρότερο αριθμό κρατουμένων σε σχέση με το διαθέσιμο αριθμό θέσεων (συγκεκριμένα: από 11.798 άτομα την 1.1.2015 σε 9.611 την 1.1.2016 και σε 9.560 την 1.1.2017 για 9.815 θέσεις), εντούτοις, μετά από τρία χρόνια, άρχισαν να ακολουθούν σταθερή ανοδική τάση, υπερβαίνοντας αισθητά τις διαθέσιμες θέσεις, παρ' όλο που και αυτές είχαν λίγο αυξηθεί (συγκεκριμένα: 10.011 άτομα την 1.1.2018 για 9.935 θέσεις, 10.654 την 1.1.2019 για 9.935 θέσεις και 10.891 την 1.1.2020, για 10.055 θέσεις). Επί πλέον, αξίζει να σημειωθεί ότι, για τις 10.055 συνολικά διαθέσιμες θέσεις στα 35 καταστήματα κράτησης της χώρας, ο συνολικός αριθμός των κρατουμένων μπορεί μεν να ανέρχεται σε 10.891 την 1.1.2020 (συνολικά, δηλαδή, η υπέρβαση των υφιστάμενων θέσεων αντιστοιχεί σε 836 άτομα), ωστόσο τα μισά σχεδόν εμφάνισαν πληρότητα που υπερέβαινε το 100% της χωρητικότητάς τους, με προφανή τον κίνδυνο περαιτέρω ανόδου . Από αυτή την άποψη, η ποσοτική διάσταση του προβλήματος του σωφρονιστικού υπερπληθυσμού στη χώρα μας εμφανίζεται, κυρίως, ως αποτέλεσμα της ανισοκατανομής των κρατουμένων στα καταστήματα κράτησης, με αποτέλεσμα - παρά την υπέρβαση μόνο κατά 836 άτομα στο διάστημα 1.1.2019 με 31.12.2019 - ορισμένα καταστήματα να εμφανίζουν ανησυχητικό βαθμό υπερπληρότητας με αντίστοιχη συνεπαγόμενη παραβίαση των προβλεπόμενων προδιαγραφών ελάχιστης διαθέσιμης επιφάνειας ανά κρατούμενο. Διαπιστώνεται, συνεπώς, ότι η αρχική σημαντική τάση αποφόρτισης των καταστημάτων κράτησης στη συνέχεια υποχώρησε σταδιακά, εξ αιτίας, κυρίως, της αυστηρότητας των δικαστικών αποφάσεων σε σχέση τόσο με την εκτεταμένη χρήση του μέτρου της προσωρινής κράτησης όσο και με τη βαρύτητα των επιβαλλόμενων ποινών για ορισμένες κατηγορίες εγκλημάτων. Συγκεκριμένα, από τη στατιστική αποτύπωση του σωφρονιστικού πληθυσμού στις αρχές του 2019 προκύπτει ότι από το συνολικό αριθμό των 10.654 κρατουμένων την 1.1.2019, οι 3.317, δηλαδή περίπου το 31%, ήσαν υπόδικοι, ενώ οι*

υπόλοιποι 7.337, δηλαδή περίπου το 69%, ήσαν κατάδικοι, από τους οποίους οι 2.372, δηλαδή περίπου το 32%, για παραβάσεις του νόμου περί ναρκωτικών, ενώ οι υπόλοιποι 4.965, δηλαδή το 68%, για άλλα αδικήματα. Αλλά και σε σχέση με τις επιβληθείσες ποινές, παρατηρείται σημαντική ανισοκατανομή μεταξύ των καταδίκων, αφού σε 6.524 άτομα, δηλαδή στο 89% περίπου των καταδίκων, έχουν επιβληθεί ποινές από πρόσκαιρη κάθειρξη 5 έως 15 ετών και πάνω (συγκεκριμένα, σε 5.564 άτομα ή στο 76% των καταδίκων) μέχρι την ποινή της ισόβιας κάθειρξης (σε 960 άτομα δηλαδή στο 13%). Οι υπόλοιποι 763 κρατούμενοι κατάδικοι, δηλαδή μόλις το 11% του συνόλου, εκτίουν ποινές φυλάκισης μέχρι 5 έτη - ενώ ασφαλώς υπάρχουν ανάμεσά τους και κάποιοι που δεν μπόρεσαν να μετατρέψουν ή/και να εξαγοράσουν ποινές μέχρι 6 μήνες, από 6 μήνες μέχρι 1 χρόνο και από 1 έως 2 χρόνια . Κατ' αυτόν τον τρόπο φαίνεται να επιβεβαιώνεται η παρατήρηση των συντακτών της Έκθεσης της Γενικής Διεύθυνσης Ανθρωπίνων Δικαιωμάτων και Κράτους Δικαίου του Συμβουλίου της Ευρώπης ότι «Η Ελλάδα έχει το υψηλότερο ποσοστό μακροχρόνιων και πολύ μακροχρόνιων ποινών στερητικών της ελευθερίας στην Ευρώπη, ενώ τα ποσοστά εγκληματικότητας είναι χαμηλότερα ή ίσα με την Ευρωπαϊκή διάμεσο. Μια πιο μετριοπαθής ποινική πολιτική είναι δυνατή χωρίς να επηρεάζεται η προστασία της κοινωνίας από το έγκλημα». Αξίζει να σημειωθεί, επίσης, ότι οι δύο σημαντικές μεταρρυθμίσεις του Ποινικού Κώδικα και του Κώδικα Ποινικής Δικονομίας, που τέθηκαν, διαδοχικά, σε εφαρμογή στο μέσον, περίπου, του 2019, ενώ αποτελούν αυτές καθ' αυτές παράγοντες που επηρεάζουν τη διαμόρφωση του μεγέθους του σωφρονιστικού πληθυσμού - μέσω των νέων ρυθμίσεων που εισάγουν και της επακόλουθης δικαστικής ερμηνείας και εφαρμογής τους - εντούτοις, μέχρι το τέλος του έτους, δεν είχαν προλάβει να αναπτύξουν πλήρως τα αποτελέσματά τους, ώστε να είναι εφικτή η μέτρηση των πραγματικών τους επιπτώσεων στο ζήτημα του σωφρονιστικού υπερπληθυσμού. Άλλωστε από τη θέση σε εφαρμογή των νέων κωδίκων (τόσο την 1.7.2019 μετά την αρχική μεταρρύθμισή τους όσο και από την 18.11.2019 μετά τη μερική αναθεώρησή της) και μέχρι το τέλος του έτους δεν φάνηκε να μεταβάλλεται η εξαρχής παρατηρούμενη σταθερή αυξητική τάση στις διακυμάνσεις του σωφρονιστικού πληθυσμού, κατά τρόπον ώστε να μπορούν να εντοπισθούν τυχόν ειδικές επιπτώσεις των νομοθετικών αλλαγών, που είχαν εν τω μεταξύ θεσπισθεί (όπως π.χ. η κατάργηση της μετατροπής της στερητικής της ελευθερίας ποινής σε χρηματική, η επ' αόριστον αναστολή του μέτρου της παροχής κοινωφελούς εργασίας, που προβλέφθηκε με το άρθρο 98 § 1 του ν. 4623/2019, κ.ά.). Πράγματι, ενώ την 1.7.2019 ο συνολικός αριθμός των κρατουμένων ανερχόταν σε 10.495 για 9.935 διαθέσιμες θέσεις, μετά από μια βραχύχρονη και οριακή πτωτική πορεία κατά τον επόμενο 1,5 μήνα (1.8.2019: 10.298 κρατούμενοι, πρώτο δεκαπενθήμερο Σεπτεμβρίου 2019: 10.216), επανέρχεται, σταδιακά, σε ανοδική τροχιά (δεύτερο δεκαπενθήμερο Σεπτεμβρίου 2019: 10.272, 1.10.2019: 10.330, 1.11.2019: 10.584, 1.12.2019: 10.727) για να καταλήξει στους 10.891 κρατούμενους την 1.1.2020”.

Annual special report of 2019 (English language): “The NPM reaffirms that while recent decongestional policies (L. 4322/2015, L.4356/2015, L.4411/2016, L.4489/2017 and L.4571/2018) have gradually led to a smaller number of detainees per available places, three years later numbers have gradually increased and detainees significantly outnumbered the available places, despite the fact that the latter had slightly increased. It is thus evident that the initial significant prison decongestion trend has gradually receded, mainly due to the high rates of pre-trial detention and the severity of penalties imposed by courts on certain categories of crimes. In particular, detention population data show that on 1.1.2019, 3.317 detainees out of 10.654 (about 31%) were pre-trial detainees whereas the rest 7.337 (about 69%), were convicts. From the latter, 2.732 (about 32%) were convicted for violations regarding narcotics legislation and the rest 4.965 (68%) were convicted on other grounds. Furthermore, the imposed sentences show significant differences in the percentages of the imposed penalties, namely 6.524 persons (about 89%) have received penalties from 5 to 15 years of imprisonment to life sentences (960 persons, 13%). The remaining 760 detainees (just 11/% of the total detained population) were serving sentences up to five years of imprisonment, including, of course, those who were not able to divert their sentence

by fulfilling financial conditions or agreeing to community work... It is noteworthy that, with regard to prison overcrowding, the impact of the new provisions introduced with the new penal code and the new code of penal procedure is yet to be assessed as, until the end of 2019, they have not yet shown their fully-fledged repercussions. What is more, since their entry into force and up until the end of 2019, they did not seem to affect significantly the initial gradually increasing trend of the detention population in order to allow us an assessment of the introduced legislative changes, e.g the abolition of the option to have one's sentence diverted to pecuniary, or the indefinite suspension of the measure of community service (article 98 § 1 of Law 4623/2019). In fact, after a short and marginal downwards trend in the 1,5 month that followed the changes, the trend gradually increased and reached its peak on 1.1.2020”.

2. Sanitary conditions

a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do detainees have access to these facilities without undue delay, even during the night? Do these facilities have to offer privacy to detainees who use them and, if so, in how far?

Private cells and wards have their own sanitation (sink, toilet) appliances, as provided in Penitentiary Code. Every sanitation installation of the wards must not serve more than three inmates. The existence of a bath in the cells and wards is not necessary, if there is an adequate number of common use bathroom installations with hot and cold water for the personal hygiene and cleanliness of each inmate²⁵. Toilet paper is provided to all prisoners, and prisoners who lack the necessary means may receive essential toiletries and cleaning materials for free²⁶. However, no information is available in the relevant legislation, as regards any measures in place allowing for inmates' privacy, when taking a shower/bath.

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 have to offer privacy to detainees who use them and, if so, in how far?

As referred to in Penitentiary Code, the existence of a bath/shower in the cells and wards is not necessary, if there is an adequate number of common use bathroom installations with hot and cold water for the personal hygiene of each inmate²⁷. According to article 15 of the Internal Regulation for the Operation of General Detention Facilities²⁸, 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 is provided to all prisoners, and prisoners who lack the necessary means may receive essential toiletries and cleaning materials for free.

²⁵ Greece, article 21 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

²⁶ Greece, article 15 of Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

²⁷ Greece, article 21 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

²⁸ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

c) What are the national standards with regard to cleaning and cleanliness of sanitary facilities?

According to article 15 of the Internal Regulation for the Operation of General Detention Facilities, common areas are kept clean, on a daily basis, by cleaning crews consisting of working prisoners, under the supervision of the authorized employees. Prison services are responsible of placing daily appropriate medicine in drains, wells and other key points for pest and rodent extermination. General cleaning is taking place once a week while general disinfection, pest and rodent extermination etc. are carried out regularly twice a year and exceptionally, when necessary, by contracted workshops²⁹.

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The same standards apply for pre-trial and post-trial detention and all the detention regimes in prison facilities.

The criminal detention conditions described in the submitted template are applicable to pre-trial detention and regular imprisonment; the standards are the same. According to article 1 of the Greek Penitentiary Code³⁰ **prisoners (regular imprisonment)** are those persons who are serving sentences against freedom, as well as **pre-trial detainees**; namely, according to Greek legislation, sentences against freedom as well as temporary (pre-trial) detention are being exclusively carried out **in prison facilities**.

On the other hand, detention facilities in police stations (**police detention**) aim at accommodating the detention of persons for very short time periods either before their trial or in case of their transfer to another prison facility. According to article 66, par. 6 of Presidential Decree 141/1991³¹, as amended by article 2 of Presidential Decree 38/1994³², detention either of persons whose trial is pending or of convicts that are supposed to enter a penitentiary facility (prison) is prohibited in the detention facilities of the police departments, with the exemption of the time that is absolutely necessary before the transfer and only if the direct transfer and delivery to the appropriate prison facility is not possible. Due to the above-mentioned, police detention facilities neither resemble prison facilities nor do they provide stable living conditions but only temporary stays.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 2. a) – d), including their respective legal basis.

A report in writing to the Prison Council and then an appeal against the Council's decision to the Sentence Enforcement Court is a remedy that detainees can exercise in case of a breach or violation of the standards addressed under 2. a) – d), according to article 6

²⁹ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

³⁰ Greece, Law 2776/1999 [Penitentiary Code](#) (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

³¹ Greece, Presidential Decree 141/1991 Responsibilities of bodies and official actions of the staff of the Ministry of Public Order and issues of organization of Services (*Αρμοδιότητες οργάνων και υπηρεσιακές ενέργειες του προσωπικού του Υπουργείου Δημόσιας Τάξης και θέματα οργάνωσης Υπηρεσιών*), available in [Greek](#) (O.G.G. Issue A 58/30.04.1991)

³² Greece, Presidential Decree 38/1994 Amendment of Presidential Decree 141/1991 and various others (for convicts) (*Τροποποίηση Π.Δ. 141/1991 και διαφόρων άλλων (για κατόδικους)*), available in [Greek](#) (O.G.G Issue A 30/08.03.1994)

of the Penitentiary Code³³. In case of an illegal act against them or an illegal order, detainees have the right to report in writing, within a reasonable time, to the Prison Council. Within fifteen days from service of the decision rejecting their request, or one month from submission of the report where no decision has been issued, detainees shall have the right to appeal to the Sentence Enforcement Court. If this court grants the appeal on the merits, it shall annul the effects of the illegal act or order. Moreover, the competent service of the Ministry of Justice, which monitors the operation of the establishment and is responsible for the immediate application of the decision to the Prison Council, revokes the illegal action and satisfies the request of the detainee proceeding with an investigation of the parties responsible. Finally, the administration of the establishment is under the obligation to forward, within a three day period, any report or letter by a prisoner addressed to a state authority (e.g the Ombudsman³⁴) or international organization, without becoming informed of its contents. A special protocol registry is kept to this effect.

Articles 25 and 31 of the Internal Regulation for the Operation of General Detention Facilities³⁵ grant any detainee the right to lodge a complaint regarding the conditions of detention before the prison authorities and in particular the public prosecutor (supervisor) of the prison. If the complaint is rejected, detainees may challenge this decision under articles 6 and 86 of Penitentiary Code³⁶ before the competent enforcement tribunal.

National law provides additional remedies, as it allows to detainees to make their complaints before the competent public prosecutor, under article 572(old)/567(new) of the Code of Penal Procedure³⁷. The public prosecutor is required to visit the prison once a week and monitors the treatment of detainees, the execution of sentences and the implementation of security measures of the facility.

It is finally noted that detainees can request their transfer to another Detention Center, according to articles 72 and 73 of the Penitentiary Code³⁸ and in case the request for transfer is rejected for substantial reasons for the second consecutive time, they can appeal against the decision of the Central Transfers' Committee (K.E.M.) to the Sentence Enforcement Court which meets as a Council within 10 days from the notification of the rejection decision³⁹.

- f) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the

³³ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

³⁴ A detainee can also appeal to the Ombudsman, who, under Article 2 of Law 4228/2014 (O.G.G Issue A 7/10.1.2014), has been designated as National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) of the General Assembly of the United Nations, which was ratified by the above law. The Ombudsman, as National Preventive Mechanism, as well as in the exercise of his duties under Article 3 of Law 3094/2003 (O.G.G. Issue A 10/22.1.2003), visits prisons; collects data through any available means (including through visits, interviews and photographs); orders expert examinations; conducts investigations and publishes reports, according to the relevant provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

³⁵ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

³⁶ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

³⁷ Greece, Presidential Decree 258/1986 Code of Criminal Procedure (Κώδικας Ποινικής Δικονομίας), (O.G.G. Issue A 121/8.8.1986). The new Code of Penal Procedure entered into force on 1.7.2019 with Law 4620/2019 (O.G.G. Issue A 96/11.6.2019)

³⁸ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

³⁹ Greece, article 9 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

Annual special report of 2018: " *Αγροτικό Κατάστημα Κράτησης Ενηλίκων Τίρυνθας: Το ζήτημα της έλλειψης ζεστού νερού τέθηκε από σημαντική μερίδα κρατουμένων ως ένα από τα πιο σημαντικά προβλήματα των εγκαταστάσεων...* ".

Annual special report of 2018 (English language)⁴⁰: " Rural Detention Facility for Adults in Tiryntha: During our visit, the issue of lack of hot water was raised by a significant number of detainees as one of the most important issues at the facilities..."

Annual special report of 2019: "2019 Κατάστημα Κράτησης Μαλανδρινού: ... παραμένουν τα προβλήματα μόνωσης, έντονης υγρασίας και ελλείψεων στην παροχή νερού, θέρμανσης και ηλεκτρικού ρεύματος. Ειδικά η έλλειψη ζεστού νερού αποδίδεται σε καταστροφή των ηλιακών θερμοσιφώνων, είτε από παλαιότερη εξέγερση είτε από ρήξη υαλοπινάκων λόγω χαμηλής θερμοκρασίας".

Annual special report of 2019 (English language)⁴¹: "Malandrino detention facility: ... shortcomings in running water, heat and electricity. In particular, the lack of hot water was attributed to the destruction of solar boilers during a past riot and to the rupture of glazing materials due to low temperatures".

3. Time out of cell

- a) What is the national standard set for time per day/week spent by detainees outside of their cells:
- Outdoors (within the boundary of the prison)?
 - Indoors in the common area?

According to the prison daily schedule, as provided under article 8 of the Internal Regulation for the Operation of General Detention Facilities⁴², detainees:

- are allowed to spend a large part of the day outdoors (within the boundaries of the prison), exercising, working, participating in miscellaneous programmes and enjoying free time, from 08:00 a.m. (cells open at 07:30 a.m.) to 12:00 p.m. (afternoon lockdown at 12:15 p.m.) and from 15:00 p.m. to 30 minutes before sunset,
- are allowed to spend time outside their cells and within the common areas, mainly during meals (approximately 15 minutes, 3 times a day). They are also allowed to spend some free time confined within their wings until 20:30 p.m. during wintertime and until 21.00 p.m. during summer season (evening lockdown). Special provisions are applicable and prisoners are allowed to remain outside their cells and wards, but confined within their wings, on New Year's eve (until 00.30 am on the 1st 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 lockdown). During national public holidays educational or other programmes are not taking place. Following a decision by the prison council,

⁴⁰ Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Annual Special Report 2018' (Ετήσια Ειδική Έκθεση 2018) , available in [English](#)

⁴¹ Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Annual Special Report 2019' (Ετήσια Ειδική Έκθεση 2019) , available in [English](#)

⁴² Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

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.

b) Do sports or other recreational and/or educational facilities have to be available to detainees? If so, what types?

