

C.

RESPONSE OF THE MINISTRY OF PUBLIC ORDER  
TO THE REPORTS OF THE EUROPEAN COMMITTEE FOR THE  
PREVENTION OF TORTURE AND INHUMAN OR DEGRADING  
TREATMENT OR PUNISHMENT (CPT)

ON ITS VISITS TO GREECE FROM 25 MAY TO 6 JUNE 1997  
AND 26 OCTOBER TO 2 NOVEMBER 1999



HELLENIC REPUBLIC  
MINISTRY OF PUBLIC ORDER  
HEADQUARTERS OF HELLENIC POLICE  
ALIENS DEPARTMENT  
TRANSNATIONAL AND INTERNATIONAL  
AFFAIRS SECTION

Athens, June 2, 2000

**FOLLOW- UP REPORT OF THE GREEK GOVERNMENT IN  
RESPONSE TO THE CPT'S REPORT ON ITS VISITS TO GREECE  
CARRIED OUT FROM 25 MAY TO 6 JUNE 1997 AND FROM 26  
OCTOBER TO 2 NOVEMBER 1999**

The Greek Government has thoroughly examined the Reports drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in regard to its visits to Greece in 1997 and 1999, and more particularly its comments, recommendations and requests set out therein.

The Greek Government considers the CPT's Reports as a valuable contribution to the continuous and systematic efforts made by Greece to further improve the situation regarding detention conditions, medical care, building infrastructure and other matters of CPT's interest.

**A. CPT's visit to Greece**

A delegation of CPT carried out a visit from 26 October to 2 November 1999 to the prisons of Korydallos and Avlona as well as to a number of Police Services: Attica General Police Directorate, Drapetzone Police Station (Piraeus), Glyfada Police Station, Kolonos Police Station, Omonia Police Station, Police Station at Athens Airport, Holding area for foreigners at Athens Airport, Piraeus holding Center for Aliens, Athens transfer Center for prisoners, Piraeus transfer Center for prisoners, Alexandroupolis Police Station and Police Directorate and Transitional Detachment holding facility for illegal aliens at Feres.

## **B. ANSWERS TO THE CPT'S OBSERVATIONS**

### **1. General remarks on short-term detainees**

According to the provisions in force, in the above-mentioned places of detention are detained:

- a. Persons who have been arrested as perpetrators of crimes committed in *flagrante delicto* or with regard to whom the competent judicial authorities have ordered their detention only for the period requested for their transfer to the prison or their referral before the court.
- b. Persons who have been sentenced to an imprisonment term ranging from 1 to 30 days and if their prison sentence cannot be possibly served in special wards of the prisons. But this happens very rarely.
- c. Persons against whom the process of expulsion has been instituted.
- d. Persons who have been placed under protective custody (*insane persons, drunkards, etc.*) until it has been rendered possible for them to be expelled or to be received by their relatives.

The regulations of the Greek Police describe in detail and clarity the conditions concerning places of detention as well as duties to be carried out by Police Officers and their conduct against the detainees. Pursuing to these regulations, the places of detention must meet elementary sanitary conditions as well as the necessary requirements so as to prevent escapes, suicide attempts and self-inflicted injuries by the detainees. The places of detention must be of adequate size, clean, frequently disinfected and thoroughly maintained. To this end, a continuous control must be exercised and the competent police authorities shall be provided with clear instructions upon what is expected of them.

### **2. Places of detention**

- i. **Places of detention of the Security Directorate of Attica housed at the 7th floor of the Athens Police Building.**

- a. The above mentioned places of detention are divided into two (2) wings (men-women) and consist of twenty (20) cells, of overall capacity of eighty (80) persons.
- b. Four (4) persons, as a rule, are being held in each cell. However, occasionally and for fairly short periods more than four detainees have to share the same cell.
- c. Natural light in the above mentioned places is adequate and no less than what exists in policemen's offices at the respective Department.
- d. The artificial lighting of the cells is also adequate.
- e. The cells are equipped with an autonomous and effective ventilation system.
- f. The sanitary conditions of the cells are regularly controlled. Minor works of plumbing are carried out whenever deemed necessary, so as to maintain and improve the existing facilities.
- g. Since April 20<sup>th</sup> of this year, when the operation of the Amigdaleza detention places has begun, the number of the detainees held in the detention places of the 7<sup>th</sup> floor at the Athens Police Building has been considerably reduced and, as a rule, it does not exceed the cell's capacity. The anticipated operation anew of Hellinikon's detentions places is bound to further improve the existing situation.

**ii. Juveniles' detention cells housed at the 3rd floor of the Athens Police Building**

- a. These places consist of three (3) cells, of a total capacity of six (6) persons, which are exclusively used for the detention of juveniles.
- b. As a rule, detainees have only to stay for short period of time in these cells. Due to the particularity of their condition (children and adolescents) they are brought before the court authorities the soonest possible.
- c. In case that more than six foreign minor detainees await

expulsion, the special places designed for juvenile detention are available at Amigdaleza's detention center.

**iii. Places of detention at the Police Station of DRAPETSONA.**

- a. The detention cells at the Police Station of Drapetsona are recently built on the basis of the plans elaborated by the competent services of the Ministry of Public Order and the Piraeus Urban Development Directorate.
- b. The detention cells are divided into two (2) wards (men-women) and have a total capacity of eighty five (85) persons. There is also a ward, which is used for a short-period detention of illegal immigrants who are under refolement procedure.
- c. There is a spacious corridor connecting each of the prisoners' wards (men-women), and prisoners are allowed to come out of their cells and spend time there, freely, in groups.
- d. The number of women prisoners is usually small, therefore they have adequate space to move in their cells and in their ward corridor.
- e. As a matter of fact there is no secure area, which would allow the physical exercise of the prisoners in this Police Station.
- f. The detainees (men - women) are being supplied with hot water on an around the clock basis. Five (5) boilers are available and regular maintenance is carried out.
- g. The above mentioned detention cells are cleaned on a daily basis by the Police Station's cleaning crews, while the area is disinfected by the Public Sanitary Services or private companies on a regular, scheduled basis.
- h. The food offered to the prisoners is cooked at the Drapetsona police restaurant and it is exactly the same as that offered to police officers. It consists of two meals (lunch - dinner).
- i. Finally, it should be noted, that the Committee's

recommendations in regard to the supply of hot water, cleaning, replacement of mattresses etc., have been implemented.

