

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
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Meeting: 1318th meeting (June 2018) (DH)

Communication from the authorities (03/04/2018) concerning the case of MARTZAKLIS AND OTHERS v. Greece (Application No. 20378/13).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1318^e réunion (juin 2018) (DH)

Communication des autorités (03/04/2018) concernant l'affaire MARTZAKLIS ET AUTRES c. Grèce (requête n° 20378/13) (**anglais uniquement**)

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



**HELLENIC REPUBLIC
PRESIDENT OF THE LEGAL COUNCIL
OF THE STATE
AGENT OF THE GOVERNMENT**

Ms. Geneviève Mayer
Head of the Department
of Execution of Judgments
of the European Court
of Human Rights
DGI, Council of Europe

Reg. No: 54572/ 595481, 656401

Athens, 03 April 2018

Re: Case MARTZAKLIS and others v. GREECE (application no 20378/13, judgment of 09.07.2015, final on 09.10.2015), under enhanced supervision.

Dear Madam,

I have the honour to submit the attached action report on the execution of the judgment of the European Court of Human Rights mentioned above.

The Greek Government consider that no other individual and/or general measure is necessary in order to prevent similar violations of the Convention.

Yours sincerely,

Vasileia Pelekou
Delegate of the Agent
of the Greek Government

Cc: Permanent Representation of Greece
to the Council of Europe

**ACTION REPORT ON THE EXECUTION OF THE JUDGMENT OF
THE EUROPEAN COURT OF HUMAN RIGHTS IN THE CASE OF
MARTZAKLIS AND OTHERS V. GREECE (application number 20378/13).**

I. INDIVIDUAL MEASURES

None of the applicants continues to be detained in the hospital of Korydallos Prison. Currently, a total number of 175 prisoners are detained in the hospital of Korydallos Prison, including 90 HIV-positive prisoners. Among them, 42 HIV-positive prisoners are accommodated in the HIV-positive Annex operating within the Korydallos Prison and 48 in the hospital of Korydallos Prison, where also other inmates (non-HIV infected) are being detained.

II. GENERAL MEASURES

A. Legislative measures.

From 12-1-2017 until today, 76 HIV-positive prisoners were released, using the favorable provisions of Articles 6 and 12 of Law 4322/2015, of Article 23 of Law 4356/2016, of Article 15 of Law 4411/2016 and of Article 43 of Law 4489/2017, introducing urgent measures to decongest detention facilities.

B. Further information about the detention conditions at the hospital of Korydallos Prison.

The Ministry of Justice, Transparency and Human Rights has elaborated a series of measures and interventions aiming to improve the detention conditions of HIV-positive prisoners at the hospital of Korydallos Prison.

Indicatively, we mention the following initiatives already implemented.

1. Reinforcement of the medical personnel of the hospital. In February 2016 one (1) cardiologist, one (1) orthopedist and one (1) radiologist were employed with permanent contracts. At this day in the hospital, there are seven (7) permanent doctors, eleven (11) visiting doctors and eight (8) doctors on call duties.

2. Improvement of the hygiene conditions that exist in the area of the hospital and the HIV-positive Annex. The autopsy reports of the Public Health Care Supervisors of the Directorate of Health Control and Environmental Sanitary of

Prefecture of Piraeus, are continuously verifying the improvement of the hygienic conditions existing inside the Inmates Hospital of Korydallos.

3. Improvements of Korydallos Hospital infrastructure.

a. All the interior and exterior facilities have been completely renovated and painted.

b. After donation by the Presidential Bureau of The Hellenic Parliament, the medical and nursing equipment have been fully upgraded. Specifically, among others, ten (10) medical beds were bought, also three (3) computers for the Clinics Office, one defibrillator and one blood pressure machine with a monitor. Additionally, the hospital was upgraded with microbiology equipment from an unused supply of the Department of the Inmates Rehab Facility in Elaionas, Thiva. Furthermore, the hospital was provided with a new digital x-ray machine which replaced the old analogical one.

c. New air-conditioning equipment was purchased and the old ones were repaired.

d. The installation of seating (benches) and a basketball court in the courtyard of the institution was completed. Also, there was a ping-pong table purchased and put in the yard for the inmates' entertainment.

e. Moreover, the office equipment of the Secretary Department of the Hospital was replaced with new one.

4. The approval of funds for the construction of a play ground for inmate's family gatherings and an additional small open theatre for social and culture events is expected.

5. Also, there is an undergoing study for the creation of a physiotherapy center within the building.

6. Pilot program on HCV, HIV, HBV and Tuberculosis in a Greek prison.

Another example of best practice is the program "HCV, HIV, HBV and Tuberculosis in a Greek prison" (Principal investigators: V. Sypsa, National and Kapodistrian University of Athens, G. Kalamitsis, Hellenic Liver Patient Association "Prometheus"). This program started in October 2017 in Korydallos prison and its main aims are:

i. To offer screening for hepatitis C/B, HIV and tuberculosis in a major Greek prison.

ii. To assess liver fibrosis in PWID identified to be anti-HCV/HBsAg (+)

(with transient elastography) & to offer complete HCV/HBV laboratory testing to those diagnosed with significant fibrosis.

iii. To link patients to care.

Approximately 500 prisoners are anticipated to participate to the program. A team consisting of a doctor, an interviewer/psychologist and a person trained to perform transient elastography visit Korydallos prison hospital on a daily basis. Prisoners are informed about the program and, if they provide written informed consent, they proceed to an interview, rapid HIV test, blood sample collection for HCV and HBV testing, transient elastography, X-ray and Mantoux. The interview is performed using the European Questionnaire on Drug use in Prisons. Participants are subsequently informed about their test results, receive post-test counselling and the prison doctor links them to care and treatment.

Finally, it has to be stated that the inclusion of the Korydallos Prison's hospital in the national health system is expected to be completed soon.

C. Effective domestic remedies.

As regards the question of the establishment of an effective legal remedy through which a prisoner can file a complaint about his/her detention conditions and those concerning his/her legal protection from acts of the administration, we would like to note that this issue is being examined.

D. CONCLUSION

Taking into account that the payment of the compensation has been made, the Greek Government consider that no other individual measure is necessary in order to prevent similar violations of article 3 of the ECHR, taken alone and in conjunction with article 14 as well as violation of article 13 in conjunction with article 3, in respect of the detention conditions of HIV-positive prisoners in the hospital of Korydallos Prison and in particular their alleged "ghettoisation" in the above hospital and the quality of the provided medical care as well as the lack of effective domestic remedies. In addition, we will keep the Department of Execution of Judgments of the ECHR informed of any further developments concerning general measures to be taken.