Sports Facilities: According to article 36 of Penitentiary Code⁴³, in order to maintain their physical and mental health, detainees are given at least one hour per day to walk or exercises in the establishment's courtyard or in an open space protected from weather conditions. For this purpose, the law provides 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 organized and supervised by trainers, while the establishment's doctor performs the necessary checks to ensure each prisoner has the physical ability to participate in these programmes. Through a decision by the Minister of Justice , following a proposal by the KESF, are determined the conditions and the procedure for the organization of common manifestations of educational, entertainment, sports or of other similar character by the detainees of the miscellaneous detention establishments or their sections or for the organization or annual athletic manifestations with organizations outside the establishment.

Furthermore, according to article 17 of the Internal Regulation for the Operation of General Detention Facilities⁴⁴, prisoners may also exercise, under appropriate supervision, in indoor 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.

Educational facilities: According to article 35 of the Penitentiary Code⁴⁵ the educational program of the detainees aims to offer education or supplementary training of all levels, as well as vocational training. To this effect within the establishment, wherever this is possible, an elementary school is in operation which is subject to the Ministry of Education and Religious Affairs and to the provisions that are in force for public schools. The Prison Council organizes, together with other competent agencies, programs of vocational training, of apprenticeship or specialization. The titles of studies awarded are equivalent to those of the corresponding schools of the same education level, without any reference that they were acquired in a detention establishment. Special measures are also taken for the education of foreign prisoners. Primary education is mandatory for young detainees, while illiterate adults are encouraged to attend courses of primary education or programs of vocational education and training. Prisoners who have completed primary education can continue their studies in secondary or higher education using special educational leaves. During the period of their education the work assigned to prisoners is as much as possible related to the subject of their studies.

According article 20 of the Internal Regulation for the Operation of General Detention Facilities⁴⁶, 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

⁴³ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁴⁴ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

⁴⁵ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁴⁶ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

education consultant 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. The Prison Council ensures the establishment of programs, if necessary, such as: (a) programs for illiterates; (b) second chance schools; (c) vocational training; (d) learning of foreign languages.

Recreational facilities: The entertainment of the detainees is taking place, under provision of article 38 of the Penitentiary Code⁴⁷, in an appropriately organized outdoor or indoor area of the Facility. Prisoners participate in individual or group artistic events, in theatrical groups, choirs, painting and handcraft exhibitions and movie/film projections. Where possible, a cinema may operate within the facility. The active participation of the detainees in these programs and in general the creative use of their free time are taken into consideration when measures are taken or privileges are given which are beneficial for the inmate according to the provisions of the present Code.

Within each private cell or ward there is at least one television set all prisoners may have free access to, according to article 19 of the Internal Regulation for the Operation of General Detention Facilities⁴⁸. There could also be one pay TV channel only if permitted by the Prison Council at prisoners' expense. The use of personal computers and video games is prohibited, unless required for educational purposes.

c) Is there a national standard for time spent in cells? If so, what does it require?

Time spent in cells is specified in article 8 of the Internal Regulation for the Operation of General Detention Facilities⁴⁹ and that is from 12:15 p.m. to 15:00 p.m. (afternoon lockdown) and from 20:30 p.m. during wintertime or from 21.00 p.m. during summer season (evening lockdown) to 07:30 p.m.

d) Are there any national standards with regard to activities and/or programmes that should be available to detainees when they are outside their cells? If so, what do they require?

Educational, recreational or sports activities are regulated by Greek Penitentiary Code⁵⁰ (articles 35-36, 38) and by the Internal Regulations for the Operation of General Detention Facilities⁵¹ (articles 17, 19-20), as described above under 3. b).

Furthermore, according to Ministerial Decision 2357/2019⁵² educational, athletic, cultural, creative activities' and vocational training programmes are being organised for all prisoners. The purpose of these programmes is to improve the skills of detainees, making full use of detention time and prepare for social reintegration. Those programmes are classified into five categories: a) educational programmes for the acquisition of basic skills (learning Greek language and computer science) b) athletic

⁴⁷ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁴⁸ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

⁴⁹ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

⁵⁰ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁵¹ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

⁵² Greece, Ministerial Decision 2357/2019 Organization and implementation of educational, athletic, cultural, creative activities' and vocational training programmes by the Ministry of Justice, Transparency and Human Rights for Prisoners (*Οργάνωση και υλοποίηση προγραμμάτων επιμόρφωσης, άθλησης, πολιτιστικών δραστηριοτήτων, δημιουργικής απασχόλησης και επαγγελματικής κατάρτισης από το Υπουργείο Δικαιοσύνης, Διαφάνειας και Ανθρωπίνων Δικαιωμάτων για τους κρατούμενους στα Καταστήματα Κράτησης*), available in [Greek](#) (O.G.G. Issue B 327/8.2.2019)

activities, which aim at maintaining the physical and mental health of prisoners and the development of team spirit, c) cultural activities, especially art and culture groups (theater, painting, music, photography, cinema, etc.), d) creative activities, such as construction workshops (ceramics, decorative objects, carpentry, jewelry, etc.) and e) vocational training, which aim at acquiring technical and professional skills and provide as many certified degrees as possible by the competent bodies.

e) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The same standards apply for pre-trial and post-trial detention and all the detention regimes in prison facilities.

The criminal detention conditions described in the submitted template are applicable to pre-trial detention and regular imprisonment; the standards are the same. According to article 1 of the Greek Penitentiary Code⁵³ **prisoners (regular imprisonment)** are those persons who are serving sentences against freedom, as well as **pre-trial detainees**; namely, according to Greek legislation, sentences against freedom as well as temporary (pre-trial) detention are being exclusively carried out **in prison facilities**.

On the other hand, detention facilities in police stations (**police detention**) aim at accommodating the detention of persons for very short time periods either before their trial or in case of their transfer to another prison facility. According to article 66, par. 6 of Presidential Decree 141/1991⁵⁴, as amended by article 2 of Presidential Decree 38/1994⁵⁵, detention either of persons whose trial is pending or of convicts that are supposed to enter a penitentiary facility (prison) is prohibited in the detention facilities of the police departments, with the exemption of the time that is absolutely necessary before the transfer and only if the direct transfer and delivery to the appropriate prison facility is not possible. Due to the above-mentioned, police detention facilities neither resemble prison facilities nor do they provide stable living conditions but only temporary stays.

f) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 3. a) – e), including their respective legal basis.

A report in writing to the Prison Council and then an appeal against the Council's decision to the Sentence Enforcement Court is a remedy that detainees can exercise in case of a breach or violation of the standards addressed under 3. a) – e), according to article 6 of the Penitentiary Code⁵⁶. In case of an illegal act against them or an illegal order, detainees have the right to report in writing, within a reasonable time, to the Prison Council. Within fifteen days from service of the decision rejecting their request, or one month from submission of the report where no decision has been issued, detainees shall have the right to appeal to the Sentence Enforcement Court. If this court grants the appeal on the merits, it shall annul the effects of the illegal act or order. Moreover, the competent service of the Ministry of Justice, which monitors the operation of the

⁵³ Greece, Law 2776/1999 [Penitentiary Code](#) (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁵⁴ Greece, Presidential Decree 141/1991 Responsibilities of bodies and official actions of the staff of the Ministry of Public Order and issues of organization of Services (*Αρμοδιότητες οργάνων και υπηρεσιακές ενέργειες του προσωπικού του Υπουργείου Δημόσιας Τάξης και θέματα οργάνωσης Υπηρεσιών*), available in [Greek](#) (O.G.G. Issue A 58/30.04.1991)

⁵⁵ Greece, Presidential Decree 38/1994 Amendment of Presidential Decree 141/1991 and various others (for convicts) (*Τροποποίηση Π.Δ. 141/1991 και διαφόρων άλλων (για κατάδικους)*), available in [Greek](#) (O.G.G. Issue A 30/08.03.1994)

⁵⁶ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

establishment and is responsible for the immediate application of the decision to the Prison Council, revokes the illegal action and satisfies the request of the detainee proceeding with an investigation of the parties responsible. Finally, the administration of the establishment is under the obligation to forward, within a three day period, any report or letter by a prisoner addressed to a state authority (e.g the Ombudsman⁵⁷) or international organization, without becoming informed of its contents. A special protocol registry is kept to this effect.

Articles 25 and 31 of the Internal Regulation for the Operation of General Detention Facilities⁵⁸ grant any detainee the right to lodge a complaint regarding the conditions of detention before the prison authorities and in particular the public prosecutor (supervisor) of the prison. If the complaint is rejected, detainees may challenge this decision under articles 6 and 86 of Penitentiary Code⁵⁹ before the competent enforcement tribunal.

National law provides additional remedies, as it allows to detainees to make their complaints before the competent public prosecutor, under article 572(old)/567(new) of the Code of Penal Procedure⁶⁰. The public prosecutor is required to visit the prison once a week and monitors the treatment of detainees, the execution of sentences and the implementation of security measures of the facility.

It is finally noted that detainees can request their transfer to another Detention Center, according to articles 72 and 73 of the Penitentiary Code⁶¹ and in case the request for transfer is rejected for substantial reasons for the second consecutive time, they can appeal against the decision of the Central Transfers' Committee (K.E.M.) to the Sentence Enforcement Court which meets as a Council within 10 days from the notification of the rejection decision⁶².

g) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

The NPM in its annual special report of 2018⁶³ noted that are still major problems at most prisons regarding activities. Inactivity worsens the already poor psychological state of prisoners, while the organisation of seminars and workshops will help manage

⁵⁷ A detainee can also appeal to the Ombudsman, who, under Article 2 of Law 4228/2014 (O.G.G Issue A 7/10.1.2014), has been designated as National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) of the General Assembly of the United Nations, which was ratified by the above law. The Ombudsman, as National Preventive Mechanism, as well as in the exercise of his duties under Article 3 of Law 3094/2003 (O.G.G. Issue A 10/22.1.2003), visits prisons; collects data through any available means (including through visits, interviews and photographs); orders expert examinations; conducts investigations and publishes reports, according to the relevant provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

⁵⁸ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

⁵⁹ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁶⁰ Greece, Presidential Decree 258/1986 Code of Criminal Procedure (Κώδικας Ποινικής Δικονομίας), (O.G.G. Issue A 121/8.8.1986). The new Code of Penal Procedure entered into force on 1.7.2019 with Law 4620/2019 (O.G.G. Issue A 96/11.6.2019)

⁶¹ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁶² Greece, article 9 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁶³ Greece, Greek Ombudsman (*Συνήγορος του Πολίτη*), 'Annual Special Report 2018' (*Ετήσια Ειδική Έκθεση 2018*), available in [English](#)

tensions and facilitate the smooth reintegration of prisoners⁶⁴. In its annual special report of 2019⁶⁵, the NMP stresses the many issues that came up during its inspections, e.g shortcomings in education, leisure, employment and training activities, were aggravated due to severe understaffing.

Annual special report of 2018: "Παρά τις θετικές πρωτοβουλίες της διοίκησης, εξακολουθούν να αποτελούν σημαντικό πρόβλημα στα περισσότερα Καταστήματα η έλλειψη δημιουργικής απασχόλησης των κρατουμένων, η πλημμυρής στελέχωση των καταστημάτων με μόνιμο εξειδικευμένο ιατρικό και νοσηλευτικό προσωπικό, κοινωνιολόγους και ψυχολόγους. Επαναλαμβάνεται, επίσης, η διαπίστωση ότι η απραξία επιβαρύνει περαιτέρω την ήδη επιβαρυνόμενη ψυχολογική κατάσταση των κρατουμένων. Η οργάνωση σεμιναρίων και εργαστηρίων θα συντελέσει στη διαχείριση των εντάσεων και θα συμβάλει στην ομαλή επανένταξη των κρατουμένων.... Σχολεία: Κλιμάκια του ΕΜΠ είχαν την ευκαιρία να διαπιστώσουν την καλή λειτουργία των Σχολείων Δεύτερης Ευκαιρίας, της οποίας τα ευεργετικά αποτελέσματα δεν περιορίζονται στην αξιοποίηση του χρόνου των κρατουμένων αλλά επεκτείνονται και στις προοπτικές αποκατάστασης μετά την αποφυλάκιση. Πολλά σχολεία έχουν πετύχει να προσελκύσουν δωρεές ιδρυμάτων και εποικοδομητική συνεργασία με τοπικούς φορείς. Σημειώνονται, ιδιαίτερα, οι πολυσχιδείς δραστηριότητες: στο Κατάστημα Κράτησης Κέρκυρας, όπου μεταξύ άλλων έχει αναπτυχθεί Ψηφιακή Βιβλιοθήκη σε συνεργασία με το Ιόνιο Πανεπιστήμιο, στο Κατάστημα Κράτησης Λάρισας, όπου μεταξύ άλλων λειτουργεί μουσείο με έργα κρατουμένων, στο Κατάστημα Κράτησης Τρικάλων, με υποδειγματική αίθουσα ηλεκτρονικών υπολογιστών και βραβεύσεις σε διεθνείς μαθητικούς διαγωνισμούς κινηματογραφικών ταινιών, αλλά και στα Καταστήματα Κράτησης Κορίνθου, Πάτρας και το Ειδικό Αγροτικό Κατάστημα Κράτησης Νέων Κασσαβέτειας. Εξ ίσου σημαντική είναι η δυνατότητα που παρέχεται σε κρατουμένους να συνεχίσουν τις σπουδές τους σε τοπικά Εσπερινά Επαγγελματικά Λύκεια, εξεταζόμενοι ως κατ' ιδίαν διδαχθέντες, καθώς και στο Ελληνικό Ανοικτό Πανεπιστήμιο. Παρατηρείται πάντως ότι ορισμένα σχολεία δεν διαθέτουν εκπαιδευτικό υλικό κατάλληλα προσαρμοσμένο για τις ανάγκες ανηλίκων και νέων που φοιτούν σε μικρές τάξεις του δημοτικού, αλλά και παιδιών που δεν γνωρίζουν καθόλου ή γνωρίζουν ελάχιστα την ελληνική γλώσσα. Το γεγονός αυτό δυσχεραίνει την εκπαιδευτική διαδικασία και υποβαθμίζει την αποτελεσματικότητά της, παρά τις προσπάθειες των δασκάλων να καλύψουν με δικές τους πρωτοβουλίες τα παραπάνω κενά, όπως στην περίπτωση του Καταστήματος Κράτησης Κορίνθου. Στο Γυμνάσιο, ανάλογη υποβάθμιση επιφέρει η ανεπαρκής κάλυψη των αναγκών διδασκαλίας, με ολιγάριθμους καθηγητές που διδάσκουν όλα τα μαθήματα. Η ικανοποιητική εντύπωση από ορισμένα καταστήματα κράτησης μετριάζεται, ωστόσο, από την υφιστάμενη ανισότητα στην παροχή υπηρεσιών εκπαίδευσης, καθώς σε ορισμένα δεν έχει ακόμη καταστεί δυνατή η ίδρυση σχολείου. Μείζον ζήτημα στην απρόσκοπτη εξέλιξη της εκπαιδευτικής διαδικασίας σε καθεστώς κράτησης αποτελεί η εξασφάλιση, στους κρατουμένους μαθητές, της συνεχούς και αδιάτακτης παρακολούθησης. Δυστυχώς, όμως, ο ΕΜΠ γίνεται συχνά αποδέκτης διαμαρτυριών κρατουμένων, των οποίων η μεταγωγή σε κατάστημα κράτησης χωρίς σχολείο είχε ως αποτέλεσμα την απότομη διακοπή της σχολικής τους προόδου και τη συνακόλουθη επιβάρυνση της ψυχολογικής τους κατάστασης. Μέχρις ότου επιτευχθεί πλήρης ανάπτυξη και διασύνδεση των σχολείων σε όλα τα καταστήματα κράτησης της χώρας, ο ΕΜΠ θεωρεί ότι επιβάλλεται η εξατομικευμένη συνεκτίμηση των εκπαιδευτικών αναγκών σε κάθε απόφαση μεταγωγής κρατουμένου.... Όπως τα σχολεία, έτσι και οι δυνατότητες ψυχαγωγίας, απασχόλησης και εξωσχολικής επαγγελματικής κατάρτισης αποτελούν πρόκληση για γεφύρωση του χάσματος ανάμεσα σε περιπτώσεις καταστημάτων κράτησης με εντυπωσιακές δυνατότητες ή ευκαιρίες και σε περιπτώσεις άλλων με μηδαμινές. Μεταξύ άλλων, ο ΕΜΠ επισημαίνει: Στο Κατάστημα Κράτησης Τρικάλων, τα σεμινάρια Κινητής Μονάδας Ψυχικής

⁶⁴ The inspections took place from January 30th to November 15th in 2018. From May 2018 to December 2018, the NMP visited 9 prisons. More specifically, the NMP visited Domokos Detention Facility on September 19-20 and Nafplio Detention Facility on November 12-13. Therefore, this is within the reference period.

⁶⁵ Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Annual Special Report 2019' (Ετήσια Ειδική Έκθεση 2019), available in [English](#)

Υγείας και τα προγράμματα επαγγελματικής κατάρτισης. Στο Κατάστημα Κράτησης Αλικαρνασσοῦ, τη λειτουργία φυτωρίου, σαπωνοποιείου και ξυλουργικού εργαστηρίου καθώς και τα σεμινάρια μαγειρικής. Στο Κατάστημα Κράτησης Ναυπλίου και το Αγροτικό Κατάστημα Κράτησης Ενηλίκων Τίρυνθας, τη συνεργασία με το Τμήμα Θεατρικών Σπουδών του Πανεπιστημίου Πελοποννήσου. Στο Κατάστημα Κράτησης Πάτρας, τη λειτουργία θεατρικής ομάδας σε συνεργασία με το Δημοτικό Περιφερειακό Θέατρο. Στο Κατάστημα Κράτησης Κορίνθου, τις εκπαιδευτικές εκδρομές σε μουσεία και άλλους χώρους πολιτισμού, μόνο, όμως, των ανηλίκων κρατουμένων και όχι των λοιπών. Αντιθέτως, και ανεξαρτήτως διαθεσιμότητας ή έλλειψης κατάλληλων χώρων, τα Καταστήματα Κράτησης Χανίων και Γρεβενών, η Αγροτική Φυλακή Αγιάς και το Ειδικό Κατάστημα Κράτησης Νέων Βόλου στερούνται παροχών ψυχαγωγίας, κατάρτισης ή εργαστηρίων και περιορίζονται σε όργανα γυμναστικής και αθλητικές δραστηριότητες, αυτοσχέδιες ή οργανωμένες με συνεργασία τοπικών φορέων, ενώ αλλού, όπως στο Κατάστημα Κράτησης Τρίπολης, δεν προσφέρεται καμιά συστηματική δραστηριότητα... Επιμέρους επισημάνσεις για ορισμένες φυλακές: Κατάστημα Κράτησης Τρικάλων:.. Οι προαύλιοι χώροι είναι «γυμνοί», δεν διαθέτουν διαμόρφωση για πρόσθετα στοιχεία ώστε να δημιουργείται ανθρώπινο περιβάλλον. Ειδικά η έλλειψη στεγάστρων καθιστά τον προαυλισμό αδύνατο σε περίπτωση βροχόπτωσης ή έντονης ηλιοφάνειας. Προτείνεται επίσης η διοργάνωση προγραμμάτων κατάρτισης και άθλησης των κρατουμένων και λειτουργία εργαστηρίων, καθώς και η ενίσχυση για την κατασκευή παιδικού επισκεπτηρίου... Κατάστημα Κράτησης Χαλκίδας: Οι χώροι προαυλισμού είναι μικρής έκτασης αναλογικά με τον πληθυσμό, δεν διαθέτουν εξοπλισμό για αθλητισμό και ανάπτυξη δραστηριοτήτων, ούτε παγκάκια ή χώρους πρασίνου, ενώ είναι πλήρως εκτεθειμένοι στις καιρικές συνθήκες. Δεν υπάρχει εξειδικευμένος χώρος ψυχαγωγίας ούτε σχολείο..."