**iv. Detention Places at the Police Station of Omonia Square.**

- a. The said station has six (6) detention places located in two different floors of the Station with an overall capacity of approximately thirty (30) persons. Nevertheless, at certain times the number of arrests at the troubled and high-risk sector of Omonia Square exceeds for fairly short periods the prescribed capacity of the detention cells.
- b. The replacement of bedding articles and their cleaning is carried out on a regular basis, as well as the disinfection of the detention places.
- c. The food of the detainees is adequate and is prepared at the canteen of the nearby Acropolis Police Station. The detainees are supplied with the necessary sanitary articles and are given medical and pharmaceutical treatment. Serious cases are transferred to nearby hospitals.

**v. Detention Places at Kolonos' Police Station.**

- a. This Station has four (4) detention cells (three at the basement and one at the ground floor) which are used, at certain times, for the temporary detention of aliens under expulsion.
- b. Mattresses and blankets have been obtained for the needs of the detainees. The overall detention conditions have been improved.
- c. A hot water device has been installed as well as a shower device. Hygienic conditions have been ameliorated.
- d. Regular disinfecting of the places is being carried out and the food is provided at the designated hours.
- e. The relocation of the Traffic Police Station of Kolonos, housed at the above-mentioned Police Station, is

scheduled for the near future and thus space will be available for the creation of additional detention cells.

**vi. Detention Places at the Athens Courts' Transfer Sub-Directorate.**

- a. It has seven (7) detention cells with a total capacity of forty-two (42) persons. However, in some cases a larger number of detainees is imposed. The detainees are provided with beds and clean mattresses. Efforts are undertaken so that the detainees are provided with clean blankets.
- b. The detention places are provided with a ventilation system which is considered adequate for the above-mentioned number of detainees.
- c. The position of the detention cells and the entire construction of the building allow only artificial lighting of the cells.
- d. The places are disinfected on a regular basis and the cleaning of the building in general is carried out by competent cleaning personnel.
- e. There is hot water available for the detainees. The whole facility is under the constant supervision of a police officer, charged to maintain it functional.
- f. There are no available spaces for the physical exercise of the detainees; however this matter shall not be considered as of paramount importance, since the detainees are merely in transit and their stay minimal.

**vii. Detention Places at the Piraeus Transfer Station.**

- a. It is plainly evident that the building which houses the above-stated service cannot be considered as being adequate in terms of space available for the detainees, because it is too old. Therefore, the Ministry of Public Order has initiated the procedure for relocating the Piraeus Transfer Station to a new building.
- b. In spite of the existing situation, mattresses and blankets

have been replaced, the worn-out electrical and plumbing installations have been repaired while the building has been painted and a constant effort is being made to improve the conditions of detention. Also, regular disinfecting is being carried out.

**viii. Detention Place at the Police Station of the Eastern Air Terminal of Athens.**

- a. This place consists of three (3) cells, each housing 2 persons, where only criminal offenders are detained from all Departments of the Security Directorate of Attica.
- b. The above mentioned detention place has reached a satisfactory level of sanitary conditions. Wall painting and disinfecting are being carried out at regular intervals. Furthermore, the mattresses and blankets are frequently replaced.
- c. Natural ventilation and artificial lighting are at a satisfactory level. The natural lighting of the detention cells is judged adequate in so far as the windows measure 2, 00 X 0,50 m. and their metallic shutters can be opened from inside.

**ix. Place for temporary detention at the Western Air Terminal of Athens.**

This is a specially set up area leading to the western Air Terminal TRANSIT ROOM, where foreign nationals are held in police custody whilst under expulsion. They remain there for a short period of time, until their departure. This space is under the jurisdiction of the Civil Aviation Authority.

**x. Place of detention for "undesirable foreigners", at the eastern Air Terminal of Athens.**

- a. This is a specially arranged area at the "TRANSIT" Hall of the eastern Terminal, where the "undesirable foreigners" are under police supervision, until their refoulment to their country of origin or to any other country where their entry is acceptable.



- b. Foreigners who are refused entry into the Greek territory (most of them in application of the SCHENGEN Treaty provisions) and held in the above-mentioned place are declared *personae non-gratae*. They are not entitled to a detainee status.
- c. These facilities are under the jurisdiction of the Civil Aviation Authority, which is responsible for cleaning the places and offering meals. Police authorities are responsible just for the custody of the foreigners.
- d. The above stated foreigners are not allowed to stay in open space for their exercise, given the fact that the open airport areas are characterized as strictly controlled areas (airport ground, runways, etc.).
- e. The transfer of foreigners in a space lying outside the airport area is neither allowed by the Greek legislation, nor by the SCHENGEN Convention, in so far such act constitute entry into the SCHENGEN territory.
- f. Access to medical care, both at the western and the eastern Air Terminals, is possible on an around the clock basis. Furthermore, should the need arise; transfers to a hospital are possible under police custody.
- g. Foreign nationals, who are refused entry and declared *personae non-gratae*, are offered the opportunity to communicate with their family, with U.N. authorities, with the Embassy of their country, as well as with a counselor of their choice.
- h. Some of the *personae non-gratae* have remained in the Athens Air Terminals for more than a week; however, this extended stay cannot be ascribed to an act or an omission of the Greek authorities.
- i. The Air Terminal of Athens, having exceeded its capacity limits and being under transfer (March 2001), is not able to provide better conditions of stay for the "undesirable persons" (outdoor exercise, etc.). As far as the new Athens Air Terminal ("Eleftherios Venizelos") is concerned, we have recommended the construction of

detention cells designed for 18 persons to be housed in wards of 2 persons each as well as the construction of a lounge area for the stay of fifty (50) "undesirable persons". The need for a creation of a separate space for the temporary hospitality of asylum seekers has also been notified. All above recommendation were accepted.

**xi. Detention places at the Police Station of Glifada.**

- a. The above Police Station has recently been supplied with twenty (20) blankets, twelve (12) pillows and twelve (12) pillowcases for the needs of the detainees, in order to improve detention conditions.
- b. The detainees are regularly provided with food, are notified with the proper informative notes and are advised of their rights.
- c. By means of a special allocation, the detention cells have been remodeled (the plumbing installations and the floors of the W.C. were replaced, while abath/W.C. was constructed for the detainees).