Annual special report of 2018 (English language): "Although the Administration has taken some positive initiatives, the lack of creative activities offered to prisoners are still major problems at most prisons. The report also reiterates that inactivity further exacerbates the already poor psychological state of prisoners. The organisation of seminars and workshops will help manage tensions and facilitate the smooth reintegration of prisoners. Schools: Members of the NPM team had the opportunity to ascertain the good functioning of Second Chance Schools, whose beneficial effects are not limited to the use of the prisoners' time, but also contribute to their rehabilitation after release. Many schools have been able to attract institution donations and constructive cooperation with local bodies. Of particular note are the following activities: At the Corfu Detention Facility, a Digital Library has been developed in collaboration with the Ionian University. At the Larissa Detention Facility, a gallery of works by inmates has been established. At the Trikala Detention Facility, an exemplary computer room has been set up and prizes have been won in international student film contests. The Corinth and Patras detention facilities and Special Juvenile Rural Detention Facility of Kassaveteia (Volos) also have multiple activities. Equally important is the ability of detainees to continue their studies at local Evening Lyceums, as well as in the Greek Open University. However, it is noted that some schools do not have educational material adapted to the needs of adults and young people who attend the early classes of primary school or for students who are not familiar with or have little knowledge of the Greek language. This complicates the educational process and reduces its effectiveness, despite the efforts of the teachers to cover the above gaps on their own initiative, as in the case of the Corinth Detention Facility. At the junior high school level, similar problems result in inadequate coverage of teaching needs, with a small number of educators teaching all of the classes. The satisfactory impression from some detention facilities is countered by the existing inequality in providing such educational benefits, as some detention facilities have not yet been able to establish a school. A major issue in the uninterrupted development of the educational process in detention is the provision to prisoners of continuous and uninterrupted monitoring. The NPM is often the recipient of protests from detainees whose transfer to a detention facility without schooling services has resulted in an abrupt break in their educational progress and has thus

resulted in an aggravation of their psychological condition. Until the full development of schools is achieved in all detention facilities in the country, the NPM considers that it is imperative to take individual educational needs into account in any decision to transfer a prisoner...

Like schools, opportunities for leisure, employment and vocational training are challenging gaps that need to be bridged between detention facilities that provide impressive opportunities and other that provide fewer ones. Among other things, the NPM points out: In the Trikala Detention Facility, the Mental Health Seminars and the vocational training programmes. At the Nea Alikarnassos Detention Facility, the operation of a nursery, a soap factory and a woodworking workshop, as well as cooking courses. In the Nafplio Detention Facility and the Adult Rural Detention Facility of Tiryntha, the collaboration with the Department of Theatre Studies of the University of Peloponnese. At the Patras Detention Facility, the operation of a theatre group in collaboration with the Municipal Regional Theatre. In the Corinth Detention Facility, educational excursions to museums and other cultural sites, but only for juvenile detainees. In contrast, in spite of availability or lack of suitable facilities, the Chania and Grevena detention facilities, the Rural Prison of Agias and the Special Juvenile Detention Facility of Volos lack entertainment and training programmes or workshops and are limited to gymnastics and sports activities, improvised or organised in cooperation with local operators, while elsewhere, as in the Tripolis Detention Facility, no systematic activity is offered... Trikala Detention Facility: The yard areas are "bare" and no attempt has been made to create a more human environment. More specifically, the lack of a shelter makes access to the courtyard impossible in case of rain or intense sunshine. NPM Also proposed is the establishment of training and sport activities for the detainees and the setting up of specialised workshops...Chalkis Detention Facility: The courtyards are small in relation to the population accommodated in the prison and the facility also lacks equipment for sport and leisure activities; there are no benches or green spaces and the courtyards are fully exposed to the weather conditions. There is no special area for recreation or school".

Annual special report of 2019: " Πολλά από τα συνήθη προβλήματα που αναδεικνύονται στις κατ' έτος αυτοψίες του ΕΜΠ, ιδίως όμως οι ελλείψεις δυνατότητας εκπαίδευσης, ψυχαγωγίας, απασχόλησης και κατάρτισης, επιτείνονται από το οξύτατο πρόβλημα στελέχωσης... Κατάστημα Κράτησης Κω: υπάρχει παντελής έλλειψη μονίμων ή μακράς διάρκειας προγραμμάτων κατάρτισης, εκπαίδευσης ή άθλησης και δεν λειτουργεί ούτε σχολείο, καθώς οι σχετικές προσπάθειες δεν τελεσφόρησαν και δεν υπάρχει ούτε οικειοθελής προσφορά από την τοπική κοινωνία των πολιτών. Κατάστημα Κράτησης Κορίνθου: Η εικόνα που δημιουργήθηκε στο κλιμάκιο του ΕΜΠ ήταν ότι οι πολύ περιορισμένες δυνατότητες εκτόνωσης και δημιουργικής έκφρασης, πέραν των λοιπών δυσμενών συνεπειών για τη σωματική και ψυχοσυναισθηματική ανάπτυξη των ανήλικων, παράγουν εκνευρισμό και εντάσεις τόσο μεταξύ των κρατουμένων όσο και με το φυλακτικό προσωπικό. Αξίζει να καταγραφεί η ευεργετική επίδραση που είχε διαπιστώσει ο ΕΜΠ από παλαιότερες πρακτικές, που επέτρεπαν συμμετοχή των ανήλικων κρατουμένων σε δραστηριότητες στην κοινότητα και παρακολούθηση καλλιτεχνικών ή αθλητικών θεαμάτων ή συνεργασιών με σχολεία, σε συνδυασμό με δραστηριότητες εντός του καταστήματος".

Annual special report of 2019 (English language):" Many issues that came up during NPM inspections, e.g shortcomings in education, leisure, employment and training activities, were aggravated due to severe understaffing.... Kos detention facility:...Furthermore, there were no permanent or long-term vocation, training or sports programs; there was no school, despite some efforts to establish one, and the local community was not willing to volunteer... Corinth detention facility: ... lack of purposeful activities, including employment, athletic and leisure activities. The NPM team found that the lack of purposeful activities had physical, mental and emotional repercussions on minors but it also fueled tensions between inmates and tensions between inmates and guards. On the other hand, the NPM had reported the positive

effects of previous practices which had given minors the chance to participate in community activities and attend art or sport events, allowing thus cooperation with schools in combination with in-prison activities”.

4. Solitary confinement

a) What are the national standards regarding solitary confinement?

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, sexual violence, construction and possession of objects capable of being used as a weapon, use or possession of drugs and alcohol, destruction of property of the establishment of a particular great value or of special use, bribery of a staff member of the establishment and use or possession of a mobile phone.⁶⁶No penalties are imposed for offences not previously prescribed by law.

Confinement is imposed by a reasoned decision of the Detention Facility’s Disciplinary Council, prison’s public prosecutor (supervisor) presiding⁶⁷. 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 proceedings⁶⁸. 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 normal⁶⁹. 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 Council⁷⁰. 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 offence⁷¹. 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

⁶⁶ Greece, article 68 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁶⁷ Greece, Greece, article 70 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999); Greece, Article 2 of Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

⁶⁸ Greece, Article 70 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999); Greece, article 31 of Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

⁶⁹ Greece, Articles 71 and 65 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁷⁰ Greece, Article 71 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁷¹ Greece, Article 66 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

actions undertaken by the prisoner convince them that his sense of restraint has been restored⁷².

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 function⁷³. 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.⁷⁴ 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 32638/2.5.2017⁷⁵, which stresses the importance of using 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) Are there any national standards with regard to checking and/or monitoring the wellbeing of detainees in solitary confinement? If so, what do they require?

Daily visits from the detention facility's doctor are mandated during the time of disciplinary confinement⁷⁶.

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The same standards apply for pre-trial and post-trial detention and all the detention regimes in prison facilities.

The criminal detention conditions described in the submitted template are applicable to pre-trial detention and regular imprisonment; the standards are the same. According to

⁷² Greece, Article 70 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999); Greece, article 32 of Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

⁷³ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁷⁴ Greece, Article 69 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁷⁵ 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*), available in [Greek](#)

⁷⁶ Greece, Article 69 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

article 1 of the Greek Penitentiary Code⁷⁷ **prisoners (regular imprisonment)** are those persons who are serving sentences against freedom, as well as **pre-trial detainees**; namely, according to Greek legislation, sentences against freedom as well as temporary (pre-trial) detention are being exclusively carried out **in prison facilities**.

On the other hand, detention facilities in police stations (**police detention**) aim at accommodating the detention of persons for very short time periods either before their trial or in case of their transfer to another prison facility. According to article 66, par. 6 of Presidential Decree 141/1991⁷⁸, as amended by article 2 of Presidential Decree 38/1994⁷⁹, detention either of persons whose trial is pending or of convicts that are supposed to enter a penitentiary facility (prison) is prohibited in the detention facilities of the police departments, with the exemption of the time that is absolutely necessary before the transfer and only if the direct transfer and delivery to the appropriate prison facility is not possible. Due to the above-mentioned, police detention facilities neither resemble prison facilities nor do they provide stable living conditions but only temporary stays.

d) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 4. a) - c), including their respective legal basis.

A report in writing to the Prison Council and then an appeal against the Council's decision to the Sentence Enforcement Court is a remedy that detainees can exercise in case of a breach or violation of the standards addressed under 4. a) – c), according to article 6 of the Penitentiary Code⁸⁰. In case of an illegal act against them or an illegal order, detainees have the right to report in writing, within a reasonable time, to the Prison Council. Within fifteen days from service of the decision rejecting their request, or one month from submission of the report where no decision has been issued, detainees shall have the right to appeal to the Sentence Enforcement Court. If this court grants the appeal on the merits, it shall annul the effects of the illegal act or order. Moreover, the competent service of the Ministry of Justice, which monitors the operation of the establishment and is responsible for the immediate application of the decision to the Prison Council, revokes the illegal action and satisfies the request of the detainee proceeding with an investigation of the parties responsible. Finally, the administration of the establishment is under the obligation to forward, within a three day period, any report or letter by a prisoner addressed to a state authority (e.g the Ombudsman⁸¹) or international organization, without becoming informed of its contents. A special protocol registry is kept to this effect.

⁷⁷ Greece, Law 2776/1999 [Penitentiary Code](#) (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁷⁸ Greece, Presidential Decree 141/1991 Responsibilities of bodies and official actions of the staff of the Ministry of Public Order and issues of organization of Services (*Αρμοδιότητες οργάνων και υπηρεσιακές ενέργειες του προσωπικού του Υπουργείου Δημόσιας Τάξης και θέματα οργάνωσης Υπηρεσιών*), available in [Greek](#) (O.G.G. Issue A 58/30.04.1991)

⁷⁹ Greece, Presidential Decree 38/1994 Amendment of Presidential Decree 141/1991 and various others (for convicts) (*Τροποποίηση Π.Δ. 141/1991 και διαφόρων άλλων (για κατάδικους)*), available in [Greek](#) (O.G.G Issue A 30/08.03.1994)

⁸⁰ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁸¹ A detainee can also appeal to the Ombudsman, who, under Article 2 of Law 4228/2014 (O.G.G Issue A 7/10.1.2014), has been designated as National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) of the General Assembly of the United Nations, which was ratified by the above law. The Ombudsman, as National Preventive Mechanism, as well as in the exercise of his duties under Article 3 of Law 3094/2003 (O.G.G. Issue A 10/22.1.2003), visits prisons; collects data through any available means (including through visits, interviews and photographs); orders expert examinations; conducts investigations and publishes reports, according to the relevant provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Articles 25 and 31 of the Internal Regulation for the Operation of General Detention Facilities⁸² grant any detainee the right to lodge a complaint regarding the conditions of detention before the prison authorities and in particular the public prosecutor (supervisor) of the prison. If the complaint is rejected, detainees may challenge this decision under articles 6 and 86 of Penitentiary Code⁸³ before the competent enforcement tribunal.

National law provides additional remedies, as it allows to detainees to make their complaints before the competent public prosecutor, under article 572(old)/567(new) of the Code of Penal Procedure⁸⁴. The public prosecutor is required to visit the prison once a week and monitors the treatment of detainees, the execution of sentences and the implementation of security measures of the facility.

It is finally noted that detainees can request their transfer to another Detention Center, according to articles 72 and 73 of the Penitentiary Code⁸⁵ and in case the request for transfer is rejected for substantial reasons for the second consecutive time, they can appeal against the decision of the Central Transfers' Committee (K.E.M.) to the Sentence Enforcement Court which meets as a Council within 10 days from the notification of the rejection decision⁸⁶.

e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference, a list of links can be found via the [OPCAT Database](#).

Annual special report of 2019⁸⁷: *"Κατάστημα Κράτησης Κω:... Ο χώρος πειθαρχείου, που χρησιμοποιείται πλέον μόνο για ειδική προστασία κρατουμένου εφ' όσον παραστεί ανάγκη, αποτελείται από 2 κελιά που δεν πληρούν τις συνθήκες αξιοπρεπούς διαβίωσης, καθώς δεν υπάρχει φωτισμός και παράθυρο...Κατάστημα Κράτησης Λάρισας: Τα πειθαρχικά κελιά είναι ακατάλληλα για διαμονή προσώπων και επιβάλλεται ανακατασκευή τους...Κατάστημα Κράτησης Κορίνθου:το γεγονός της επανενεργοποίησης του χώρου απομόνωσης («πειθαρχείου»), παρά την αντίθετη οδηγία του Υπουργείου και την καλή πρακτική που είχε ακολουθηθεί μέχρι πρόσφατα στο Κατάστημα"*

Annual special report of 2019 (English language): "Kos detention facility: ... The solitary confinement area was used only under special circumstances for the detainees' protection and consisted of two cells which did not comply to decent living conditions as they lacked lighting and windows...Larissa detention facility: Solitary confinement areas were not suitable for accommodation and it is imperative to reconstruct them...Corinth detention facility:... re-opening of the solitary confinement area that went against the directive of the competent Ministry".

⁸² Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

⁸³ Greece, Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁸⁴ Greece, Presidential Decree 258/1986 Code of Criminal Procedure (Κώδικας Ποινικής Δικονομίας), (O.G.G. Issue A 121/8.8.1986). The new Code of Penal Procedure entered into force on 1.7.2019 with Law 4620/2019 (O.G.G. Issue A 96/11.6.2019)

⁸⁵ Greece, Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁸⁶ Greece, article 9 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁸⁷ Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Annual Special Report 2019' (Ετήσια Ειδική Έκθεση 2019), available in [English](#)

5. Access to healthcare

- a) What is the national standard with regard to access to medical services in prisons, including emergency care? (E.g.: Do detainees have prompt access to medical services within prisons and/or externally? Do detainees have access to dentists, opticians, etc.?) If so, what does it require?

Medical services for prisoners are provided by Korydallos Prisoners' Hospital, Korydallos Psychiatric Hospital for Prisoners and Centre for the Treatment of Drug Addicted Prisoners "EPILOGI" (Choice), of Eleonas- Thiva as listed in article 2(17.2.e) of Presidential Decree 96/2017⁸⁸.

According to article 27 of Greek Penitentiary Code⁸⁹ and articles 3 and 16 of Internal Regulation for the Operation of General Detention Facilities⁹⁰, prisoners should enjoy health care services to the same level as the general population, on a 24-hour-a-day basis.

Prisoners are examined by the establishment's doctor upon their admission and henceforth every six months, and can also request at any given time an examination either by the facility's doctor or a private doctor of their choice. In case of chronic diseases they can ask for medical treatment from their own private doctor, in the presence also of the establishment's doctor. In the latter case the prisoners must bear the relevant expenses. 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. 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. 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.⁹¹

In case of emergency care and provided the doctor is absent, the director of the establishment, to prevent danger to the life or serious and permanent damage to the health of a detainee, orders transfer either to a public hospital at the prefecture where the detention premise is located, or if hospitalization is not possible in that hospital, to the nearest public hospital at a prefecture where another detention premise is located⁹². Members of the facility's in-house medical personnel include dentists⁹³. Dentists provide essential treatments such as dental fillings and tooth extractions. They can also perform prosthetic services at the prisoners' cost⁹⁴. Access to an optician is not explicitly regulated.

⁸⁸ Greece, Presidential Decree 96/2017, Ministry of Justice internal regulation (*Οργανισμός Υπουργείου Δικαιοσύνης, Διαφάνειας και Ανθρωπίνων Δικαιωμάτων*), available in [Greek](#) (OGG Issue A 136/11.9.2017)

⁸⁹ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

⁹⁰ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

⁹¹ Greece, Article 27 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (OGG A 290/24.12.1999)

⁹² Greece, article 74 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (OGG A 290/24.12.1999) and article 30 of Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

⁹³ 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 [Greek](#), (O.G. B 463/17.4.2003)

⁹⁴ 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](#), (OGG issue B 463/17.4.2003)

According to the provisions of the article 33 of Law 4368/2016⁹⁵ and article 3 of the joint Ministerial Decision 25132/2016⁹⁶, uninsured prisoners have access to medical services for free and prison facilities are included in the public electronic prescribing system. Additionally, according to presidential decree 100/2018⁹⁷, Korydallos Prisoners' Hospital was included in the National Health System and was renamed to Special Health Center of Korydallos Prison. Through this integration, Special Health Center of Korydallos Prison is scientifically connected with the General Hospital of Nikaia - Piraeus "Agios Panteleimon". It provides primary health care services, short-term care as well as monitoring and support of the chronically ill, thus covering the needs of patient prisoners. The positions of the medical, nursing and other scientific staff were increased, covering all the necessary specialties.

b) Are there any national standards concerning the availability of qualified medical and nursing personnel? If so, what do they require?

Doctors, dentists, pharmacists and nurses are included in medical personnel, according to articles 44-49 of the Internal Regulation for the Operation of General Detention Facilities⁹⁸. Their exact duties are listed in detail, in the aforementioned articles.

There is no information available regarding the number of qualified medical and nursing personnel working in Greek prisons.

c) Are there any national standards for an initial medical examination upon deprivation of liberty or transfer of a detainees? If so, what do they require?

Prisoners should be examined by the establishment's doctor on their admission, or immediately after it, and henceforth every six months, or anytime they ask for it, by either the doctor of the prison or a doctor of their own choice (in this case prisoners bear the cost themselves)⁹⁹. An individual Health Card is kept for each detainee, in which data of medical interest are recorded, such as the time of each medical examination, the relevant diagnosis, the recommended treatment, as well as the name, specialty and signature of the doctor who examined the prisoner. This card accompanies the detainee to each transfer¹⁰⁰.

d) Are there any national standards relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly detainees, the mentally ill, drug addicted detainees, etc.) If so, what do they require?

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 this case prisoners bear the cost themselves), in the presence of the facility's doctor¹⁰¹. Chronically ill prisoners are detained in Korydallos Prisoners' Hospital (Special Health Center of Korydallos Prison).

⁹⁵ Greece, Law 4368/2016 Measures for acceleration of governmental work and other provisions (*Μέτρα για την επιτάχυνση του κυβερνητικού έργου και άλλες διατάξεις*), available in [Greek](#), (OGG issue A 21/21.2.2016)

⁹⁶ Greece, joint Ministerial Decision 25132/4.4.2016 Arrangements for the access of the uninsured to the Public Health System (Πυθμίσεις για τη διασφάλιση της πρόσβασης των ανασφάλιστων στο Δημόσιο Σύστημα Υγείας), available in [Greek](#), (OGG issue B 908/4.4.2016)

⁹⁷ Greece, Presidential Decree 100/2018 Inclusion of the Korydallos Prisoners' Hospital in the National Health System (ESY) and its renaming to Special Health Center of Korydallos Prison (Ένταξη του Νοσοκομείου Κρατούμενων Κορυδαλλού στο Εθνικό Σύστημα Υγείας (Ε.Σ.Υ.) και μετονομασία του σε Ειδικό Κέντρο Υγείας Κρατούμενων Κορυδαλλού), available in [Greek](#), (OGG issue A 193/20.11.2018)

⁹⁸ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

⁹⁹ Greece, article 27 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (OGG A 290/24.12.1999)

¹⁰⁰ Greece, article 28 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (OGG A 290/24.12.1999)

¹⁰¹ Greece, article 27 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (OGG A 290/24.12.1999)

As regards elderly detainees, article 56 of the Greek Penal Code¹⁰² provides home detention as a way of executing the prison detention for convicted offenders over 75 years. Certain conditions are imposed on those detainees. Mentally ill prisoners are admitted to the infirmary (for a maximum period of one month), or are restricted to a separate space within the detention facility. If necessary for their treatment, they are transferred to a special psychiatric unit of the nearest hospital of the regional unit where the Detention Center is located or in a corresponding hospital unit of the same district. If deemed necessary by the director of the aforementioned psychiatric unit, detainees are transferred to a special therapeutic prison facility (Korydallos Psychiatric Hospital for Prisoners), where they receive appropriate care and participate in therapeutic programmes¹⁰³.

Detainees whose treatment is not possible in the infirmary of the prison or in the therapeutic establishments of Korydallos Prison Complex (Korydallos Prisoners' Hospital and Korydallos Psychiatric Hospital), are transferred to a public hospital of the regional unit in which they are located. If it is not possible to be hospitalized in this hospital, they are transferred, by order of the director of the relevant clinic, to the nearest public hospital of the regional unit where another Detention Center operates¹⁰⁴.

Detainees suspected of suffering from infectious diseases are being restrained in a special unit of the detention facility, following the decision of the facility's director and the consent of the facility's doctor, for as long as this is medically necessary for a final diagnosis.¹⁰⁵

Drug addicted detainees are subject to the special legal regime for drug-related offences, while the Penitentiary Code guarantees a therapeutic approach to their cases, mandating that the general principles for medical treatment apply to them as well.¹⁰⁶ Article 34 of Law 4139/2013 on Addictive Substances stipulates that prisoners who claim that are addicted to drugs, and wish to participate in a rehabilitation programme must first go through a diagnostic and detoxification process for a period of one to three weeks, based on their specific needs, as assessed by the head of the relevant programme¹⁰⁷. This process includes drug replacement therapy¹⁰⁸. 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 4139/2013.¹⁰⁹ Ministerial Decree 212/2014 regulates the establishment and operation of OKANA (National Organisation Against Drugs), a legal entity and social actor for drug-related policy, prevention and

¹⁰² Greece, Presidential Decree 283/1985 Penal Code (*Ποινικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 106/31.5.1985)

¹⁰³ Greece, article 27 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (OGG A 290/24.12.1999)

¹⁰⁴ Greece, article 30 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (OGG A 290/24.12.1999)

¹⁰⁵ Greece, article 30 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (OGG A 290/24.12.1999)

¹⁰⁶ Greece, article 30 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (OGG A 290/24.12.1999)

¹⁰⁷ Greece, article 34 of Law 4139/2013 Law on addictive substances (*Νόμος Περί Εξαρτησιογόνων Ουσιών*), available in [Greek](#) (OGG Issue A 74/20.03.2013)

¹⁰⁸ Greece, Ministerial Decree 212/2014, Establishment and Operation by OKANA of Addiction Treatment Units with the provision of substitutes in the detention centers of Korydallos and Patras (*Ίδρυση και Λειτουργία από τον OKANA Θεραπευτικών Μονάδων αντιμετώπισης της εξάρτησης με την χορήγηση υποκατάστατων στα καταστήματα κράτησης Κορυδαλλού και Πατρών*) (OGG issue B 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*) (OGG Issue Β' 1343/2002)

¹⁰⁹ Greece, article 51 of Law 4139/2013 Law on Addictive Substances (*Νόμος Περί Εξαρτησιογόνων Ουσιών*), available in [Greek](#) (OGG Issue A 74/20.03.2013)

treatment supervised by the Ministry of Health, within the detention facilities of Patras and Korydallos¹¹⁰. 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 following¹¹¹.

Another accredited organisation, listed in article 51 of law 4139/2013¹¹², is KETHEA, which provides counselling, rehabilitation and reintegration services to prisoners. KETHEA PROMITHEAS therapeutic community began to operate in 2015, as the first treatment unit housed in an independent wing in Thessaloniki prison facility¹¹³.

Finally, Centre for the Treatment of Drug Addicted Prisoners "EPILOGI" (Choice)¹¹⁴, is operating in Eleona Thiva prison Complex and offering a therapeutic programme run and staffed fully by the prison service (therapeutic personnel, custodial and perimeter security staff)¹¹⁵.

e) Are there any national standards with regard to a medical treatment of the detainee's own choosing? If so, what do they require?

Detainees, as mentioned above under 5. a), c) and d), can request at any given time an examination either by the facility's doctor or a private doctor of their choice. In case of chronic diseases they can ask for medical treatment from their own private doctor, in the presence also of the establishment's doctor. In the latter case the prisoners must bear the relevant expenses¹¹⁶.

f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The same standards apply for pre-trial and post-trial detention and all the detention regimes in prison facilities.

The criminal detention conditions described in the submitted template are applicable to pre-trial detention and regular imprisonment; the standards are the same. According to article 1 of the Greek Penitentiary Code¹¹⁷ **prisoners (regular imprisonment)** are those persons who are serving sentences against freedom, as well as **pre-trial detainees**; namely, according to Greek legislation, sentences against freedom as

¹¹⁰ Greece, Ministerial Decree 212/2014, (OG issue B 524/28.2.2014)

¹¹¹ Greece, article 30 of Law 4139/2013 Law on Addictive Substances (*Νόμος Περί Εξαρτησιογόνων Ουσιών*), available in [Greek](#) (OGG Issue A 74/20.03.2013)

¹¹² Greece, article 51 of Law 4139/2013 Law on Addictive Substances (*Νόμος Περί Εξαρτησιογόνων Ουσιών*), available in [Greek](#) (OGG Issue A 74/20.03.2013)

¹¹³ KETHEA – PROMITHEAS treatment programme, available in [english](#)

¹¹⁴ As listed in article 2(17.2.e) of Presidential Decree 96/2017, Ministry of Justice internal regulation (*Οργανισμός Υπουργείου Δικαιοσύνης, Διαφάνειας και Ανθρωπίνων Δικαιωμάτων*), available in [Greek](#) (OGG Issue A 136/11.9.2017)

¹¹⁵ Ministerial Decision 1154/4.9.2002, Pilot operation of the Centre for the Treatment of Drug Addicted Prisoners in Eleona Thiva, for physical and mental detoxification and social reintegration of detained drug addicts and psychotropic substance users (*Πιλοτική Λειτουργία του Κέντρου Απεξάρτησης Τοξικομανών Κρατουμένων Ελαιώνα Θηβών για τη σωματική και ψυχική απεξάρτηση και την κοινωνική επανένταξη των κρατουμένων τοξικομανών και χρηστών ψυχοτρόπων ουσιών*), available in [Greek](#) (OGG Issue B 137061/4.9.2002)

¹¹⁶ Greece, article 27 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (OGG A 290/24.12.1999)

¹¹⁷ Greece, Law 2776/1999 [Penitentiary Code](#) (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

well as temporary (pre-trial) detention are being exclusively carried out **in prison facilities**.

On the other hand, detention facilities in police stations (**police detention**) aim at accommodating the detention of persons for very short time periods either before their trial or in case of their transfer to another prison facility. According to article 66, par. 6 of Presidential Decree 141/1991¹¹⁸, as amended by article 2 of Presidential Decree 38/1994¹¹⁹, detention either of persons whose trial is pending or of convicts that are supposed to enter a penitentiary facility (prison) is prohibited in the detention facilities of the police departments, with the exemption of the time that is absolutely necessary before the transfer and only if the direct transfer and delivery to the appropriate prison facility is not possible. Due to the above-mentioned, police detention facilities neither resemble prison facilities nor do they provide stable living conditions but only temporary stays.

g) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 5. a) – f), including their respective legal basis.

A report in writing to the Prison Council and then an appeal against the Council's decision to the Sentence Enforcement Court is a remedy that detainees can exercise in case of a breach or violation of the access to healthcare standards addressed under 5. a) – f), according to article 6 of the Penitentiary Code¹²⁰. In case of an illegal act against them or an illegal order, detainees have the right to report in writing, within a reasonable time, to the Prison Council. Within fifteen days from service of the decision rejecting their request, or one month from submission of the report where no decision has been issued, detainees shall have the right to appeal to the Sentence Enforcement Court. If this court grants the appeal on the merits, it shall annul the effects of the illegal act or order. Moreover, the competent service of the Ministry of Justice, which monitors the operation of the establishment and is responsible for the immediate application of the decision to the Prison Council, revokes the illegal action and satisfies the request of the detainee proceeding with an investigation of the parties responsible. Finally, the administration of the establishment is under the obligation to forward, within a three day period, any report or letter by a prisoner addressed to a state authority (e.g the Ombudsman¹²¹) or international organization, without becoming informed of its contents. A special protocol registry is kept to this effect. Articles 25 and 31 of the Internal Regulation for the Operation of General Detention Facilities¹²² grant any detainee the right to lodge a complaint regarding the conditions of detention before the prison authorities and in particular the public prosecutor

¹¹⁸ Greece, Presidential Decree 141/1991 Responsibilities of bodies and official actions of the staff of the Ministry of Public Order and issues of organization of Services (*Αρμοδιότητες οργάνων και υπηρεσιακές ενέργειες του προσωπικού του Υπουργείου Δημόσιας Τάξης και θέματα οργάνωσης Υπηρεσιών*), available in [Greek](#) (O.G.G. Issue A 58/30.04.1991)

¹¹⁹ Greece, Presidential Decree 38/1994 Amendment of Presidential Decree 141/1991 and various others (for convicts) (*Τροποποίηση Π.Δ. 141/1991 και διαφόρων άλλων (για κατάδικους)*), available in [Greek](#) (O.G.G Issue A 30/08.03.1994)

¹²⁰ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹²¹ A detainee can also appeal to the Ombudsman, who, under Article 2 of Law 4228/2014 (O.G.G Issue A 7/10.1.2014), has been designated as National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) of the General Assembly of the United Nations, which was ratified by the above law. The Ombudsman, as National Preventive Mechanism, as well as in the exercise of his duties under Article 3 of Law 3094/2003 (O.G.G. Issue A 10/22.1.2003), visits prisons; collects data through any available means (including through visits, interviews and photographs); orders expert examinations; conducts investigations and publishes reports, according to the relevant provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹²² Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

(supervisor) of the prison. If the complaint is rejected, detainees may challenge this decision under articles 6 and 86 of Penitentiary Code¹²³ before the competent enforcement tribunal.

National law provides additional remedies, as it allows to detainees to make their complaints before the competent public prosecutor, under article 572(old)/567(new) of the Code of Penal Procedure¹²⁴. The public prosecutor is required to visit the prison once a week and monitors the treatment of detainees, the execution of sentences and the implementation of security measures of the facility.

It is finally noted that detainees can request their transfer to another Detention Center, according to articles 72 and 73 of the Penitentiary Code¹²⁵ and in case the request for transfer is rejected for substantial reasons for the second consecutive time, they can appeal against the decision of the Central Transfers' Committee (K.E.M.) to the Sentence Enforcement Court which meets as a Council within 10 days from the notification of the rejection decision¹²⁶.

h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspects (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

The NPM in its annual special report of 2018¹²⁷ noted that the failure to staff facilities adequately with permanent medical and nursing personnel are still a major problem at most prisons. In annual special report of 2019¹²⁸ the NPM underscored that the lack of flexibility from the prison administration regarding the handling of medical emergencies amplifies problems associated with the remote location of certain detention facilities.

Annual special report of 2018: *"Παρά τις θετικές πρωτοβουλίες της διοίκησης, εξακολουθούν να αποτελούν σημαντικό πρόβλημα στα περισσότερα Καταστήματα... η πλημμυρής στελέχωση των καταστημάτων με μόνιμο εξειδικευμένο ιατρικό και νοσηλευτικό προσωπικό... Πρόσθετα, δεν λαμβάνεται ειδική μέριμνα για τις περιπτώσεις μεταγωγών τοξικοεξαρτώμενων ατόμων, ιδίως όταν, όπως στο Αγροτικό Κατάστημα Κράτησης Ενηλίκων Τίρυνθας, δεν υπάρχουν σχετικά προγράμματα αλλά ούτε και μόνιμος ψυχολόγος, οπότε επιβάλλεται να λαμβάνονται όλα τα ενδεικνυόμενα υποστηρικτικά μέτρα όταν πραγματοποιούνται οι σχετικές μεταγωγές... Κατάστημα Κράτησης Γρεβενών: Σημαντικότερο πρόβλημα του Καταστήματος αποτελεί η έλλειψη μόνιμου ιατρού, παρά τη δεκαετή λειτουργία του, την ύπαρξη υπερήλικων κρατουμένων και τη χορήγηση ψυχιατρικής φαρμακευτικής αγωγής. Η ύπαρξη ειδικού δωματίου για το διαχωρισμό και την κατανομή των ψυχιατρικών φαρμάκων των κρατουμένων αποτελεί απόδειξη της ευρείας χρήσης τους. Για το λόγο αυτό θα πρέπει να διασφαλιστεί η*

¹²³ Greece, Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹²⁴ Greece, Presidential Decree 258/1986 Code of Criminal Procedure (Κώδικας Ποινικής Δικονομίας), (O.G.G. Issue A 121/8.8.1986). The new Code of Penal Procedure entered into force on 1.7.2019 with Law 4620/2019 (O.G.G. Issue A 96/11.6.2019)

¹²⁵ Greece, Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹²⁶ Greece, article 9 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹²⁷ Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Annual Special Report 2018' (Ετήσια Ειδική Έκθεση 2018), available in [English](#)

¹²⁸ Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Annual Special Report 2019' (Ετήσια Ειδική Έκθεση 2019), available in [English](#)

επίσκεψη ψυχιάτρου από δημόσιο νοσοκομείο για τη φροντίδα των ασθενών κρατουμένων ή σε διαφορετική περίπτωση ο κατ' επίσκεψιν ψυχίατρος να επισκέπτεται τους κρατουμένους με αμοιβή από το δημόσιο και να μην επιβαρύνονται οι κρατούμενοι ή άλλοι πόροι οικονομικοί του Καταστήματος. Κατάστημα Κράτησης Τρικάλων:... Οι κρατούμενοι που αντιμετωπίζουν προβλήματα λόγω εξάρτησης από τη χρήση ναρκωτικών ουσιών δεν μπορούν να τύχουν της αναγκαίας θεραπευτικής υποστήριξης και απεξάρτησης στο συγκεκριμένο Κατάστημα και προωθούνται σχετικά αιτήματα μεταγωγής για άλλα θεραπευτικά καταστήματα. Με βάση τον αριθμό των κρατουμένων που αντιμετωπίζουν σχετικά προβλήματα, θα πρέπει να εξεταστεί η υποστήριξη του συγκεκριμένου Καταστήματος Κράτησης με εξειδικευμένο προσωπικό ή τη λειτουργία προγραμμάτων”.

Annual special report of 2018 (English language): “Although the Administration has taken some positive initiatives, the failure to staff facilities adequately with permanent medical and nursing personnel, ... are still major problems at most prisons...Additionally, special care is not taken in the case of drug addicts, even when there are no relevant programmes, as in the Adult Rural Detention Facility in Tiryntha, or even a permanent psychologist, so it is necessary to take all the appropriate supporting measures when the relevant transfers are made...Grevena Detention Facility: The most alarming problem of the facility is the lack of a permanent doctor, despite its ten years’ of operation, the presence of elderly prisoners and the administration of psychiatric medication and treatment. The existence of a special room serving as a dispensary for prisoners' psychiatric medicines is evidence of their widespread use. For this reason, a psychiatrist from a public hospital should visit to provide care for sick detainees, or otherwise a psychiatrist should visit the detainees on public pay and not burden the detainees or other financial resources. Trikala Detention Facility: ... The detainees here with drug addiction problems cannot receive the necessary treatment, so the administration promotes their requests for transfer in the appropriate therapeutic facilities. Given the number of detainees experiencing this kind of problem, equipping this prison with specialised personnel and setting up adequate therapeutic programmes should be considered. Considering the capacity of this prison, the number of the accommodated detainees and the sentence lengths they serve, the most important problem is the lack of a permanent doctor”.

Annual special report of 2019: “ ... Οι επιπτώσεις της γεωγραφικά απομονωμένης θέσης ορισμένων καταστημάτων κράτησης επιτείνονται από την έλλειψη διοικητικής ευελιξίας ως προς την αντιμετώπιση ιατρικών περιστατικών... στην περίπτωση του Καταστήματος Κράτησης Μαλανδρινού, όπου χρειάζεται προσφυγή σε ιατρικές υπηρεσίες που δεν παρέχονται στο Κέντρο Υγείας Λιδωρικίου ούτε στα Νοσοκομεία Άμφισσας και Λαμίας, οι κρατούμενοι δεν μεταγονται στο πράγματι πλησιέστερο Κατάστημα Κράτησης Αγίου Στεφάνου και από εκεί στο Πανεπιστημιακό Νοσοκομείο Πατρών, απλώς και μόνον επειδή εκείνο τυχαίνει να ανήκει σε διαφορετική Υγειονομική Περιφέρεια από τη Φωκίδα. Αντ' αυτού προτιμάται η μεταγωγή στο Κατάστημα Κράτησης Λάρισας και από εκεί στο Πανεπιστημιακό Νοσοκομείο Λάρισας (επειδή ανήκει στην ίδια Υγειονομική Περιφέρεια με τη Φωκίδα), πιθανώς με ακόμη μεγαλύτερη καθυστέρηση λόγω μειωμένης συχνότητας των τακτικών δρομολογίων μεταγωγών. Αυτή η απώλεια πολύτιμου χρόνου ενίοτε αποβαίνει μοιραία, όπως στην περίπτωση κρατουμένου που απεβίωσε το Φεβρουάριο 2018 κατά τη μεταγωγή του προς αναζήτηση γναθοχειρουργού. Το πρόβλημα αυτό έχουν παραδεχθεί και εντοπίσει οι διευθύνσεις αμφοτέρων των καταστημάτων κράτησης, του μεν Μαλανδρινού καθώς τίθεται σε κίνδυνο η υγεία των κρατουμένων του, της δε Λάρισας καθώς επιβαρύνεται με μεταγωγές που θα μπορούσαν να είχαν αποφευχθεί... Κατάστημα Κράτησης Λάρισας: Στο ιατρείο δεν υπηρετεί μόνιμος ιατρός, για δε τους κατ' επίσκεψη (3 παθολόγοι και ψυχίατρος) οι κρατούμενοι παραπονούνται για αδυναμία πρόσβασης, με αποτέλεσμα μεγάλη συχνότητα μεταγωγών στα νοσοκομεία της πόλης αλλά και υπερβολική ποσότητα συνταγογραφούμενων αντικαταθλιπτικών, αντιψυχωσικών και ηρεμιστικών, ενίοτε μάλιστα, σύμφωνα με ισχυρισμούς κρατουμένων, χωρίς να έχει καν

προηγηθεί κανονική εξέταση. Κατάστημα Κράτησης Μαλανδρινού: Το ιατρείο είναι στελεχωμένο με τον αγροτικό ιατρό του Λιδωρικίου, ο οποίος το επισκέπτεται 2-3 φορές την εβδομάδα, και οδοντίατρο κατ' επίσκεψη 1 φορά την εβδομάδα. Οι πλημμελείς υπηρεσίες υγείας φαίνεται πως αποτελούν την κυριότερη αιτία παραπόνων των κρατουμένων. Οι ασθενείς εκτάκτως μεταφέρονται στο Νοσοκομείο Άμφισσας, σε σοβαρότερες περιπτώσεις στο Νοσοκομείο Λαμίας και τελικώς στο Νοσοκομείο Λάρισας, καθώς η μεταγωγή στο πλησιέστερο Νοσοκομείο Ρίου παρεμποδίζεται για οργανωτικούς λόγους. Λειτουργεί όμως πρόγραμμα τηλεϊατρικής”.