**xii. Places of detention at 23 ASKLIPIOY Street, Piraeus.**

- a. These detention cells are housed at the ground floor of a two-floor building and consist of fourteen (14) cells of a total capacity of fifty-six (56) persons. They are used only for male foreign nationals, awaiting their expulsion.
- b. All deficiencies noted by the Committee have been remedied and the cells will be operational soon. While under repair the cells have not been used for the detention of foreign nationals for almost a year.
- c. Due to inherent difficulties, it was not possible to create a place for outdoor exercise. Two (2) pay-phones have been installed and all mattresses and blankets have been replaced. The meals offered are the same with these served to the police officers. There are five washrooms, shower facilities and hot water is available. The places are regularly

disinfected and inspected by sanitary authorities. Recommendations by the Committee in regard to the outdoor exercise of the detainees have not been followed, since there is no available space.

**xiii. Detention places in Amigdaleza, Attica.**

- a. These places are housed at the ground floor of the building located at the Police Officers' School in Amigdaleza, Attica.
- b. There are seven (7) cells with a total capacity of (107) persons which are designated for the detention of foreign women and minor foreign nationals under expulsion.
- c. The above-mentioned detention places have been operational since April 20<sup>th</sup>, 2000 and their equipment is in conformity with up-to-date standards. Detention conditions are satisfactory (photographs are attached herewith).
- d. Three (3) female police officers are available to inspect, on a 24-hour basis, the above-said detention places.

**xiv. Detention Places in Hellinikon, Attica.**

- a. The above detention places, with a capacity of seventy (70) persons, have been repaired-refilrbished. Cells have been repaired, access of natural light has been improved, toilets and baths have been constructed and the yard area has been equipped with a fencing perimeter so as to allow the outdoor stay of the detainees (photographs are herewith attached).

**xv. Detention Places at the Police Station of FERES, EVROS.**

- a. It is beyond any doubt that, the detention places of FERES Police Station do not meet all necessary requirements.
- b. The are separated in two (2) wings.
- c. Regular disinfecting of the area is provided on a weekly

basis (even more often when such a need arises).

- d. The foreign nationals are provided with medical-pharmaceutical treatment by the nearby Health Center of Feres and in more serious cases by the General Hospital of Alexandroupolis.
- e. In order to tackle the problem more effectively, it was decided to construct new detention cells at the said Police Station. An allocation of 90.500.000 drachmas has already been approved.

**xvi. Detention Places at the Police Station at Alexandroupolis**

The above facility consists of two (2) cells measuring six (6) and twelve (12) s.m. respectively. Sanitary conditions are satisfactory.

**xvii. Existing detention cells - Creation of new detention places.**

In order to deal with the existing problems of the short-term detention places in Greece, clear guidelines have been issued concerning maintenance and repairs so that adequate detention conditions may be preserved.

Thus, in this context:

- a. Proceedings are under way for the purchase of new buildings which will house the Aliens Transfer - Services of Athens and Salonica.
- b. Proceedings are under way so as to rent proper buildings for the relocation of the Aliens' Sub-directorate of Attica, the Aliens' Department of Athens, the Transfer Sub-directorate of the Athens Courts, the Transfer Section of Piraeus Courts and the Police Station of Omonia Square.
- c. The detention cells of the Police Station of Drapetsona are currently undergoing renovation.
- d. The repair - renovation of the detention cells in Hellinikon, with a capacity of seventy (70) persons, has been completed.

- e. The detention cells have been renovated at the Police Station of Glifada.
- f. Minor works are being carried out at the detention cells located at the 7<sup>th</sup> floor of the Athens Police Building (renovation of plumbing installations and sanitary items).
- g. In the area of Amigdaleza, detention places of an up-to-date standard have been constructed and put in operation, since 20 April, 2000. They have a capacity of (107) persons.
- h. Detention cells, with a capacity of (400) persons, are in the process of construction within the above mentioned area for the temporary detention of foreign nationals.
- i. Construction of detention cells for foreigners under expulsion are under way at the Police Station of Feres.
- j. Proceedings are under way to relocate the Police Traffic Section of Kolonos from the building which also houses the Police Section, in order to obtain available space and utilize it for the creation of additional detention cells.
- k. Modern detention cells will be provided at the buildings under construction, which will be used by the Police Directorates of Kilkis, Akarnania, Rodopi, Arta.
- l. Every effort has been made for regular repairs as well as for maintenance of all detention cells used by the Hellenic Police Services. Relevant budgetary requests are dealt with in priority. Appropriate detention places are provided in all new buildings.
- m. The overall situation of the detention cells, following the visit by the Committee and up to the present day, has been considerably improved. However, in some cases the poor building infrastructure does not allow substantial progress to be made.

It is estimated that the situation will further be improved when the detention places of Amigdaleza will be fully operative.

### **3. Medical and Pharmaceutical Care.**

If detainees need medical care that cannot be provided on the spot, they are transferred to the nearest hospital, under the care and escort of the personnel of the competent Police-Station. The cost of medical exams and hospitalization is practically always at the expense of the Greek State.

### **4. Detention time for foreign nationals awaiting expulsion.**

The detention time for foreign nationals awaiting expulsion can vary. In principle, it lasts no more than a few days. Nevertheless, in some cases it is extended for a much longer time. Prolongation of the detention time is usually caused by the aliens themselves, who, in order to avoid expulsion, employ passive resistance tactics, refuse to apply to their countries' consular authorities so as to be provided with travel documents, provide false information about their identity or nationality, and submit asylum applications which have nothing to do with the Geneva Convention provisions.

Moreover, some consular authorities, in order to prevent the expulsion of their own citizens, exercise delaying tactics, or refuse to issue travel documents under various pretexts. The expulsion process are also caused by poor air connections between Greece and some of the deportees countries of origin. Finally, the lack of effective diplomatic relations with some countries which do not maintain diplomatic missions in Greece causes additional delays. Co-ordination efforts are being made for the issuing of the necessary passports which shall be used for the expulsion and the Ministry of Foreign Affairs is requested to intervene with the Greek Embassies and Greek consular authorities abroad.

### **5. EXPULSION PROCEDURE.**

Expulsions of foreign nationals are carried out following:

- a. Administrative decisions which shall be issued in accordance with the provisions of Article 27 of the 175 Act and of the Joint Ministerial Decision no. 4803/13/7a, dated 18/26-06-1992, and
- b. Court decisions issued according to the Articles 74 or 99 of the Penal Code. Pursuant to Article 74 of the Penal Code, the Court may order the expulsion of the foreign national who has been sentenced to an imprisonment term of up to or over 5 years. Expulsion shall be executed immediately after the imprisonment sentence is served. Under Article 99 of the Penal Code, the Court may order the indeterminate suspension of the execution of an imprisonment term

of up to 5 years which has been imposed on foreign nationals and order their immediate expulsion from the country.

- c. The procedure for the execution of the expulsion orders is the same for both cases (administrative and judicial).
- d. The Police Authority arresting a foreign national in an irregular situation, must immediately inform the Aliens' Department of the Hellenic Police Headquarters through a relevant report which shall include all available data on the arrested person (identity description, passport, if available, visa, date of entry, motive of the arrest, criminal record, etc.). On proposal of the police authority that proceeded with the arrest, an expulsion order may be issued against the person involved. His/her provisory detention on grounds of preventing potential risks for the public order and state security of the country may also be decided, or just in order to prevent a new term of illegal stay on Greek territory.
- e. The document of the expulsion order is to be communicated as soon as possible to the person concerned.
- f. Appeals to the Minister of Public Order against expulsion orders may be launched within 72 hours after the order's notification. Decision thereon by the Minister shall be taken within 20 days after the appeal was launched.
- g. In principal, appeals do have a suspensive effect upon the expulsion procedure until a relevant decision is reached thereon.
- h. Expulsion decisions (as well as decisions of the Minister of Public Order on them) may be appealed to the Council of State. In case a request for suspension is filed before the Council of State, the expulsion of the foreign national shall be suspended until the competent Suspension Board decides thereon. In principle, the suspension of the expulsion order entails the suspension of the provisory detention too.
- i. Following the amendment of the Penal Code Articles 74 and 99 by Article 12 of Law 2721/99, all foreign nationals facing an expulsion order issued by a Court, shall no longer be held at the detention places of the Police Authorities but shall wait for their expulsion detained separately.

Following remarks by the Committee, the personnel of the Expulsions

Office has been increased by 15 more officers (+150%).

#### **5a. Asylum requests.**

Recourse to the asylum procedure is possible in all cases. Illegal immigrants who have reached the country *en masse*, apply for asylum in order to prolong their stay in Greece and avert their impending expulsion.

Greece has been receiving asylum applications mainly by nationals of Iraq, Afghanistan, Iran, Sri Lanka, Congo, Somalia, Sierra Leone etc. Actually the applicants' safety is not guaranteed, in these countries. Therefore, nationals of these countries, even if subjected to the refoulement procedure, they shall not, as a rule, be deported. Instead, they are given a three (3) month period-limit for their voluntary departure. Those not wishing to leave are accorded a humanitarian provisional status of temporary (1 year) residence.

The Non Refoulement Principle (Article 33 of the 1951 Geneva Convention) is applicable to the cases where the situation in the country of origin / descent does not guarantee the safety of the returning applicant or creates presumptions of eventual ill-treatment.

According to Article 1 of the P.D. 61/99, ("Procedure for awarding to aliens the refugee status, revocation of this status, expulsion, approval of entry for members of his/her family and mode of cooperation with the Representative of the U.N. High Commissioner for the refugees in Greece"), any alien who states orally or in writing before any Greek Authority that he is seeking asylum in our country or that he/she does not wish to be expelled to a specific country where he/she runs the risk of persecution because of his/her race, religion, nationality, social class or political beliefs, shall be considered as an asylum applicant according to the 1951 Geneva Convention (amended by the New York protocol of 1967). Until the final decision on the asylum request, he/she can in no way be expelled or sent away from Greece.

Asylum applicants shall in principle not be detained. Yet, their detention is provided in case:

- a. They are committed to trial and convicted, after they



have been arrested for entering illegally to the country. As a rule, the execution of the sentence is suspended so that they may be expelled.

- b. They have been arrested for illegal entry, but the Prosecutor Attorney decides with the concurrent opinion of the Prosecutor to the Appeal's Court, not to sue them, and turns them over to the police authorities for their immediate refoulement towards their country of origin or descent (Article 4 par.4 L.1975/91).

The Police Authority is not entitled to ignore an order by the Prosecutor Attorney. Request by the foreign national for his/her recognition as a refugee, after an expulsion order has been issued against him/ her, does not automatically lift the measure of his/her provisional detention, although the expulsion process is suspended until a final decision has been reached with regard to the application.

## **6. TORTURE AND OTHERS FORMS OF ILL TREATMENT -PROTECTIVE MEASURES AGAINST ILL TREATMENT.**

- I. The ban on torture and cruel, inhuman, or degrading treatment or punishment is ensured both through the fundamental provisions of the Constitution in force as well as by a series of laws through which the relevant international conventions have been ratified and incorporated in the domestic legal order. Torture and ill-treatment are severely punished in accordance with the Greek legal system.

Complaints about torture and ill-treatment are thoroughly examined through transparent judicial and administrative procedures.

Few, isolated cases of misconduct and of improper behavior by certain Police officers can in no way substantiate allegations about the issue of torture and ill-treatment by the Greek Police. **Arbitrary conclusions on this issue as well as resorting to preconceived and biased conceptions shall definitely be kept away from the CPT's approach.**

Whenever reprehensible actions committed by isolated police officers have been ascertained, the standing legislation was enforced unwaveringly and with severity. Allegations for "cover-up" have not been substantiated neither by judicial inquiry nor by investigations carried out by the Internal Affairs Unit of the Greek Police. Therefore, the Committee's remark during its recent visit about "credible" and "confirmed" complaints for ill-treatment of the detainees is not corroborated by facts. Conclusions on this issue are not being drawn either on the basis of allegations nor on the basis of presumptions.

After the Committee's visit, Orders nr 6634/1-652295/26-11-1999 and 4808/4/76-6oc, dated 01-12-1999, were accordingly drawing all police officer's attention to their duty to respect the detainees human right (par. 16, 17 of the C.P.T. report of 1997 and par. 15 of the 2000 report).