Annual special report of 2019 (English language):” ... Lack of flexibility from the prison administration regarding the handling of medical emergencies amplifies problems associated with the remote location of certain detention facilities. For example, in the case of Malandrino detention facility, when the required medical assistance is not available in the Health Center of Lidoriki or the Hospitals of Amphissa or Lamia, detainees are not transferred to the nearest detention facility of Agios Stephanos and subsequently in the University Hospital of Patras, just because the latter belongs to a different healthcare district. Instead, detainees are transferred to the detention facility in Larissa and subsequently to the University Hospital of Larissa because it belongs to the same healthcare district as Fokida. The delay may become even greater because of infrequent police transfer itineraries. Loss of precious time may be fatal, as in the case of the detainee who lost his life during his transfer to a dental surgeon in February 2018. The problem had been identified by prison administrations of Malandrino and Larissa, the former because it put its detainees at risk and the latter because it was burdened with transfers that could had been avoided... Larissa detention facility:... There was no permanent physician in the infirmary and the detainees complained that they had no access to the visiting doctors (3 physicians and a psychiatrist). As a result, according to the detainees' allegations, transfers to the city hospitals were very frequent as well as overtreatment with excessive amounts of prescription drugs (antidepressants, antipsychotics and sedatives) sometimes without a medical exam. Malandrino detention facility: The infirmary had a rural doctor from Lidoriki, who visited two to three times a week and a visiting dentist once per week. Healthcare services were the greatest cause of complaints among detainees. In case of an emergency, patients were transferred to the Amphissa Hospital and, in more serious cases, to the Lamia Hospital and to Larissa Hospital. Their transfer in Rio Hospital which was the nearest, was not possible due to red-tape issues. Nevertheless, a telemedicine programme was in place”.

6. Special measures in place to protect young detainees

- a) Are there any national standards with regard to the separation of young detainees from adults? If so, what do they require? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)

Young detainees (18-21 years old and sometimes adults up to 25 years old in order to complete their educational or vocational programs) are held in the three autonomous detention facilities listed in article 2(17.2.d) of Presidential Decree 96/2017¹²⁹: the Special Juvenile Detention Centre in Avlona, the Special Juvenile Detention Centre in Volos and the Special Rural Juvenile Detention Centre in Kassaveteia. Juvenile offenders (aged 15-18 years) are held in the Corinth detention facility. All juvenile facilities are subject to their own internal regulations, based on the provisions of Internal Regulation for the Operation of Special Detention Facilities¹³⁰. Detainees beyond these age limits,

¹²⁹ Greece, Presidential Decree 96/2017, Ministry of Justice internal regulation (*Οργανισμός Υπουργείου Δικαιοσύνης, Διαφάνειας και Ανθρωπίνων Δικαιωμάτων*), available in [Greek](#) (OGG Issue A 136/11.9.2017)

¹³⁰ Greece, Ministerial Decision 47503 / 21.6.2005 Internal Regulation for the Operation of Special Detention Facilities (*Υπουργική απόφαση 47503/21.6.2005 εσωτερικός κανονισμός λειτουργίας των ειδικών καταστημάτων κράτησης*), available in [Greek](#) (OGG Issue B' 889/30.6.2005)

are immediately transferred to prison facilities for adults. There are only few cases of adults who remain in Juvenile detention facilities, only for work, where they engage in skilled jobs, but without contact with juveniles and young prisoners.

b) Please indicate the age categories of young persons falling under your country's (juvenile) detention regime.

In accordance with Article 126 of the Criminal Code¹³¹, minors from 8-15 years, do not have criminal responsibility and cannot be sentenced to a custodial sentence, but only to reformatory or therapeutic measures.

According to articles 127 and 130(1) of the Greek Penal Code, 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 etc.), or if they are found guilty of rape, and the victim was a minor under the age of 15¹³².

c) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The same standards apply for pre-trial and post-trial detention and all the detention regimes in prison facilities.

The criminal detention conditions described in the submitted template are applicable to pre-trial detention and regular imprisonment; the standards are the same. According to article 1 of the Greek Penitentiary Code¹³³ **prisoners (regular imprisonment)** are those persons who are serving sentences against freedom, as well as **pre-trial detainees**; namely, according to Greek legislation, sentences against freedom as well as temporary (pre-trial) detention are being exclusively carried out **in prison facilities**.

On the other hand, detention facilities in police stations (**police detention**) aim at accommodating the detention of persons for very short time periods either before their trial or in case of their transfer to another prison facility. According to article 66, par. 6 of Presidential Decree 141/1991¹³⁴, as amended by article 2 of Presidential Decree 38/1994¹³⁵, detention either of persons whose trial is pending or of convicts that are supposed to enter a penitentiary facility (prison) is prohibited in the detention facilities of the police departments, with the exemption of the time that is absolutely necessary before the transfer and only if the direct transfer and delivery to the appropriate prison facility is not possible. Due to the above-mentioned, police detention facilities neither resemble prison facilities nor do they provide stable living conditions but only temporary stays.

¹³¹ Greece, Presidential Decree 283/1985 Penal Code (*Ποινικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 106/31.5.1985)

¹³² Greece, Presidential Decree 283/1985 Penal Code (*Ποινικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 106/31.5.1985)

¹³³ Greece, Law 2776/1999 [Penitentiary Code](#) (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹³⁴ Greece, Presidential Decree 141/1991 Responsibilities of bodies and official actions of the staff of the Ministry of Public Order and issues of organization of Services (*Αρμοδιότητες οργάνων και υπηρεσιακές ενέργειες του προσωπικού του Υπουργείου Δημόσιας Τάξης και θέματα οργάνωσης Υπηρεσιών*), available in [Greek](#) (O.G.G. Issue A 58/30.04.1991)

¹³⁵ Greece, Presidential Decree 38/1994 Amendment of Presidential Decree 141/1991 and various others (for convicts) (*Τροποποίηση Π.Δ. 141/1991 και διαφόρων άλλων (για κατόδικους)*), available in [Greek](#) (O.G.G. Issue A 30/08.03.1994)

d) Please indicate any remedies available to young detainees in case of a breach or violation of the standards addressed under 6. a) – c), including their respective legal basis.

A report in writing to the Prison Council and then an appeal against the Council's decision to the Sentence Enforcement Court is a remedy that detainees can exercise in case of a breach or violation of the standards addressed under 6. a) – c), according to article 6 of the Penitentiary Code¹³⁶. In case of an illegal act against them or an illegal order, detainees have the right to report in writing, within a reasonable time, to the Prison Council. Within fifteen days from service of the decision rejecting their request, or one month from submission of the report where no decision has been issued, detainees shall have the right to appeal to the Sentence Enforcement Court. If this court grants the appeal on the merits, it shall annul the effects of the illegal act or order. Moreover, the competent service of the Ministry of Justice, which monitors the operation of the establishment and is responsible for the immediate application of the decision to the Prison Council, revokes the illegal action and satisfies the request of the detainee proceeding with an investigation of the parties responsible. Finally, the administration of the establishment is under the obligation to forward, within a three day period, any report or letter by a prisoner addressed to a state authority (e.g the Ombudsman¹³⁷) or international organization, without becoming informed of its contents. A special protocol registry is kept to this effect.

Articles 25 and 31 of the Internal Regulation for the Operation of General Detention Facilities¹³⁸ grant any detainee the right to lodge a complaint regarding the conditions of detention before the prison authorities and in particular the public prosecutor (supervisor) of the prison. If the complaint is rejected, detainees may challenge this decision under articles 6 and 86 of Penitentiary Code¹³⁹ before the competent enforcement tribunal.

National law provides additional remedies, as it allows to detainees to make their complaints before the competent public prosecutor, under article 572(old)/567(new) of the Code of Penal Procedure¹⁴⁰. The public prosecutor is required to visit the prison once a week and monitors the treatment of detainees, the execution of sentences and the implementation of security measures of the facility.

It is finally noted that detainees can request their transfer to another Detention Center, according to articles 72 and 73 of the Penitentiary Code¹⁴¹ and in case the request for transfer is rejected for substantial reasons for the second consecutive time, they can appeal against the decision of the Central Transfers' Committee (K.E.M.) to the Sentence

¹³⁶ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹³⁷ A detainee can also appeal to the Ombudsman, who, under Article 2 of Law 4228/2014 (O.G.G Issue A 7/10.1.2014), has been designated as National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) of the General Assembly of the United Nations, which was ratified by the above law. The Ombudsman, as National Preventive Mechanism, as well as in the exercise of his duties under Article 3 of Law 3094/2003 (O.G.G. Issue A 10/22.1.2003), visits prisons; collects data through any available means (including through visits, interviews and photographs); orders expert examinations; conducts investigations and publishes reports, according to the relevant provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹³⁸ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

¹³⁹ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁴⁰ Greece, Presidential Decree 258/1986 Code of Criminal Procedure (Κώδικας Ποινικής Δικονομίας), (O.G.G. Issue A 121/8.8.1986). The new Code of Penal Procedure entered into force on 1.7.2019 with Law 4620/2019 (O.G.G. Issue A 96/11.6.2019)

¹⁴¹ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

Enforcement Court which meets as a Council within 10 days from the notification of the rejection decision¹⁴².

- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language). These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

Annual Special Report of 2018¹⁴³:" Στο Ειδικό Αγροτικό Κατάστημα Κράτησης Νέων Κασσαβέτειας, παρά τις συνεχείς επισκευές και ανακατασκευές, οι οικίσκοι των εργαζομένων κρατουμένων παραμένουν απολύτως ακατάλληλοι, ιδίως για τους καλοκαιρινούς μήνες. Στο Ειδικό Κατάστημα Κράτησης Νέων Βόλου παρατηρούνται αποξηλωμένες ηλεκτρικές κατασκευές, διαρροή υδραυλικών εγκαταστάσεων, δυσσομία και ελλιπής εξαερισμός, ενώ η διεύθυνση αποδίδει μέρος των βλαβών σε ευθύνη των κρατουμένων... Στο Ειδικό Αγροτικό Κατάστημα Κράτησης Νέων Κασσαβέτειας αναφέρεται αδυναμία συνάντησης των νεαρών κρατουμένων με τις συζύγους και τα παιδιά τους σε ανοικτό επισκεπτήριο, καθώς, ελλείπει κατάλληλου μηχανικού εξοπλισμού για τον έλεγχο των επισκεπτών, αυτό εγκρίνεται με ιδιαίτερη φειδώ και κυρίως σε άτομα που βρίσκονται αρκετό καιρό στο κατάστημα ώστε να έχει προηγηθεί εκτίμηση της προσωπικότητάς τους. Στο Κατάστημα Κράτησης Κορίνθου (ανήλικοι), ελλείπει ειδικής αίθουσας, το ανοικτό επισκεπτήριο πραγματοποιείται σε χώρο πλησίον του θυρωρείου, ο οποίος μπορεί να επιθεωρείται από έναν φύλακα και το θυρωρό, χωρίς να εμποδίζεται καθόλου η οπτική επαφή, ενώ μετά το πέρας του, προκειμένου να αποτραπεί η εισαγωγή απαγορευμένων ειδών, οι κρατούμενοι υποβάλλονται σε σωματικό έλεγχο με πλήρη γύμνωση, η οποία δεν επιβάλλεται βάσει εξατομικευμένων ενδείξεων ή πληροφοριών αλλά γενικευμένα σε όλους και σε όλα τα ανοιχτά επισκεπτήρια (συγγενείς, συνήγοροι). Πρόκειται συγκεκριμένα για ένα ειδικώς διαμορφωμένο δωμάτιο με ιατρικό κρεβάτι εξέτασης, όπου λαμβάνει κάθε φορά χώρα ο σωματικός έλεγχος με την αφαίρεση των ενδυμάτων και εσωρούχων, κυρίως μετά το πέρας των ανοικτών επισκεπτηρίων, καθώς και μετά την επάνοδο των ανηλίκων κρατουμένων από εκδρομές. Ο Συνήγορος του Πολίτη έλαβε κατά το έτος 2018 και διερευνά αναφορά για περιστατικό με εφαρμογή σωματικού ελέγχου κρατουμένων με πλήρη γύμνωση μετά τη διεξαγωγή ανοιχτού επισκεπτηρίου με συγγενείς και αναμένει σχετική απάντηση από το αρμόδιο Υπουργείο ώστε να κρίνει αν υφίσταται, με σκοπό την αποφυγή μορφών έρευνας ικανών να θίξουν την αξιοπρέπεια κρατουμένων και επισκεπτών, ανάγκη τροποποίησης της ισχύουσας νομοθεσίας για τις σωματικές έρευνες προς την κατεύθυνση της καταγραφής και απόδειξης, με τη χρήση πανελλαδικά εφαρμοζόμενων μέσων, των συγκεκριμένων λόγων που επιτρέπουν στο προσωπικό να κάνει χρήση αυτής της μορφής της σωματικής έρευνας... το Ειδικό Κατάστημα Κράτησης Νέων Βόλου στερούνται παροχών ψυχαγωγίας, κατάρτισης ή εργαστηρίων και περιορίζονται σε όργανα γυμναστικής και αθλητικές δραστηριότητες, αυτοσχέδιες ή οργανωμένες με συνεργασία τοπικών φορέων... Ειδικό Κατάστημα Κράτησης Νέων Βόλου: Το κατάστημα παρουσιάζει εικόνα παραμέλησης και φθοράς αλλά και γενικότερο αρνητικό κλίμα, γεγονός που επιβεβαιώνεται από τους συχνούς αυτοτραυματισμούς αλλά και τις (απορριπτόμενες) αιτήσεις για μετακίνηση σε άλλα καταστήματα. Προβληματισμό προξενεί και το γεγονός ότι ο πληθυσμός της φυλακής είναι σχεδόν αποκλειστικά αλλοδαπός, με εξαίρεση δύο περιπτώσεων ρομά, κατάσταση που προσιδιάζει σε γκέτο. Εκτιμάται επίσης ότι η Διεύθυνση χειρίζεται απ'

¹⁴² Greece, article 9 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁴³ Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Annual Special Report 2018' (Ετήσια Ειδική Έκθεση 2018), available in [English](#)

ευθείας ζητήματα που θα έπρεπε να εμπίπτουν στην αρμοδιότητα της κοινωνικής υπηρεσίας. Οι προτάσεις του ΕΜΠ κινούνται σε πρακτικό προσανατολισμό, ως απόρροια των διαπιστώσεών του. Ειδικότερα, προτείνεται η σταθερή και στενότερη σύνδεση με το τοπικό νοσοκομείο, ώστε να καλύπτονται έγκαιρα και επαρκώς οι ανάγκες των κρατουμένων, καθώς και με φορέα ή υπηρεσία ψυχικής υγείας, προκειμένου να γίνεται σωστή αξιολόγηση και συστηματική υποστήριξη της ψυχικής υγείας των κρατουμένων και να αποφεύγονται η αποσπασματική αντιμετώπιση με χορήγηση φαρμάκων, οι μακρές αναμονές και οι αυτοτραυματισμοί. Προτείνεται επίσης η ενίσχυση της συνεργασίας με τον τοπικό Δικηγορικό Σύλλογο ή Μη Κυβερνητικές Οργανώσεις με συναφή δραστηριότητα, με στόχο τη διασφάλιση τακτικής παρουσίας για παροχή νομικής ενημέρωσης και συμβουλευτικής, καθώς και η διερεύνηση, σε συνεργασία με τον εισαγγελέα, του συστήματος χορήγησης αδειών, της διασφάλισης του επισκεπτηρίου, ως προς πρόσωπα που δικαιούνται από τον νόμο, αλλά και της συχνότητας τραυματισμών και αυτοτραυματισμών. Σκόπιμες επίσης θα ήταν δράσεις όπως η διαμόρφωση φιλικού και ενθαρρυντικού κοινόχρηστου χώρου, η ενίσχυση και συστηματοποίηση ψυχαγωγικών δραστηριοτήτων, η ανανέωση της βιβλιοθήκης με νεανικού περιεχομένου αναγνώσματα, σε γλώσσες κατανοητές από τους κρατουμένους, και τοποθέτηση των βιβλίων σε χώρο άμεσα προσβάσιμο. Τέλος, προτείνεται η εισαγωγή προγραμμάτων επαγγελματικής κατάρτισης, τα οποία θα βελτιώναν την καθημερινότητα των κρατουμένων αλλά και θα διευκόλυναν την επανένταξή τους μετά την αποφυλάκιση, καθώς και η εμπλοκή των νεαρών κρατουμένων σε εργασίες συντήρησης του κτιρίου και βελτίωσης των χώρων, με ακρόαση της άποψής και των προτάσεών τους ως προς τις εργασίες αυτές. Ειδικό Αγροτικό Κατάστημα Κράτησης Νέων Κασσαβέτειας Βόλου: Στο Τμήμα Νεαρών Κρατουμένων, βασικό πρόβλημα αποτελεί η έλλειψη δυνατότητας συνάντησης των κρατουμένων με τις συζύγους και τα παιδιά τους σε ανοιχτό επισκεπτήριο. Η δυνατότητα αυτή παρέχεται δε μετά από κάποιο χρονικό διάστημα «δοκιμασίας», ενώ σύμφωνα με τους υπαλλήλους του Καταστήματος Κράτησης δεν είναι εφικτή η εξαρχής παροχή της δυνατότητας αυτής λόγω έλλειψης του κατάλληλου μηχανικού εξοπλισμού για τον έλεγχο των επισκεπτών. Στη συγκεκριμένη περίπτωση όμως πρέπει να ληφθεί υπόψη το νεαρό της ηλικίας των κρατουμένων και η κατοχύρωση του δικαιώματος επικοινωνίας με τους οικείους τους μέσω επισκέψεων (άρθρο 52 Σωφρονιστικού Κώδικα)“.

Annual Special Report of 2018 (English language): “At the Kassaveteia Juvenile Detention Facility, despite constant repairs and reconstruction, the cells of the working prisoners remain totally inadequate, especially during the summer months. In the Special Juvenile Detention Facility of Volos there are dismantled electrical installations, leakage of plumbing installations, odours and inadequate ventilation, while the Administration blames the inmates for some of the damage...At the Special Rural Juvenile Detention Centre in Kassaveteia, it is reported that young inmates cannot meet with their spouses and children in open visits because, due to a lack of appropriate mechanical equipment for checking visitors, such visits are approved sparingly and mainly for persons who have been in the prison for a significant amount of time so that their personalities can be assessed. In the Corinth Detention Facility (juveniles), in the absence of a special room, open visits are held in a place near the reception booth, which may be inspected by a guard and the receptionist, without obstructing visual contact at all, and after visits, in order to prevent contraband from being brought into the prison, prisoners undergo a strip search, which is not carried out on the basis of indications or information in a given case, but in all cases and after all open visits (relatives, advocates). These searches are carried out in a specially designed room with a medical examination bed, and involve the removal of clothing and undergarments, especially after the end of visits and upon the return of minors from excursions. In 2018 the Ombudsman received and investigated a report of strip searches of detainees after visits from relatives and is awaiting a response from the competent Ministry in order to determine whether there is a need for such searches – in order to avoid forms of searches that may compromise the dignity of prisoners and visitors – and to amend the current legislation on body searches in the direction of recording and proving, using nationally practised instruments, the specific reasons why such searches are carried out

by staff... the Special Juvenile Detention Facility of Volos lack entertainment and training programmes or workshops and are limited to gymnastics and sports activities, improvised or organised in cooperation with local operators... Volos Special Juvenile Detention Facility: In this prison we observed signs of neglect and deterioration as well as a general negative environment, which are confirmed by the frequent self-injuries of the detainees as well as by their (usually rejected) requests to move to other facilities. Another matter of concern is the fact that, during our visit, the prison's population consisted almost exclusively of foreigners (with the exceptional case of two Roma), reminiscent of a ghetto situation. It is also estimated that the Administration directly handles matters that should fall within the competence of the social service. The NPM's proposals are based on a more practical orientation, in the light of its findings. In particular, we recommend the establishment of a more stable and closer connection with the local Hospital to meet the needs of the detainees promptly and adequately, as well as with a mental health institution or service, in order to properly evaluate and systematically support detainees' mental health and to avoid fragmentary treatment limited to provision of medication, long waits and self-injuries. Closer cooperation with the local Bar Association or Non-Governmental Organisations with related activity is also proposed, with the aim of ensuring the regular provision of legal notification and counselling, as well as investigation, in cooperation with the public prosecutor, of the temporary release system, safeguarding of visits in terms of persons entitled to visits by law, and the frequency of injuries and self-injuries. It would also be useful to promote actions such as the creation of friendly and stimulating public spaces, enhancement and systematisation of leisure activities, enrichment of prison libraries with books suitable for young inmates and in languages understandable by them, while also guaranteeing access to the library. Finally, we propose the introduction of training programmes that would improve the daily life of detainees and facilitate their reintegration after release, as well as their involvement in building maintenance and improvement of the premises, with their views and proposals regarding potential improvements to facilities taken into consideration... Special Rural Detention Facility for Juveniles in Kassaveteia Volos: In the Male Juvenile Prisoners' wing the main problem for the detainees is the lack of possibility to meet with their spouses and children in an open visit. This option is provided only after a period of "probation" and, according to the detention staff, it is not possible to provide this facility from the very start of the detention due to lack of proper mechanical equipment for guest inspection. In this particular case, however, account must be taken of the detainees' young age and the right to communicate with their relatives through visits (article 52 of the Correctional Code)".

Annual Special Report 2019¹⁴⁴:" Ειδικό Αγροτικό Κατάστημα Κράτησης Νέων Κασσαβέτειας Βόλου: Το Κατάστημα λειτουργεί ως αγροτική φυλακή για ενηλίκους και ως κλειστή φυλακή για άρρενες 18-21 ετών. Τα κλειστά τμήματα ανακαινίσθηκαν πρόσφατα. Ανακαίνιση όμως επίσης χρειάζονται τόσο οι παλαιοί και φθαρμένοι οικίσκοι για τους εργαζόμενους, καθώς έχουν στέγες από αμίαντο και επικρατεί κρύο το χειμώνα και ζέστη το καλοκαίρι, όσο και το οίκημα για τους νέους. Τα προβλήματα υποδομών στους οικίσκους των εργαζομένων κρατουμένων είχαν, άλλωστε, επισημανθεί και στο παρελθόν, χωρίς, όπως φαίνεται, να παρατηρείται η παραμικρή βελτίωση. Οι εργασίες καθαριότητας δεν επαρκούν, πιθανώς λόγω απροθυμίας κρατουμένων να επιλέξουν τις αντίστοιχες θέσεις εργασίας, ενώ ανεπαρκή απόδοση φαίνεται πως παρουσιάζουν οι πετρελαιοκίνητες συσκευές θέρμανσης. Εκκρεμούν αιτήματα της διοίκησης για σύνδεση με παρακείμενο υποσταθμό φυσικού αερίου και για τοποθέτηση μαγνητικής πύλης. Λειτουργεί δημοτικό σχολείο μόνο για τους νέους κρατουμένους. Γενικός ιατρός επισκέπτεται το Κατάστημα 2 φορές την εβδομάδα, τα ψυχιατρικά περιστατικά στέλνονται στο Νοσοκομείο Βόλου και κάθε 15 ημέρες επισκέπτεται το Κατάστημα κλιμάκιο του Κέντρου Ψυχικής για συνεδρίες με τους κρατουμένους, ενώ λειτουργεί και πρόγραμμα

¹⁴⁴ Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Annual Special Report 2019' (Ετήσια Ειδική Έκθεση 2019), available in [English](#)

του ΚΕΘΕΑ. Υπηρετούν 3 κοινωνικοί λειτουργοί, οι οποίοι όμως ανά εξάμηνο αποσπώνται εκ περιτροπής στο Κατάστημα Κράτησης Δομοκού, γεγονός που επιβαρύνει την εύρυθμη λειτουργία της κοινωνικής υπηρεσίας. Διαχρονικό πρόβλημα για τους κρατούμενους αποτελεί το γεγονός πως μετά το βραδινό κλείσιμο της φυλακής, μισή ώρα πριν από τη δύση του ηλίου, είναι αναγκασμένοι να παραμένουν μέσα στους θαλάμους μέχρι το επόμενο πρωί, καθώς η άμεση επικοινωνία των θαλάμων με το προαύλιο, χωρίς ενδιάμεσο στεγασμένο χώρο, δημιουργεί ζήτημα ασφαλείας. Κατάστημα Κράτησης Κορίνθου: Κατά το χρόνο της επίσκεψης στο Κατάστημα κρατούνταν 18 ανήλικοι μεταξύ 16 και 17 ετών, πάνω από τους μισούς ήταν αλλοδαποί ενώ οι έλληνες στη συντριπτική πλειοψηφία τους ρομά. Οι περισσότεροι ήταν υπόδοκοι. Μέρος των αλλοδαπών ανήλικων κρατούμενων προέρχονταν από καταυλισμούς προσφύγων όπου είχαν συμμετάσχει σε συμπλοκές. Επίσης εξακολουθούσε να κρατείται, σε ξεχωριστή πτέρυγα αλλά με δυνατότητα επικοινωνίας, αριθμός ενηλίκων (13) που απασχολούνταν με τις εργασίες καθαρισμού, λειτουργίας του κυλικείου και παρασκευής φαγητού. Οι ανήλικοι κρατούμενοι είχαν κατανεμηθεί σε 10 κελιά 2-3 ατόμων. Οι διαστάσεις των κελιών φαίνεται να είναι μικρότερες των προβλεπόμενων στο Σωφρονιστικό Κώδικα 35 τ.μ.. Πάντως, ο χώρος έχει εξοπλισθεί σε ικανοποιητικό σχετικά επίπεδο και ήταν ανεκτός από πλευράς συντήρησης. Οι τουαλέτες απομονώνονται με πόρτα από το υπόλοιπο κελί. Τα δύο κελιά απομόνωσης είναι μικρότερα, στερούνται παραθύρου και φυσικού φωτισμού. Οι 2 σχολικές αίθουσες έδιναν εικόνα ελλιπούς χρήσης και παραμέλησης, παρά τον κατάλληλο εξοπλισμό τους. Η εικόνα των κοινόχρηστων χώρων ήταν ανεκτή. Ωστόσο απουσιάζει ένας χώρος κατάλληλα διαμορφωμένος, εξοπλισμένος και φιλικός στα παιδιά, για συνάντηση, κοινές δραστηριότητες και ψυχαγωγία, ιδίως των ανηλίκων. Το προαύλιο έχει την ίδια, μη φιλική στα παιδιά εικόνα, που παρουσιάζουν και οι λοιποί κοινόχρηστοι χώροι. Ορισμένοι ανήλικοι, ιδίως όσοι είχαν εισέλθει πρόσφατα στη χώρα, φορούσαν καλοκαιρινά ρούχα και σαγιονάρες (η αυτοψία έγινε το Δεκέμβριο), ενώ εμφανώς κρύωναν. Η κοινωνική υπηρεσία υποστήριξε ότι καλύπτονται πάντοτε οι ανάγκες σε ρούχα και παπούτσια, αλλά οι ίδιοι οι ανήλικοι δεν θέλουν τα ρούχα που τους παρέχονται ή τα ανταλλάσσουν με τσιγάρα ή άλλα αγαθά. Οι ανήλικοι ωστόσο εξακολουθούσαν να υποστηρίζουν ότι τα παρεχόμενα είδη δεν είναι επαρκή, καθώς και ότι συχνά τα αιτήματά τους για ρουχισμό δεν έχουν καμία ανταπόκριση. Το ιατρείο στεγάζεται στο ίδιο γραφείο με την κοινωνική υπηρεσία και την ψυχολόγο, πράγμα που προφανώς δυσχεραίνει το έργο των εμπλεκόμενων επαγγελματιών, θέτει ζητήματα ιδιωτικότητας και μειώνει τις δυνατότητες των υπηρεσιών αυτών να ανταποκριθούν σε όλα τα αιτήματα. Έστω, πάντως, και με αυτά τα προβλήματα, αξίζει να επισημανθεί αυτή καθ' εαυτή η ύπαρξη ψυχολογικής υποστήριξης, η οποία απουσίαζε πλήρως στο παρελθόν. Παρατηρείται αυξημένη ζήτηση, από τους ανήλικους κρατούμενους, φαρμάκων που σχετίζονται με την ψυχική υγεία. Έφηβοι κρατούμενοι ανέφεραν δυσκολίες στον ύπνο, αίσθηση έντονου άγχους και φόβου, ανάγκη ψυχιατρικής παρακολούθησης και τάσεις αυτοτραυματισμού, γεγονός που προβληματίζει ιδιαίτερα σε συνάρτηση με την έλλειψη διεξόδων για απασχόληση, εκτόνωση και ψυχαγωγία. Σοβαρό πρόβλημα για την παροχή ψυχοκοινωνικής στήριξης αποτελεί και η έλλειψη διερμηνείας. Λόγω της έλλειψης άλλου εκπαιδευτικού και της κατανομής των μαθητών πρωτοβάθμιας σε 5 ομάδες με βάση το διαφορετικό επίπεδο γνώσης της ελληνικής γλώσσας, κάθε ομάδα μαθητών καλείται για μάθημα μία ημέρα της εβδομάδας, με αποτέλεσμα οι ανήλικοι μαθητές του δημοτικού να παραμένουν για τέσσερα πρωινά την εβδομάδα εκτός σχολείου και σε πλήρη αδράνεια. Στο γυμνάσιο επίσης η διδασκαλία των μαθημάτων απέχει πολύ από το προβλεπόμενο ωρολόγιο πρόγραμμα, ενώ δεν φαίνεται να ακολουθείται ούτε το ελλιπές πρόγραμμα που εμφανίζεται ως ισχύον στο Κατάστημα. Δεν παρέχεται δυνατότητα για κάποιου τύπου επαγγελματική κατάρτιση, έστω υπό μορφή παρακολούθησης πιστοποιούμενων μαθημάτων ή σεμιναρίων. Γυμναστής παρέχει υπηρεσίες μια φορά την εβδομάδα. Οι ανήλικοι αθλούνταν ελεύθερα κατά το χρόνο προαυλισμού τους, χωρίς ωστόσο να επιτρέπεται, για λόγους ασφάλειας, η χρήση βαρών. Ο χώρος με όργανο γυμναστικής παρέμενε κλειστός, καθώς για λόγους ασφάλειας θεωρείται απαραίτητη η παρουσία γυμναστή για τη χρήση του. Η εικόνα που δημιουργήθηκε στο κλιμάκιο του ΕΜΠ ήταν ότι οι πολύ περιορισμένες δυνατότητες εκτόνωσης και δημιουργικής έκφρασης, πέραν των λοιπών δυσμενών συνεπειών για τη σωματική και ψυχοσυναισθηματική ανάπτυξη

των ανηλίκων, παράγουν εκνευρισμό και εντάσεις τόσο μεταξύ των κρατουμένων όσο και με το φυλακτικό προσωπικό. Αξίζει να καταγραφεί η ευεργετική επίδραση που είχε διαπιστώσει ο ΕΜΠ από παλαιότερες πρακτικές, που επέτρεπαν συμμετοχή των ανηλίκων κρατουμένων σε δραστηριότητες στην κοινότητα και παρακολούθηση καλλιτεχνικών ή αθλητικών θεαμάτων ή συνεργασιών με σχολεία, σε συνδυασμό με δραστηριότητες εντός του καταστήματος. Η επικοινωνία των κρατουμένων με την οικογένειά τους αποτελεί σοβαρό πρόβλημα, ιδίως για τους αλλοδαπούς ανηλίκους, καθώς οι χορηγούμενες κάρτες τηλεφώνου είναι ανεπαρκείς ενώ από τις τρεις τηλεφωνικές συσκευές στην πτέρυγα των ανηλίκων λειτουργούσε μόνο μία. Παράλληλα, ενώ αξιοποιείται το skype, για πολλούς κρατουμένους δεν είναι χρήσιμο, τόσο λόγω αντικειμενικών δυσχερειών των οικογενειών τους που δεν έχουν πρόσβαση στο διαδίκτυο, όσο και των δικαιολογητικών που απαιτούνται ώστε να επιτραπεί η επικοινωνία αυτή (ιδίως πιστοποιητικά οικογενειακής κατάστασης από τη χώρα καταγωγής). Είναι επίσης εμφανής η έλλειψη νομικής συμβουλευτικής για την ενημέρωση των κρατουμένων ως προς τα δικαιώματά τους. Κατά το χρόνο της αυτοψίας, ήταν εμφανής και διάχυτη η πόλωση στις σχέσεις των κρατουμένων με το προσωπικό και εν μέρει μεταξύ τους. Το κλίμα αυτό αποτυπωνόταν στις δηλώσεις των εργαζομένων, του διευθυντή και των κρατουμένων, αλλά και προέκυπτε από τη μελέτη των πειθαρχικών που είχαν λάβει χώρα το τελευταίο διάστημα. Ορισμένοι από τους κρατουμένους περιέγραψαν περιστατικά σωματικής βίας, απειλών και απρεπών εκφράσεων καθώς και ρατσιστικού λόγου εκ μέρους συγκεκριμένων μελών φυλακτικού προσωπικού, καθώς και συμπεριφορές με χαρακτήρα αντιποίνων. Συναφές κρίθηκε το γεγονός της επανενεργοποίησης του χώρου απομόνωσης («πειθαρχείου»), παρά την αντίθετη οδηγία του Υπουργείου και την καλή πρακτική που είχε ακολουθηθεί μέχρι πρόσφατα στο Κατάστημα”.

Annual Special Report 2019 (English language):” Kassaveteia special rural detention facility for young offenders: The facility operates as a rural prison for adults and as a closed prison for young offenders from 18 to 21 years old. The closed sections were recently reconstructed. The old and time-worn houses for working inmates also needed reconstruction, as their roofs were made from asbestos and they were cold during the winter and hot during the summer. The building for young offenders also needed repairs. Although the infrastructure problems in working inmates' houses have been noted in past there was not even the slightest improvement. Cleaning services were insufficient due to the detainees' unwillingness to take up the relevant posts. The oil-heating devices performed poorly and requests from the administration regarding the facility's connection with a nearby natural gas fuelling station and for the installation of an archway metal detector were pending. Young offenders were able to attend a primary prison school. A physician was visiting the facility twice a week. Psychiatric emergencies were transferred to Volos Hospital and a team from the mental health center was visiting the facility every 15 days and held sessions with detainees. A therapy program for dependent individuals (KETHEA) was also available. The facility had three social workers who were transferred every six months in Domokos detention facility; this rotation undoubtedly disrupted the function of the social service. Over the years, detainees had been complaining that they were forced to remain inside their cells after the prison had shut down for the night (half an hour before sunset and until the following morning) for security reasons...Corinth detention facility: During the time of the inspection, 18 minors were held in the facility, between 16 and 17 years old. More than half of the population were third-country nationals and the Greeks were in their large majority Roma. Most of them were convicts. Part of the third-country minors came from refugee camps and had participated in riots. Furthermore, 13 minors were held in a separate wing that communicated with the other wings. The minors took up cleaning services, they ran the cafeteria and prepared meals. The minors were allocated in cells for 2 to 3 people. The dimensions of the cells seemed smaller than the 35m standards set by the correctional code. The space was adequately equipped and its maintenance was tolerable. The toilets were separated with a door from the rest of the cell. The two confinement areas were smaller and lacked windows and natural light. The two classrooms seemed neglected and abandoned despite being properly equipped. The common rooms were in tolerable

shape. However, there was no child-friendly space for meetings, common activities and leisure, especially for minors. The same applied for the yard area. Certain minors, especially those who had recently entered the country, were in summer clothes and flip flops (the inspection took place in December) and the children were obviously cold. The social service argued that their needs in clothes and shoes were always met but it was the minors who rejected the clothes or traded them with cigarettes and other commodities. The minors, on their part, persisted that the items that were delivered to them, were not sufficient, and that their requests for clothes were not met. The infirmary was housed in the same office with the social services and the facility's psychologist. As a result all professionals had difficulties in their work, namely dealing with privacy issues and meeting the detainees' requests. Notwithstanding these setbacks, it is noteworthy that there were psychological support services available as opposed to the past. We observed increased demand for mental health medicaments from minors. Teenage detainees reported difficulty to sleep, intense anxiety and fear, need for psychiatric monitoring and tendencies of self-harm. This is particularly troubling considering the lack of purposeful activities, including employment, athletic and leisure activities. Another serious problem was the lack of psychosocial support and interpretation. Primary school students were allocated in five groups depending on their Greek language level. Due to the lack of educators each group of students had lessons once a week. As a result students spent four mornings per week out of school doing nothing. Lessons in high-school differed significantly from those offered in the Ministry curriculum, if they were even followed. There was no option to follow any vocational training programs, certified courses or seminars. A gym instructor was available once a week. Minors could exercise freely during out-of-cell time but weight-lifting was prohibited for security reasons. The gym equipment room remained shut as it could not be used without a gym instructor's supervision for security reasons. The NPM team found that the lack of purposeful activities had physical, mental and emotional repercussions on minors but it also fueled tensions between inmates and tensions between inmates and guards. On the other hand, the NPM had reported the positive effects of previous practices which had given minors the chance to participate in community activities and attend art or sport events, allowing thus cooperation with schools in combination with in-prison activities. Inmate communication with their families was a serious problem, especially for third-country minors, as telephone cards were not sufficient and only one out of three telephone devices functioned. Many detainees found the Skype option of little use as their families lacked not only internet access but also the necessary certificates in order to allow that type of communication (namely family status certificates from the country of origin). Legal counseling regarding their rights was also evidently absent. During the inspection, the NPM team observed that staff-prisoner relationships and inmate relationships were extremely tense. This was evident in the interviews with the staff, the prison director and the detainees but was also depicted in the recent disciplinary records. Some detainees said certain guards were responsible for incidents of physical violence, threats, indecent expressions, hate speech and retaliation. This explained the re-opening of the solitary confinement area that went against the directive of the competent Ministry and the good practice of the administration until recently".