- II. On the matter of the supervision by public prosecutors of the preliminary investigations conducted by police officers in criminal cases (par. 18, pp 23-24, CPT Report and page 58, Appendix I thereto), we would like to point out that according to the provisions of the Code of Criminal Procedure, the preliminary investigation conducted by Greek Police officers is subjected to the authority of the Public Prosecutor, who is entitled to attend all investigating procedures, either in person or by one of the deputy public prosecutors under his command. He is also entitled to take knowledge at any time of all documents referring to the investigation (Articles 31 and 33). Therefore, the present statutory framework adequately answers to the Committee's grief.
- III. Recommendations were made by the Committee on matters related to the communication of detainees with their relatives, Consular Authorities, as well as with a lawyer of their choice, to the presence of a lawyer during the expulsion process of a foreign national, to the info leaflets on the rights of the detainees and of the aliens detained for expulsion, and to the measures taken by the Hellenic Police for safeguarding the exercise of the human rights of the above-mentioned persons. In regards

to these recommendations, we would like to point out the following:

- a. On the basis of circular No 4803/22/14-a dated 3 November, 1995, issued by the Chief of the Hellenic Police Force, the information forms detailing the rights of the persons in custody by the Police Authorities have been standardized, and their implementation has been ordered according to the instructions contained therein.
- b. These information forms are divided into two categories: information forms in general designed for all detainees (Sample D-33) and special information forms intended for foreign nationals detained pending their administrative expulsion (Sample KA 141). Both the D-33 and the KA-141 forms have been printed up to date in 14 languages, mostly used by foreign nationals illegally entering or staying in Greece.
- c. The Ministry of Public Order has not yet received notice of cases where the needs for information of foreign nationals in detention were not covered by the forms available. Yet, some cases have been reported of illiterate foreign nationals or of persons speaking none of the 14 available languages. Such cases have been dealt with particular sensitivity by the police officers who, according to the instructions of paragraph 12 of the above-mentioned circular, did their best to explain to the detainees their rights in the most practicable way (either through an interpreter, or a consular authority etc.). In all these cases a specific document drawn up by the police officers clearly indicates that the detainee was not fully informed on his/her rights (paragraph 12, sub-para (k) of the circular).
- d. Paragraph 12 (d) and (e) of the above mentioned circular sets out the additional obligation for police officers to clearly explain to the detainees their rights and hand them the relevant information form on

receipt.

- e. The above mentioned information forms are to be provided to any person arrested by the Hellenic Police for whatever reason, immediately after he/she is taken to the Police Station, according to par. 12a of the Hellenic Police Chiefs circular.
- f. It is hereby noted that foreign nationals who have been arrested for violations of the legislation on foreign nationals (Law No 1975/1991), such as their illegal entry into the Greek territory (article 4 par. 3, Law. No 1975/1991), are to be detained for having committed a criminal offence and shall be treated within the framework of the current criminal procedure. Such foreign nationals, as well as any other person who has been arrested for a criminal offence, is to be provided with information forms related to the detainees' rights (sample D-33), immediately after they are brought in the Police Stations. Information forms set out also in detail the procedural process to be followed.

The provisions of the legislation on foreign nationals (article 4 par. 4 Law No 1975/1991) provide that the Public Prosecutor to the Magistrates' Court may, upon the consent of the Public Prosecutor to the Court of Appeals, may abstain from instituting criminal proceedings against a foreign national charged with the offence of illegal entry into the Greek territory. In this case, the foreign national shall be immediately turned back to the country of his origin or descent. Until a relevant decision has been issued by the Prosecutor to the Magistrates' Court, the foreign detainee shall be treated according to the criminal procedural provisions.

- g. The Ministry of Public Order has shown particular concern on this matter. In particular, circular No 4803/22/14-1st' dated 31 March 1997 has been issued by the Secretary General of the Ministry providing clarifications to the Police Departments and pointing out the Police Officers' duty to provide

the necessary information to all foreign nationals detained for having violated the legislation on foreign nationals (Law No 1975/1991).

- h. By dint of the same circular, police officers are obliged to permit and facilitate the detained persons' communication with their families and lawyer as well as to inform detainees about the address of their place of detention (para. 12(e) of the circular instructions).
- i. Police Authorities are required, under par. 12 g of the circular instructions, to facilitate the detained persons' communication with the area's Bar association, thus permitting them to take advantage of the services of a counselor of their choice.
- j. Foreign nationals, in the course of the process of their administrative expulsion are also entitled to have access to a legal counselor. An information form advising them of the said right shall be handed to them on receipt, at the moment of their arrest and referral to the Police Station.
- k. In general, there are provisions for the adoption of all appropriate measures, allowing the detainees to exercise all their rights, within the framework of the standing laws and regulations.
- l. In regard to the observance of the implementation of the measures concerning information of the detainees of their rights, the following shall be noted:
  - (1) The Heads and Captains of Police Departments have been assigned by the same circular by the Chief of the Hellenic Police to supervise the application of the above mentioned measures by police officers. They are responsible for the training and instruction of police personnel so as to obtain the full adoption and strict implementation of the said measures (para. 18 b of the circular instructions).

- (2) Furthermore, according to para. 18 a of the same circular instructions, all the Officers who are hierarchically superiors to the Heads of Police Departments have been ordered to monitor the meticulous implementation of the measures set forth for the information of the detainees on their rights.
- (3) The respect of the fundamental rights of each person and more particularly of the persons who have been held under custody by the police authorities constitutes a key axis of the policy employed by the Ministry of Public Order. The full exercise of the right of the detainees constitutes a permanent and continuous concern of the Greek Police.

After the remarks by the Committee drawing the Ministry's attention to cases of detainees who were informed of their rights and did not fill out the relevant form, order no. 4808/4/76 sp, dated 1 June, 2000, was issued to all Greek Police units reminding the personnel of their obligations to duly inform detainees on their rights. Order nr 4808/4/76 sp is also explicit on the consequences for any Police Officer failing to comply.

### C. CONCLUSIONS.

1. Through the present report, the Hellenic Ministry of Public Order provides the Committee with detailed information on the latter's proposals, suggestions and recommendations. Yet, we look forward to upgrading our cooperation into a substantial dialogue with the Committee on the causes as well as on possible immediate and medium-term remedies of the current situation. The problem of / lawful treatment of illegal immigrants and detainees by the police forces cannot be effectively considered out of context. The illegal-immigrants flux to Greece (mainly from neighboring countries) is dealt within framework of legislative and social measures taken by the Greek government to assist the immigrants in the exercise of their fundamental rights.
2. **This report clearly sets out that the Ministry of Public Order deals with the sensitive and complicated issue of short-term**

**detainees and arrested illegal immigrants taking into full account the relevant provisions of international conventions and domestic laws.**

3. As to remarks regarding physical ill-treatment, we would like once more to point out the following :
  - a. The existing legal framework, related to the protection of human rights and freedoms, bans every form of inhuman treatment or punishment and enshrines the Council of Europe's relevant Conventions.
  - b. The cases of police officers whose conduct has been judged as unbecoming, in accordance with the law and the regulations of the Police Corps, are scant and they do not indicate a more general trend of ill-treating detainees. These cases have been fully investigated upon, both from a judicial and a disciplinary point of view.
  - c. As regards detention, we would like to stress that the existing legislative framework fully ensures the detainees' rights.
  - d. Most of the shortcomings of the detention places which have been pin-pointed by the Committee should be attributed to the inadequate building infrastructure, overwhelmed by an explosion in the numbers of short-term detainees over the past five years. However, every effort is being made for the existing buildings to acquire the necessary functionality. The possibility to acquire or construct new buildings is also seriously envisaged.
4. Concluding, we would like to point out that the whole issue is of primary importance to the Ministry of Public Order. Our policy aims not just to eliminate deficiencies which have been underlined by the Committee, but seeks to radically improve the situation of short-term detainees and arrested illegal immigrants, both by addressing infrastructure shortcomings and by instilling the human-rights respect to the Police Corp's mentality.