7. Special measures in place to protect detainees from violence

- a) Are any special measures in place to protect detainees against violence from guards/prison staff, including sexual violence? (E.g.: Are there emergency call buttons? Do guards receive special training? Do detainees have access to a complaints mechanism?)

Prisoners are separated into categories in order to receive special treatment according to the needs imposed by their actual or legal status. The prisoners of each

category live in separate establishments or in independent sections of the establishments according to article 11 of Greek Penitentiary Code¹⁴⁵.

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 prisoners¹⁴⁶. 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.

There is no information available in the relevant legislation regarding emergency call buttons.

As regards guards special training, according to the Strategic Plan for the Penitentiary System 2018-2020¹⁴⁷, one of the main objectives is the prisons' personnel training through the establishment and operation of a permanent school for Detention Facilities personnel and other services that fall under the competency of the General Secretariat for Crime Policy¹⁴⁸.

Access to complaints mechanism: In case of a violent act against them, detainees have the right to report in writing, within a reasonable time, to the Prison Council¹⁴⁹. Within fifteen days from service of the decision rejecting their request, or one month from submission of the report where no decision has been issued, detainees shall have the right to appeal to the Sentence Enforcement Court. If this court grants the appeal on the merits, it shall annul the effects of the illegal act or order. Moreover, the competent service of the Ministry of Justice, which monitors the operation of the establishment and is responsible for the immediate application of the decision to the Prison Council, revokes the illegal action and satisfies the request of the detainee proceeding with an investigation of the parties responsible. Finally, the administration of the establishment is under the obligation to forward, within a three day period, any report or letter by a prisoner addressed to a state authority (e.g the Ombudsman¹⁵⁰) or international organization, without becoming informed of its contents. A special protocol registry is kept to this effect. Articles 25 and 31 of the Internal Regulation for the Operation of General Detention Facilities¹⁵¹ grant any detainee the right to lodge a complaint of violence from guards/prison staff before the prison authorities and in particular the public prosecutor (supervisor) of the prison. If the complaint is rejected, detainees may challenge this decision under articles 6 and 86

¹⁴⁵ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (OGG A 290/24.12.1999)

¹⁴⁶ Greece, Article 59 of the Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

¹⁴⁷ Greece, Strategic Plan for the Penitentiary System 2018 - 2020 (*Στρατηγικό Σχέδιο για το Σωφρονιστικό Σύστημα 2018- 2020*), available in [Greek](#)

¹⁴⁸ Greece, article 17 of the Presidential Decree 96/2017, Ministry of Justice internal regulation (*Οργανισμός Υπουργείου Δικαιοσύνης, Διαφάνειας και Ανθρωπίνων Δικαιωμάτων*), available in [Greek](#) (OGG Issue A 136/11.9.2017)

¹⁴⁹ Greece, article 6 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁵⁰ A detainee can also appeal to the Ombudsman, who, under Article 2 of Law 4228/2014 (O.G.G Issue A 7/10.1.2014), has been designated as National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) of the General Assembly of the United Nations, which was ratified by the above law. The Ombudsman, as National Preventive Mechanism, as well as in the exercise of his duties under Article 3 of Law 3094/2003 (O.G.G. Issue A 10/22.1.2003), visits prisons; collects data through any available means (including through visits, interviews and photographs); orders expert examinations; conducts investigations and publishes reports, according to the relevant provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹⁵¹ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

of Penitentiary Code¹⁵² before the competent enforcement tribunal. National law provides additional remedies, as it allows to detainees to make their complaints before the competent public prosecutor, under article 572(old)/567(new) of the Code of Penal Procedure¹⁵³. The public prosecutor is required to visit the prison once a week and monitors the treatment of detainees, the execution of sentences and the implementation of security measures of the facility.

b) Are any special measures in place to protect detainees against violence from other detainees, including sexual violence? (E.g.: Are detainees supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do detainees have access to a complaints mechanism?)

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"¹⁵⁴. Generalised violence is dealt with through measures ordered by the prison's public prosecutor (supervisor), or in cases of emergency, by the director or the warden of the facilities, in collaboration with police forces. Internal Regulation for the Security of Detention Facilities¹⁵⁵ sets out specific security measures applicable to the interior as well as the perimeter of the facilities.

There is no information available in the relevant legislation regarding emergency call buttons.

Access to complaints mechanism: In case of a violent act against them, detainees have the right to report in writing, within a reasonable time, to the Prison Council¹⁵⁶. Within fifteen days from service of the decision rejecting their request, or one month from submission of the report where no decision has been issued, detainees shall have the right to appeal to the Sentence Enforcement Court. If this court grants the appeal on the merits, it shall annul the effects of the illegal act or order. Moreover, the competent service of the Ministry of Justice, which monitors the operation of the establishment and is responsible for the immediate application of the decision to the Prison Council, revokes the illegal action and satisfies the request of the detainee proceeding with an investigation of the parties responsible. Finally, the administration of the establishment is under the obligation to forward, within a three day period, any report or letter by a prisoner addressed to a state authority (e.g the Ombudsman¹⁵⁷) or international organization, without becoming informed of its contents. A special protocol registry is kept to this effect. Articles 25 and 31 of the

¹⁵² Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁵³ Greece, Presidential Decree 258/1986 Code of Criminal Procedure (Κώδικας Ποινικής Δικονομίας), (O.G.G. Issue A 121/8.8.1986). The new Code of Penal Procedure entered into force on 1.7.2019 with Law 4620/2019 (O.G.G. Issue A 96/11.6.2019)

¹⁵⁴ Greece, Articles 68 and 69 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁵⁵ Greece, Ministerial Decree 104356/2014 Internal Regulation for the security of detention facilities (*Κανονισμός Ασφάλειας των Καταστημάτων Κράτησης*) (OG B' 3581/2014)

¹⁵⁶ Greece, article 6 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁵⁷ a detainee can also appeal to the Ombudsman, who, under Article 2 of Law 4228/2014 (O.G.G Issue A 7/10.1.2014), has been designated as National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) of the General Assembly of the United Nations, which was ratified by the above law. The Ombudsman, as National Preventive Mechanism, as well as in the exercise of his duties under Article 3 of Law 3094/2003 (O.G.G. Issue A 10/22.1.2003), visits prisons; collects data through any available means (including through visits, interviews and photographs); orders expert examinations; conducts investigations and publishes reports, according to the relevant provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Internal Regulation for the Operation of General Detention Facilities¹⁵⁸ grant any detainee the right to lodge a complaint of violence from other detainees before the prison authorities and in particular the public prosecutor (supervisor) of the prison. If the complaint is rejected, detainees may challenge this decision under articles 6 and 86 of Penitentiary Code¹⁵⁹ before the competent enforcement tribunal. National law provides additional remedies, as it allows to detainees to make their complaints before the competent public prosecutor, under article 572(old)/567(new) of the Code of Penal Procedure¹⁶⁰. The public prosecutor is required to visit the prison once a week and monitors the treatment of detainees, the execution of sentences and the implementation of security measures of the facility.

c) Are there any special measures in place to protect LGBTI detainees, who are particularly vulnerable to violence/sexual violence?

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. In the draft Penitentiary Code, there is an addition of sexual orientation, gender identity and gender characteristics to the grounds for protecting a detainee from discrimination (article 3), the use of gender identity in the segregation of detainees on the basis of sex (article 11) and the clear reference to the offense of bullying and violence based on sexual orientation, gender identity and gender characteristics (article 66)¹⁶¹. This draft was published in October 2017 for public consultation, without, further legislative action being taken since then.

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The same standards apply for pre-trial and post-trial detention and all the detention regimes in prison facilities.

The criminal detention conditions described in the submitted template are applicable to pre-trial detention and regular imprisonment; the standards are the same. According to article 1 of the Greek Penitentiary Code¹⁶² **prisoners (regular imprisonment)** are those persons who are serving sentences against freedom, as well as **pre-trial detainees**; namely, according to Greek legislation, sentences against freedom as well as temporary (pre-trial) detention are being exclusively carried out **in prison facilities**.

On the other hand, detention facilities in police stations (**police detention**) aim at accommodating the detention of persons for very short time periods either before their trial or in case of their transfer to another prison facility. According to article 66, par. 6

¹⁵⁸ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

¹⁵⁹ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁶⁰ Greece, Presidential Decree 258/1986 Code of Criminal Procedure (*Κώδικας Ποινικής Δικονομίας*), (O.G.G. Issue A 121/8.8.1986). The new Code of Penal Procedure entered into force on 1.7.2019 with Law 4620/2019 (O.G.G. Issue A 96/11.6.2019)

¹⁶¹ Draft Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#)

¹⁶² Greece, Law 2776/1999 [Penitentiary Code](#) (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

of Presidential Decree 141/1991¹⁶³, as amended by article 2 of Presidential Decree 38/1994¹⁶⁴, detention either of persons whose trial is pending or of convicts that are supposed to enter a penitentiary facility (prison) is prohibited in the detention facilities of the police departments, with the exemption of the time that is absolutely necessary before the transfer and only if the direct transfer and delivery to the appropriate prison facility is not possible. Due to the above-mentioned, police detention facilities neither resemble prison facilities nor do they provide stable living conditions but only temporary stays.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 7. a) – d), including their respective legal basis.

A report in writing to the Prison Council and then an appeal against the Council's decision to the Sentence Enforcement Court is a remedy that detainees can exercise in case of a breach or violation of the standards addressed under 7. a) – d), according to article 6 of the Penitentiary Code¹⁶⁵. In case of an illegal act against them or an illegal order, detainees have the right to report in writing, within a reasonable time, to the Prison Council. Within fifteen days from service of the decision rejecting their request, or one month from submission of the report where no decision has been issued, detainees shall have the right to appeal to the Sentence Enforcement Court. If this court grants the appeal on the merits, it shall annul the effects of the illegal act or order. Moreover, the competent service of the Ministry of Justice, which monitors the operation of the establishment and is responsible for the immediate application of the decision to the Prison Council, revokes the illegal action and satisfies the request of the detainee proceeding with an investigation of the parties responsible. Finally, the administration of the establishment is under the obligation to forward, within a three day period, any report or letter by a prisoner addressed to a state authority (e.g the Ombudsman¹⁶⁶) or international organization, without becoming informed of its contents. A special protocol registry is kept to this effect.

Articles 25 and 31 of the Internal Regulation for the Operation of General Detention Facilities¹⁶⁷ grant any detainee the right to lodge a complaint regarding the conditions of detention before the prison authorities and in particular the public prosecutor (supervisor) of the prison. If the complaint is rejected, detainees may challenge this decision under articles 6 and 86 of Penitentiary Code¹⁶⁸ before the competent enforcement tribunal.

¹⁶³ Greece, Presidential Decree 141/1991 Responsibilities of bodies and official actions of the staff of the Ministry of Public Order and issues of organization of Services (*Αρμοδιότητες οργάνων και υπηρεσιακές ενέργειες του προσωπικού του Υπουργείου Δημόσιας Τάξης και θέματα οργάνωσης Υπηρεσιών*), available in [Greek](#) (O.G.G. Issue A 58/30.04.1991)

¹⁶⁴ Greece, Presidential Decree 38/1994 Amendment of Presidential Decree 141/1991 and various others (for convicts) (*Τροποποίηση Π.Δ. 141/1991 και διαφόρων άλλων (για κατάδικους)*), available in [Greek](#) (O.G.G Issue A 30/08.03.1994)

¹⁶⁵ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁶⁶ A detainee can also appeal to the Ombudsman, who, under Article 2 of Law 4228/2014 (O.G.G Issue A 7/10.1.2014), has been designated as National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) of the General Assembly of the United Nations, which was ratified by the above law. The Ombudsman, as National Preventive Mechanism, as well as in the exercise of his duties under Article 3 of Law 3094/2003 (O.G.G. Issue A 10/22.1.2003), visits prisons; collects data through any available means (including through visits, interviews and photographs); orders expert examinations; conducts investigations and publishes reports, according to the relevant provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹⁶⁷ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

¹⁶⁸ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

National law provides additional remedies, as it allows to detainees to make their complaints before the competent public prosecutor, under article 572(old)/567(new) of the Code of Penal Procedure¹⁶⁹. The public prosecutor is required to visit the prison once a week and monitors the treatment of detainees, the execution of sentences and the implementation of security measures of the facility.

It is finally noted that detainees can request their transfer to another Detention Center, according to articles 72 and 73 of the Penitentiary Code¹⁷⁰ and in case the request for transfer is rejected for substantial reasons for the second consecutive time, they can appeal against the decision of the Central Transfers' Committee (K.E.M.) to the Sentence Enforcement Court which meets as a Council within 10 days from the notification of the rejection decision¹⁷¹.

- f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021; if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

The NPM in its annual special report of 2018¹⁷² noted that the recording of a significant number of incidents of violence has raised its considerable concern and stressed the inadequate handling of incidents of violence amongst detainees¹⁷³.

Annual special report of 2018: *"Ειδικά σε ό,τι αφορά στην επάρκεια των μέτρων ασφαλείας, ιδιαίτερο προβληματισμό έχει προκαλέσει η καταγραφή σημαντικού αριθμού θανάτων και περιστατικών βίας... Στο πλαίσιο αυτό, κατά τις διενεργούμενες αυτοψίες εξετάζονται η πληρότητα των εγγραφών στα Βιβλία Τραυματισμών, η αντιστοίχσή τους προς τις πραγματοποιηθείσες διακομιδές σε νοσοκομείο και η πιστοποίηση έγκαιρης ενημέρωσης των εισαγγελικών αρχών, καθώς, σε συγκεκριμένες περιπτώσεις, η διοίκηση του καταστήματος κράτησης φέρεται να ενημερώνει τις εισαγγελικές αρχές μόνον όταν το θύμα ζητά να καταθέσει έγκληση. Κατά το 2018, η πρωτοβουλία αυτή ασκήθηκε σε επτά περιπτώσεις... Ωστόσο η μέχρι στιγμής πρακτική των εξατομικευμένων ερωτημάτων δεν έχει οδηγήσει σε αξιοποιήσιμα συμπεράσματα, καθώς οι εκάστοτε ερωτώμενες διοικήσεις των χώρων κράτησης, στις κατά κανόνα λακωνικές και περιγραφικές απαντήσεις τους, περιορίζονται στην τυπική διαβεβαίωση ότι από πλευράς της υπηρεσίας είχε ληφθεί κάθε ανθρωπίνως δυνατό μέτρο πρόληψης, καθώς και στην επιφύλαξη ότι η παροχή περαιτέρω πληροφοριών θα καταστεί δυνατή μόνο μετά την ολοκλήρωση των διενεργουμένων διοικητικών ερευνών ή/και ποινικών ανακρίσεων. Είναι, επομένως, προφανές ότι τα κοινά και γενικεύσιμα χαρακτηριστικά των κατ' ιδίαν περιπτώσεων επιβάλλουν όχι μόνο την –επίσης οπωσδήποτε αναγκαία– εκ των υστέρων διερεύνηση περιστατικών όπως τα προαναφερόμενα, αλλά πρωτίστως τη μέριμνα για την πρόληψή τους. Τέλος, δεδομένης της απουσίας εξειδικευμένου προσωπικού και συνακόλουθα της αδυναμίας του ΕΜΠ να προχωρεί σε ολοκληρωμένη κατανόηση και αξιοποίηση των ιατροδικαστικών και ιατρικών εξετάσεων, διαπιστώνεται η ανάγκη αναζήτησης*

¹⁶⁹ Greece, Presidential Decree 258/1986 Code of Criminal Procedure (Κώδικας Ποινικής Δικονομίας), (O.G.G. Issue A 121/8.8.1986). The new Code of Penal Procedure entered into force on 1.7.2019 with Law 4620/2019 (O.G.G. Issue A 96/11.6.2019)

¹⁷⁰ Greece, Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁷¹ Greece, article 9 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁷² Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Annual Special Report 2018' (Ετήσια Ειδική Έκθεση 2018), available in [English](#)

¹⁷³ The inspections took place from January 30th to November 15th in 2018. From May 2018 to December 2018, the NMP visited 9 prisons. More specifically, the NMP visited Domokos Detention Facility on September 19-20 and Nafplio Detention Facility on November 12-13. Therefore, this is within the reference period.

εξωτερικών συνεργασιών, ιδίως στην κατεύθυνση των πανεπιστημιακών ιατρικών σχολών.... Με αφορμή αναφορές κρατουμένων στο πλαίσιο της γενικής αρμοδιότητας του Συνηγόρου του Πολίτη, ο ΕΜΠ κατά το 2018 επιζήτησε ιδιαίτερη ενημέρωση για τον τρόπο αντιμετώπισης περιστατικών βίας μεταξύ κρατουμένων, σε σχέση τόσο με την καταγραφή και ιατρική αντιμετώπιση όσο και με την περαιτέρω πειθαρχική και ποινική εξέταση, εστιάζοντας αφενός στην αυξημένη ευθύνη της πολιτείας για εξασφάλιση της ζωής, σωματικής ακεραιότητας και αξιοπρέπειας των κρατουμένων, αφετέρου στην ανάγκη ενθάρρυνσης των θυμάτων να ασκήσουν τα δικαιώματά τους προχωρώντας σε αντίστοιχες καταγγελίες. Το πρόβλημα αναδείχθηκε με έντονο τρόπο στο Κατάστημα Κράτησης Δομοκού, όπου οι καταγγελίες δύο τουλάχιστον αναφερομένων επιβεβαιώθηκαν πλήρως, καθώς οι μεν εγγραφές στο Βιβλίο Τραυματισμών αποδείχθηκαν ελλιπείς και αναντίστοιχες προς τις πραγματοποιηθείσες διακομιδές σε νοσοκομείο, οι δε εισαγγελικές αρχές φέρονταν να ενημερώνονται από τη διοίκηση μόνον όταν το θύμα ζητούσε να καταθέσει έγκληση, κάτι για το οποίο εκ των πραγμάτων αποθαρρυνόταν. Αντίθετα, στο Κατάστημα Κράτησης Ναυπλίου, μολονότι το φυλακτικό προσωπικό επικαλείται δυσχέρεια απόδειξης επειδή οι μάρτυρες είναι απρόθυμοι και οι κάμερες υπολειπουργούν, φαίνεται να καταβάλλονται, από το πειθαρχικό συμβούλιο της φυλακής, προσπάθειες για ενδελεχή διερεύνηση των περιστατικών βίας”

Annual special report of 2018 (English language): “Especially as regards the adequacy of security measures, the recording of a significant number of deaths and incidents of violence has raised considerable concern... In this context, during the inspections, there was a thorough control carried out on the entries in the Injury Logs. In 2018, this initiative was carried out in seven cases...However, to date the practice of making specific inquiries has not led to useful conclusions, since the competent administrations of detention centres, in their generally succinct and descriptive responses, confine themselves to the constant and formal assurance that the service has taken every humanly possible preventive measure, with the reservation that the provision of further information will only be possible after the completion of the administrative inquiries and/or criminal investigations. It is therefore obvious that the common and rather general features of individual cases necessitate not only the vital ex-post investigation of incidents such as those mentioned above, but, above all, that care be taken to prevent them. Finally, because of the lack of experts amongst its staff members and, as a consequence, the NPM’s inability to fully understand and use the coroner and medical reports, there is a need for external collaborators, especially from University medical schools...On the occasion of reports of detainees within the framework of the Ombudsman’s general competence, the NPM in 2018 sought special information on how incidents of violence among detainees are being dealt with in terms of collecting medical files and through further disciplinary and criminal investigations, focusing on the increased responsibility of the State for ensuring the life, physical integrity and dignity of the detainees, and on the other hand the need to encourage victims to exercise their rights via complaints. The problem was highlighted in the Domokos Detention Facility, where the complaints of at least two detainees were fully confirmed, but the entries in the Injury Book were incomplete and inconsistent with the hospital transits, and the prosecuting authorities were informed by the Administration only when the victim wanted to file an allegation, which the prisoner was de facto discouraged from doing. In contrast, at the Nafplio Detention Facility, in spite of staff claims of difficulty in finding proof because witnesses are reluctant and the cameras are not working adequately, it seems that the prison disciplinary council tries to investigate incidents of violence thoroughly.