D.

FOLLOW-UP REPORT OF THE MINISTRY OF PUBLIC ORDER  
SUPPLEMENTING THE RESPONSE TO THE REPORTS OF THE  
EUROPEAN COMMITTEE FOR THE PREVENTION OF  
TORTURE AND INHUMAN OR DEGRADING TREATMENT  
OR PUNISHMENT (CPT)

ON ITS VISITS TO GREECE FROM 25 MAY TO 6 JUNE 1997  
AND 26 OCTOBER TO 2 NOVEMBER 1999





Athens, 16<sup>th</sup> January 2001

## **FOLLOW-UP REPORT**

The Ministry of Public Order, responding to the relevant invitation of the Chairman of the European Committee on the Prevention of Torture (CPT), extended during its visit to our country on 20.11.2000, sets out the following particulars, further to our report dated 2.6.2000, which concern the Committee's recommendations included in the Appendix I (Department 1 and 4) of its report dated 1997.

### **GENERAL**

- The strategy of the Ministry of Public Order includes the improvement of the detention conditions, particularly of foreign nationals awaiting deportation, who are taken in custody at the Police Stations. The detention of the aliens to be deported constitutes a problem that is of special concern to us and consequently every possible effort is being made to alleviate it. Within this framework we are pursuing the minimization of the extended periods of detention of the aliens of the above category.
- As a rule the period of detention lasts a few days. The extended detention is mainly due to the responsibility of the aliens, who are either deprived of travel documents or hide and do not present them and refuse to go to the Consular Authorities of their countries for the issuance of such documents (L.P.), or do not fill in nor sign the relevant applications, declare false particulars or nationality, submit abusive petitions for asylum, refuse to board on the aircraft by putting up passive resistance, in which case they are deported in the company of police officers. Further, certain consular authorities employ delaying tactics or refuse to issue travel documents to their citizens. To the delay of deportation also contributes the fact that with some countries there is no frequent air connection or, what's more, there is no Consular Authority of the alien's country in our country in order to

equip him with a travel document, whereupon the Ministry of Foreign Affairs is intimated accordingly so as to intercede with to the competent Consular Authority thereof abroad.

- Co-ordinated efforts are made in order to eliminate the phenomenon of extended detention of aliens. More specifically:
  - a) We inform the Diplomatic Authorities of the issuance of passports and we request, whenever required, the intercession of the Ministry of Foreign Affairs with the Consular Authorities here or to the competent Diplomatic Authorities, which represent our country abroad.
  - b) In case that for various reasons the issuance of a passport by the Consulates is not possible and so long as the other requirements are met (air connection, acceptance by the air company), the alien is equipped with the issued pursuant to the P.O. 124/97 Greek travel document (L.P.) for his departure.
  - c) The detention is never extended for a long time (indefinitely), if the alien's administrative deportation is impossible due to any reason, because, in pursuance of the provisions of article 8 of the Joint Ministerial Decision 4803/13/7a/92 it is permitted his temporary stay in the country, up to the removal of the **obstacles** and restrictive terms are imposed on him (establishment, going to certain places, exercise of a certain profession or obligation to present himself to the Police Authorities). We indicatively mention that during 1999 temporary stay was permitted to 1274 aliens and until September 2000 to 1155 ones.
- The foregoing aside, the following relatively recent developments are classified within the framework of the same strategy:
  1. **A National Committee for Human Rights was established by law (L. 2667/98), which is subject to the Prime Minister** and constitutes a consultative organ of the State on topics of human rights protection. **This Committee has as its primary task the constant monitoring of issues related to human rights**, the public information and the promotion of the relevant research, the exchange of experience at international level with corresponding organs of international Organizations and the laying down of policy proposals on issues of the subject-matter thereof. The

Director of the Aliens Directorate participates in the said Committee on behalf of the Ministry of Public Order, because of the Ministry's special sensitivity on topics related to the protection of the aliens' rights.

2. **By Joint Decision of the Ministers of Foreign Affairs, Justice and Public Order (No. 137954/12.10.2000) it was provided the temporary stay in the Country of aliens against whom deportation has been imposed by court judgement and whose immediate departure has been deemed unfeasible.**

More specifically, the said decision, provides among others that if the immediate deportation is impossible and after the deprivative of freedom sentence has been served, the competent Public Prosecutor introduces the case to the Three-member Magistrates' Court so that the alien's temporary stay in the country is decided under restrictive terms.

Thus, should the implementation of a judicial decision calling for deportation is deemed impossible on any grounds whatsoever, the prolonged detention of foreign nationals must be tackled in the way above referred to.

We note that at the elaboration of the said Joint Ministerial Decision the content of relevant recommendation by the CPT was also taken under consideration.

3. **The draft of law "Entry and stay of aliens in the Greek Territory. Acquisition of the Hellenic nationality by naturalization", already submitted to the Parliament in order to be passed, includes regulations of the issues of aliens to be deported, similar to the ones internationally applied as a rule, and offers guarantees for their temporary detention. We especially point out that at the elaboration of the provisions of the said Draft concerning the deportation of aliens, they were also taken under consideration the relevant recommendations by CPT, set forth in the documents of the reports thereof on Greece.**

**More specifically:**

- a. Article 46, par. 1, provides for the cases where the alien's

administrative deportation may be permitted. More specifically, the administrative deportation is permitted if the alien is irrevocably sentenced to confinement in a penitentiary or imprisonment for a period of time longer than one year and for certain crimes, instead of the general and vague provision of article 27 of the law in force 1975/91, which prescribes deportation in case of the alien's conviction to confinement in a penitentiary or imprisonment for any crime.