Annual special report of 2019: “Κατάστημα Κράτησης Κορίνθου: Ορισμένοι από τους κρατουμένους περιέγραψαν περιστατικά σωματικής βίας, απειλών και απρεπών εκφράσεων καθώς και ρατσιστικού λόγου εκ μέρους συγκεκριμένων μελών φυλακτικού προσωπικού, καθώς και συμπεριφορές με χαρακτήρα αντιποίνων. Συναφές κρίθηκε το γεγονός της επανενεργοποίησης του χώρου απομόνωσης («πειθαρχείου»), παρά την

αντίθετη οδηγία του Υπουργείου και την καλή πρακτική που είχε ακολουθηθεί μέχρι πρόσφατα στο Κατάστημα”.

Annual special report of 2019 (English language)¹⁷⁴: "Corinth detention facility: Some detainees said certain guards were responsible for incidents of physical violence, threats, indecent expressions, hate speech and retaliation. This explained the re-opening of the solitary confinement area that went against the directive of the competent Ministry and the good practice of the administration until recently”.

8. Women in detention

a) Are there any national standards for conditions of detention of women in general? If so, what do they require?

According to article 13 of the Greek Penitentiary Code¹⁷⁵, women detainees reside in establishments for the detention of females or in special sections of other establishments. Communication with prisoners of other categories is prohibited. In the female establishments or in the special sections the rules governing their living conditions and the programs implemented therein are adjusted to the requirements of their gender. A special area of the establishment or section in which they are detained is organized suitably for imprisoned mothers with children of no more than three years of age. Children of more than three years of age are placed in institutions of special child care operating under the supervision of the Ministry of Health and Ministry of Labour, Welfare and Social Insurance, provided they have no suitable relatives according to the judgment of the competent judicial functionary and following an interview of the parents.

According to Ministerial Decision 18395/2017¹⁷⁶, a small part of the Women’s prison in Eleonas, Thiva, has been transformed into a rural unit.

b) Are there any national standards for holding and accommodating male and female detainees separate from each other? If so, what do they require?

As provided in article 13 of the Greek Penitentiary Code¹⁷⁷, female prisoners are kept separately from male ones. There are two separate women’s prisons (Korydallos, Thiva) and separate female sections in men’s prisons (e.g. Neapolis in Crete), used mainly for procedural reasons.

c) Are there any national standards for special hygiene conditions and/or hygiene products for female detainees? If so, what do they require?

There are no national standards for special hygiene conditions and/or hygiene products for female detainees. Articles 25-26 of the Greek Penitentiary Code¹⁷⁸ and article 15 of

¹⁷⁴ Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Annual Special Report 2019' (Ετήσια Ειδική Έκθεση 2019) , available in [English](#)

¹⁷⁵ Greece, Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁷⁶ Greece, Ministerial Decision 18395/2017, (O.G.G Issue B’ 708/07.03.2017)

¹⁷⁷ Greece, Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁷⁸ Greece, Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

the Internal Regulation for the Operation of General Detention Facilities¹⁷⁹, as described under 1. d), are correspondingly applicable.

d) Are there any national standards for special healthcare for female detainees that respond to their specific needs, including i.e. pregnancy and post-natal treatment, and treatment/support of mother and child? If so, what do they require?

There are no national standards for special healthcare for female detainees that respond to their specific needs. As mentioned under 8. a), according to article 13 of the Greek Penitentiary Code¹⁸⁰, in the female prison facilities the rules governing the living conditions and the programs implemented therein are adjusted to the requirements of detainees' gender. Additionally, as mentioned under 5. a), according to article 27 of the Greek Penitentiary Code¹⁸¹ and articles 3 and 16 of the Internal Regulation for the Operation of General Detention Facilities¹⁸², prisoners should enjoy health care services to the same level as the general population, on a 24-hour-a-day basis. More specifically, in Eleonas Womens' Prison, Thiva, a permanent gynecologist and a volunteer pediatrician are available.

e) Are there any national standards on pregnant detainees in terms of special prison cells for pregnant detainees and/or special facilities for female detainees with babies or young children? If so, what do they require?

According to article 13 of the Greek Penitentiary Code¹⁸³, a special area of the establishment or section is organized suitably for imprisoned mothers with children of no more than three years of age. Children of more than three years of age are placed in institutions of special child care operating under the supervision of the Ministry of Health and the Ministry of Labour, Welfare and Social Insurance, provided they have no suitable relatives according to the judgment of the competent judicial functionary and following an interview of the parents.

f) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The same standards apply for pre-trial and post-trial detention and all the detention regimes in prison facilities.

The criminal detention conditions described in the submitted template are applicable to pre-trial detention and regular imprisonment; the standards are the same. According to article 1 of the Greek Penitentiary Code¹⁸⁴ **prisoners (regular imprisonment)** are those persons who are serving sentences against freedom, as well as **pre-trial detainees**; namely, according to Greek legislation, sentences against freedom as

¹⁷⁹ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

¹⁸⁰ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁸¹ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁸² Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

¹⁸³ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁸⁴ Greece, Law 2776/1999 [Penitentiary Code](#) (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

well as temporary (pre-trial) detention are being exclusively carried out **in prison facilities**.

On the other hand, detention facilities in police stations (**police detention**) aim at accommodating the detention of persons for very short time periods either before their trial or in case of their transfer to another prison facility. According to article 66, par. 6 of Presidential Decree 141/1991¹⁸⁵, as amended by article 2 of Presidential Decree 38/1994¹⁸⁶, detention either of persons whose trial is pending or of convicts that are supposed to enter a penitentiary facility (prison) is prohibited in the detention facilities of the police departments, with the exemption of the time that is absolutely necessary before the transfer and only if the direct transfer and delivery to the appropriate prison facility is not possible. Due to the above-mentioned, police detention facilities neither resemble prison facilities nor do they provide stable living conditions but only temporary stays.

g) Please indicate any remedies available to female detainees in case of a breach or violation of the standards addressed under 8. a) – f), including their respective legal basis.

A report in writing to the Prison Council and then an appeal against the Council's decision to the Sentence Enforcement Court is a remedy that detainees can exercise in case of a breach or violation of the standards addressed under 8. a) – f), according to article 6 of the Penitentiary Code¹⁸⁷. In case of an illegal act against them or an illegal order, detainees have the right to report in writing, within a reasonable time, to the Prison Council. Within fifteen days from service of the decision rejecting their request, or one month from submission of the report where no decision has been issued, detainees shall have the right to appeal to the Sentence Enforcement Court. If this court grants the appeal on the merits, it shall annul the effects of the illegal act or order. Moreover, the competent service of the Ministry of Justice, which monitors the operation of the establishment and is responsible for the immediate application of the decision to the Prison Council, revokes the illegal action and satisfies the request of the detainee proceeding with an investigation of the parties responsible. Finally, the administration of the establishment is under the obligation to forward, within a three day period, any report or letter by a prisoner addressed to a state authority (e.g the Ombudsman¹⁸⁸) or international organization, without becoming informed of its contents. A special protocol registry is kept to this effect.

Articles 25 and 31 of the Internal Regulation for the Operation of General Detention Facilities¹⁸⁹ grant any detainee the right to lodge a complaint regarding the conditions of detention before the prison authorities and in particular the public prosecutor (supervisor) of the prison. If the complaint is rejected, detainees may challenge this

¹⁸⁵ Greece, Presidential Decree 141/1991 Responsibilities of bodies and official actions of the staff of the Ministry of Public Order and issues of organization of Services (*Αρμοδιότητες οργάνων και υπηρεσιακές ενέργειες του προσωπικού του Υπουργείου Δημόσιας Τάξης και θέματα οργάνωσης Υπηρεσιών*), available in [Greek](#) (O.G.G. Issue A 58/30.04.1991)

¹⁸⁶ Greece, Presidential Decree 38/1994 Amendment of Presidential Decree 141/1991 and various others (for convicts) (*Τροποποίηση Π.Δ. 141/1991 και διαφόρων άλλων (για κατάδικους)*), available in [Greek](#) (O.G.G Issue A 30/08.03.1994)

¹⁸⁷ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁸⁸ A detainee can also appeal to the Ombudsman, who, under Article 2 of Law 4228/2014 (O.G.G Issue A 7/10.1.2014), has been designated as National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) of the General Assembly of the United Nations, which was ratified by the above law. The Ombudsman, as National Preventive Mechanism, as well as in the exercise of his duties under Article 3 of Law 3094/2003 (O.G.G. Issue A 10/22.1.2003), visits prisons; collects data through any available means (including through visits, interviews and photographs); orders expert examinations; conducts investigations and publishes reports, according to the relevant provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹⁸⁹ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

decision under articles 6 and 86 of Penitentiary Code¹⁹⁰ before the competent enforcement tribunal.

National law provides additional remedies, as it allows to detainees to make their complaints before the competent public prosecutor, under article 572(old)/567(new) of the Code of Penal Procedure¹⁹¹. The public prosecutor is required to visit the prison once a week and monitors the treatment of detainees, the execution of sentences and the implementation of security measures of the facility.

It is finally noted that detainees can request their transfer to another Detention Center, according to articles 72 and 73 of the Penitentiary Code¹⁹² and in case the request for transfer is rejected for substantial reasons for the second consecutive time, they can appeal against the decision of the Central Transfers' Committee (K.E.M.) to the Sentence Enforcement Court which meets as a Council within 10 days from the notification of the rejection decision¹⁹³

h) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding this aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

No mention regarding this aspect.

9. Nutrition

a) Are there any national standards with regard to nutrition in detention in general? If so, what do they require?

Provision of sufficient quality and quantity of nutrition for prisoners is a state obligation, according to article 32 of the Penitentiary Code¹⁹⁴ and article 14 of the Internal Regulation for the Operation of General Detention Facilities¹⁹⁵. The nutrition program is planned at the end of each week for the following week by the financial department of each prison and is approved by the Prison Council and the doctor. The quality and quantity of the food is checked every day by the prison director.

b) Are there any national standards with regard to frequency and regularity of provision of meals (warm and cold)? If so, what do they require?

¹⁹⁰ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁹¹ Greece, Presidential Decree 258/1986 Code of Criminal Procedure (*Κώδικας Ποινικής Δικονομίας*), (O.G.G. Issue A 121/8.8.1986). The new Code of Penal Procedure entered into force on 1.7.2019 with Law 4620/2019 (O.G.G. Issue A 96/11.6.2019)

¹⁹² Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁹³ Greece, article 9 of Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁹⁴ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁹⁵ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

According to article 14 of the Internal Regulation for the Operation of General Detention Facilities¹⁹⁶, food is prepared and delivered three times per day: breakfast at 7:30 and two warm meals, lunch at 12:00 and dinner half an hour before sunset.

c) Are there any national standards with regard to healthy food, special diets or dietary restrictions? If so, what needs to be provided to detainees?

As provided in article 32 of the Penitentiary Code¹⁹⁷ and article 14 of the Internal Regulation for the Operation of General Detention Facilities¹⁹⁸, the prison doctor drafts the nutrition program on a weekly basis and defines special or complementary diets to individual prisoners or to special groups of prisoners according to their health condition (e.g. patients, pregnant women, elderly prisoners), needs and religious beliefs. Prisoners can also cook their own food on the director's licence and in agreement with the doctor, if there is a need for special diet or additional nutrition for health reasons. Detainees are also allowed to receive meals or food, that can be checked easily, from their visitors twice a month but they cannot receive any fruits.

d) Please indicate whether there are different standards applicable to different detention regimes (pre-trial and post-trial detention and for example, if applicable in your jurisdiction: open, semi-open, closed etc.).

The same standards apply for pre-trial and post-trial detention and all the detention regimes in prison facilities.

The criminal detention conditions described in the submitted template are applicable to pre-trial detention and regular imprisonment; the standards are the same. According to article 1 of the Greek Penitentiary Code¹⁹⁹ **prisoners (regular imprisonment)** are those persons who are serving sentences against freedom, as well as **pre-trial detainees**; namely, according to Greek legislation, sentences against freedom as well as temporary (pre-trial) detention are being exclusively carried out **in prison facilities**.

On the other hand, detention facilities in police stations (**police detention**) aim at accommodating the detention of persons for very short time periods either before their trial or in case of their transfer to another prison facility. According to article 66, par. 6 of Presidential Decree 141/1991²⁰⁰, as amended by article 2 of Presidential Decree 38/1994²⁰¹, detention either of persons whose trial is pending or of convicts that are supposed to enter a penitentiary facility (prison) is prohibited in the detention facilities of the police departments, with the exemption of the time that is absolutely necessary before the transfer and only if the direct transfer and delivery in the appropriate prison facility is not possible. Due to the above- mentioned, police detention facilities neither

¹⁹⁶ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

¹⁹⁷ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

¹⁹⁸ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

¹⁹⁹ Greece, Law 2776/1999 [Penitentiary Code](#) (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

²⁰⁰ Greece, Presidential Decree 141/1991 Responsibilities of bodies and official actions of the staff of the Ministry of Public Order and issues of organization of Services (*Αρμοδιότητες οργάνων και υπηρεσιακές ενέργειες του προσωπικού του Υπουργείου Δημόσιας Τάξης και θέματα οργάνωσης Υπηρεσιών*), available in [Greek](#) (O.G.G. Issue A 58/30.04.1991)

²⁰¹ Greece, Presidential Decree 38/1994 Amendment of Presidential Decree 141/1991 and various others (for convicts) (*Τροποποίηση Π.Δ. 141/1991 και διαφόρων άλλων (για κατάδικους)*), available in [Greek](#) (O.G.G. Issue A 30/08.03.1994)

resemble prison facilities nor do they provide stable living conditions but only temporary stays.

e) Please indicate any remedies available to detainees in case of a breach or violation of the standards addressed under 9. a) – d), including their respective legal basis.

A report in writing to the Prison Council and then an appeal against the Council's decision to the Sentence Enforcement Court is a remedy that detainees can exercise in case of a breach or violation of the standards addressed under 9. a) – d), according to article 6 of the Penitentiary Code²⁰². In case of an illegal act against them or an illegal order, detainees have the right to report in writing, within a reasonable time, to the Prison Council. Within fifteen days from service of the decision rejecting their request, or one month from submission of the report where no decision has been issued, detainees shall have the right to appeal to the Sentence Enforcement Court. If this court grants the appeal on the merits, it shall annul the effects of the illegal act or order. Moreover, the competent service of the Ministry of Justice, which monitors the operation of the establishment and is responsible for the immediate application of the decision to the Prison Council, revokes the illegal action and satisfies the request of the detainee proceeding with an investigation of the parties responsible. Finally, the administration of the establishment is under the obligation to forward, within a three day period, any report or letter by a prisoner addressed to a state authority (e.g the Ombudsman²⁰³) or international organization, without becoming informed of its contents. A special protocol registry is kept to this effect.

Articles 25 and 31 of the Internal Regulation for the Operation of General Detention Facilities²⁰⁴ grant any detainee the right to lodge a complaint regarding the conditions of detention before the prison authorities and in particular the public prosecutor (supervisor) of the prison. If the complaint is rejected, detainees may challenge this decision under articles 6 and 86 of Penitentiary Code²⁰⁵ before the competent enforcement tribunal.

National law provides additional remedies, as it allows to detainees to make their complaints before the competent public prosecutor, under article 572(old)/567(new) of the Code of Penal Procedure²⁰⁶. The public prosecutor is required to visit the prison once a week and monitors the treatment of detainees, the execution of sentences and the implementation of security measures of the facility.

It is finally noted that detainees can request their transfer to another Detention Center, according to articles 72 and 73 of the Penitentiary Code²⁰⁷ and in case the request for transfer is rejected for substantial reasons for the second consecutive time, they can appeal against the decision of the Central Transfers' Committee (K.E.M.) to the Sentence

²⁰² Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

²⁰³ A detainee can also appeal to the Ombudsman, who, under Article 2 of Law 4228/2014 (O.G.G Issue A 7/10.1.2014), has been designated as National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) of the General Assembly of the United Nations, which was ratified by the above law. The Ombudsman, as National Preventive Mechanism, as well as in the exercise of his duties under Article 3 of Law 3094/2003 (O.G.G. Issue A 10/22.1.2003), visits prisons; collects data through any available means (including through visits, interviews and photographs); orders expert examinations; conducts investigations and publishes reports, according to the relevant provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

²⁰⁴ Greece, Ministerial Decision 58819/2003 Internal Regulation for the Operation of A and B type General Detention Facilities (*Εσωτερικός Κανονισμός Λειτουργίας Γενικών Καταστημάτων Κράτησης τύπου Α' και Β'*), available in [Greek](#) (O.G.G. Issue B 463/17.04.2003)

²⁰⁵ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

²⁰⁶ Greece, Presidential Decree 258/1986 Code of Criminal Procedure (*Κώδικας Ποινικής Δικονομίας*), (O.G.G. Issue A 121/8.8.1986). The new Code of Penal Procedure entered into force on 1.7.2019 with Law 4620/2019 (O.G.G. Issue A 96/11.6.2019)

²⁰⁷ Greece, Law 2776/1999 Penitentiary Code (*Σωφρονιστικός Κώδικας*), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

Enforcement Court which meets as a Council within 10 days from the notification of the rejection decision²⁰⁸.

- f) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 May 2018 to 15 April 2021, if no report is available for this period, please provide links to the most recent one and the relevant CPT reports from the reference period) and whether there are any recommendations regarding these aspect (please provide the exact quotation in both, the national as well as in English language) These reports can be found on the webpage of the National Preventive Mechanism. For ease of reference a list of links can be found via the [OPCAT Database](#).

Annual special report of 2018²⁰⁹: *"Κατάστημα Κράτησης Χαλκίδας: Στο κατάστημα δεν υπάρχει οργανωμένος χώρος σίτισης. Η διανομή του φαγητού γίνεται σε υπόστεγο χώρο του προαυλίου και η κατανάλωση του φαγητού πραγματοποιείται στους θαλάμους, σε πλαστικά σκεύη που φέρουν οι ίδιοι οι κρατούμενοι"*

Annual special report of 2018 (English language): "Chalkis Detention Facility There is no organised feeding area; the food is distributed in the courtyard shed and the food is consumed in the cells, in plastic containers carried by the detainees themselves"

²⁰⁸ Greece, article 9 of Law 2776/1999 Penitentiary Code (Σωφρονιστικός Κώδικας), available in [Greek](#) (O.G.G. Issue A 290/24.12.1999)

²⁰⁹ Greece, Greek Ombudsman (Συνήγορος του Πολίτη), 'Annual Special Report 2018' (Ετήσια Ειδική Έκθεση 2018) , available in [English](#)

Part II: National jurisprudence

No relevant case law could be identified.