- b. It is prescribed the issuance of the decisions concerning the administrative deportation by the relevant Police Director (article 46, par. 2) instead of the Hellenic Police Chief, as it is in force today, with a view to expediting the pertinent process through decentralization.
- c. Article 46, par. 3, defines that the alien who is detained until his departure, because he is considered as suspect of escaping or dangerous for the public order, is entitled:
  - To be informed, in the language that he understands, of the reason of his detention, and
  - To raise objections against the decision for his detention, before the President of the Administrative First Instance Court, who shall pass judgement immediately on its legality.

These are new favourable provisions, as they give additional rights to the detained alien to be deported.

- d. The new provision of article 46, par. 4, which defines that in case that the alien to be deported is not considered as suspect of escaping nor dangerous for the public order or the President of the Administrative First Instance Court disagrees to his detention, such alien is accorded a time-limit of up to 30 days for his departure, is also beneficial.
- e. The alien is entitled to appeal against the decision for deportation before the General Secretary of the territorially competent Region. Any eventual exercise of appeal entails reprieve of execution of the judgement (article 46, par. 5).

By this regulation the appeal shall be examined by an organ independent of the Police Authority, which issues the decision for deportation. At the same time, we point out the entirely beneficial new provision, concerning the aliens to be deported, which prescribes the reprieve of execution of the decision in case of exercise of an appeal.

- f. Among the beneficial regulations it is also included the possibility of temporary reprieve of the alien's deportation by decision of the General Secretary of the Region,' when this is dictated by humanitarian reasons, force majeure or reasons of public interest, as in case that special reasons arise concerning the life or health of the alien or of his family (article 46, par. 7).
- g. Article 47 of the draft law provides for the possibility of the alien's temporary stay in the country under restrictive terms, in case that his immediate deportation is unfeasible, by decision of the General Secretary of the Region, if it is about an administrative decision for deportation, or of the competent Public Prosecutor, if it is about a judicial one.
- h. Finally, article 50 prescribes that, until the procedures for his deportation are completed, the alien may stay at temporary detention facilities, which are established by decision of the General Secretary of the Region and operate at the Prefecture's care.

It is about an innovative regulation, which is certain to improve the aliens' detention conditions.

- 4. Since 1.1.2000 the boarding allowance of detainees has been increased by 100%, i.e. from 1000 drachmas to 2000 drachmas daily.
- 5. It was reiterated to all the services their obligation to assign the duties of guarding to female police officers, when and where women are detained, by the order No. 4803/4/76-ta dated 3.11.2000.
- 6. Recently (20.10.2000) the Aliens Sub-directorate of Attiki, which is charged with the main burden of the deportation procedure,

was reinforced by forty (40) new police officers, its main purpose being the speeding up of all the relevant procedures for the departure of the aliens.

7. The Panhellenic Association of Police Officers, on the occasion of the celebration of the fiftieth anniversary of the European Convention on Human Rights and within the framework of operation of the European Council of Police Syndicates (CESP) held, on 7.11.2000, a meeting with subject "Police and Human Rights", with the participation of University Professors and Officers of the Corps.

**8. As regards the detention facilities we note that:**

- Great efforts are made in order to meet all the necessary sanitary and cleaning conditions in the detention facilities and especially, during the past year 2000, many of the existing building were renovated, new ones were constructed or hired and special attention and priority was given to the said facilities.
- As regards services, where the auctions for their relocation proved fruitless and the detention facilities do not meet satisfactorily the prescribed conditions, the required instructions are given for detention of a very small number of detainees, in order to minimize the cases of bad sanitary conditions and the negative parameters in general of that fact.
- The problems related to the comfortable and safe detention of the detainees in modern facilities shall be radically handled within the framework of the program for the purchase and erection of buildings with appropriate detention facilities, elaborated by our Ministry in cooperation with the Greek Public Real Estate Corporation.
- In conclusion, we would like to point out that the entire issue has been set as an objective of primary importance by the Ministry of Public Order and the strategy thereof consists not only in the improvement and final elimination of the deficiencies pinpointed by CPT, but also in the creation of conditions that will exceed the usual standards for the detention of aliens.

## **MORE SPECIFIC REPLIES TO THE RECOMMENDATIONS OF SUPPLEMENT I.**

### **1. Torture and other forms of ill-treatment**

#### **- Recommendation of paragraph 16 (Detainees' rights - prohibition of ill-treatment)**

Repeatedly, by orders of the Hellenic Police Headquarters to all the police services, it was emphasized the importance that the Ministry of Public Order attributes to the implementation of the legislation and of the circular orders concerning the rights of the detainees (right of access to lawyer and doctor, right of communication with the consular authorities of their country, right of visitation and communication with their relatives, organizations and authorities, right of information on their rights) and the severe punishment (both criminal and administrative) of police officers who perchance violate them in any way.

However, in case that it is established that certain police officers have not embraced, to the degree required, the need of strict implementation of the measures aiming at the exercise of the detainees' rights in practice or their commanders and supervisors do not exercise the due preventive and repressive hierarchical control for the complete implementation of the legislation in force, the regulation and the other orders concerning this specific subject, then the provisions of the Disciplinary Law and of the Criminal Legislation apply.

Furthermore, the senior executives of the Police, at the regular and special inspections of their subordinates, scrupulously control the implementation of the measures concerning the protection of the detainees' rights.

Consequently there is full compliance with the Committee's recommendation regarding the rights of detainees and the exercise thereof.

#### **- Recommendation of paragraph 17 (avoidance of ill-treatment or humiliating behaviour against detainees)**

A lot of provisions cover the issue of prohibition of tortures, of the cruel or inhuman or humiliating treatment or punishment on behalf of police officers against the detainees. All this legal framework has been included in relevant educational manuals and is analyzed in the Police Academies and in the further education seminars as well as in the regular meetings of personnel by the Officers thereof, with the purpose of sensitization, as far as possible, of the police officers and especially of the investigating officials on this issue, always having as a motto the respect of human dignity and the better service of the public and social interest. Apart from the foregoing, relevant recommendations are included in the police officer behaviour and ethics manual to be issued. Any perchance deviation from the above principle, except for the reasonable force exercised at the time of the arrest, if the subject offers resistance, is severely punished. Consequently, there is full compliance with the said recommendation of the Committee.

- **Recommendation of paragraph 18 (Request for forensic examination and information of the competent Public Prosecutor)**

Pursuant to the Code of Civil Procedure (article 183):

The investigating officials or the judge may, ex officio or upon request by the aggrieved party or the public prosecutor, order, within the framework of the criminal proceedings for the ascertainment of the commission of an offence concerning ill-treatment, the examination by a coroner.

In practice, when the detainee files a complaint or the ill-treatment is obvious, it is always ordered an expert appraisal, i.e. the examination of the aggrieved party by a competent coroner.

- **Recommendation of paragraph 19 (direct access to forensic services - content of forensic reports Authorization of state forensic services with respect to the relevant examinations)**

There is no possibility for direct access of a person to forensic



services for examination, however this procedure takes place through the investigation process, as mentioned in the previous paragraph. In practice, as long as a relevant complaint-suit is filed, the investigating official is obliged to order the carrying out of a medical examiner's report. Regardless of this, the aggrieved party has the independent right, without previous filing of a complaint, to address himself to a public hospital or a private doctor and obtain a relevant certificate which constitutes an evidence that is co-estimated in the investigating procedure.

As regards the content of the relevant report, this is principally corresponding to the one of the order, it includes however any other findings that the coroner considers necessary so that the report is complete, taking into consideration any likely accusations by the aggrieved parties. These certificates are sent to the investigating authority, which ordered the appraisal and are incorporated in the file of the brief, to which all the litigants have access, i.e. the interested party as well as his lawyer.

**- Requests for supply of information (paragraph 18)**

**On the issue of supervision of the preliminary investigation work of the police preliminary investigating officials in criminal cases by public prosecutors**, pursuant to the provisions of the Code of Criminal Procedure (articles 31, 33 and 35), the conducted by the investigating officials of the Hellenic Police preliminary investigation is under the conduct of the Public Prosecutor of Misdemeanours Court, who is entitled to be present during the carrying out of any investigation, either in person or through one of the Deputy Public Prosecutors subject to him and be informed at any time of the documents concerning the investigation. Consequently, the existing legal framework sufficiently covers this case. Of course, it is a matter of course that the presence of a Public Prosecutor in every preliminary investigation carried out by the investigating officials of the Police is practically impossible, due to the limited number of Public Prosecutors.

**4<sup>th</sup> paragraph: Fundamental guarantees against ill-treatment.**

## **Recommendations.**

### **- Recommendation of paragraph 82 (information of the detainee's family)**

From the content of the circular order No. 4803/22/14a, dated 3.11.95, and more specifically from par. 2 of the information sheet on detainees, it ensues that the arrested person is entitled to inform his relatives regarding his arrest as well as the consulate of his country, if he is an alien. Consequently the police officer has the obligation to permit and facilitate the detainee's communication directly with his relatives in order to inform them of the place of detention and the reason for his arrest.

Special reasons that impose the delayed information of the detainee's relatives are not prescribed in the said order. However, in applying mutatis mutandis article 105 of the Code of Criminal Procedure, which provides for certain, cases the deprivation of the defendant's right, when there is a danger of damage to the work of investigation in order to find out the truth, corresponding restrictions may be set also in the exercise of the rights of communication of this specific detainee with his relatives.

### **- Recommendation of paragraph 85 (Right of access to a lawyer)**

The right of access to a lawyer is inviolable in regard to any detainee, pursuant to the Code of Civil Procedure (articles 96-108). The aliens have of course the same right during the proceedings of their administrative deportation and such right is communicated to them at the time of their arrest and transfer to the police station.

### **- Recommendation of paragraph 86 (Ensuring of secrecy of discussions between the detainees and their lawyers)**

The right of communication between the counsel and the detainee is inviolable and the secrecy of the conversation is ensured by the non-presence of Police officers during their meeting.

- **Recommendation of paragraph 90 (Carrying out of medical examinations without the presence of a police officer)**

This right exists and is exercised by the detainees in case a medical examination is required to be performed, except when a certain detainee is considered dangerous especially for the exercise of violence against third parties or self-injury, in which case a police officer is present during the examination.

If it is about a woman detainee, then a female police officer is present.

The findings of every medical examination are entered into a relevant report and are available to the interested party as well as to his counsel.

- **Recommendation of paragraph 92 (Distribution of informative bulletins)**

Relevant reminders have repeatedly been issued and continue to be issued with regard to the implementation of the circular, which prescribes the issue, distribution and implementation of everything set forth in the relevant informative bulletins. Further relevant control is exercised in order to verify that this measure is applied in practice. Moreover, on 24.10.00, by the order No. 4803/22/14a of the Directorate of Organization of the Hellenic Police Headquarters, informative bulletins were printed in 14 languages and in large dimensions and the services were ordered to post them at conspicuous places so that the detainees may see them.

- **Recommendation of paragraph 93 (Drawing up of a Code of Conduct with respect to investigations by police officers)**

After the passing of L. 2408/1996 "Amendment of provisions of the Criminal Code, the Code of Criminal Procedure, the Code of Basic Rules regarding Treatment of Detainees and other provisions", instructions were given by a circulars of ours regarding the strict implementation of the provisions thereof concerning the rights of the suspect and of the defendants. Further, it was communicated, with reference to this issue, the

relevant circular of the Public Prosecutor of the Supreme Court.

Moreover, we point out that a police officer behaviour and ethics manual has been drawn up, which is at the stage of approval and contains relevant rules concerning the impartiality and objectiveness at the implementation of the laws and the respect of human dignity and personality.

- **Recommendation of paragraph 96 (extension of the informative bulletin also for the aliens to be deported)**

This recommendation has been implemented by the establishment of a corresponding bulletin, which includes the description of procedure for the alien detainees to be deported.

- **Recommendation of paragraph 90 - Comments**

The regular medical attendance of the detainees is indeed ensured and, where needed, there is a doctor available at the police departments (pursuant to article 60 of the PD 141/91). A relevant recommendation is also included in the aforesaid draft of police officer behaviour manual.

- **Requests for supply of information (paragraph 87)**

The legislation in force (article 96 of the Code of Criminal Procedure, as it was added by article 17 of L. 2721/3.6.1999) provides for the appointment of a counsel also when the defendant, against whom a criminal prosecution at the degree of misdemeanour has been exercised is not financially capable of appointing a lawyer.

To the lawyers appointed ex officio out of the table it is paid, so long as they have practised the work of defence, the lower fee prescribed by the Lawyers Code. The President of the Court or council or the investigating magistrate or official may fix, by a summarily reasoned act of theirs, an increased fee in view of the duration of the defence work that the counsel has accomplished.

- **Paragraph 96**

The right of access to a lawyer is extended also to aliens who are being arrested for violation of the law "regarding aliens", since they are dealt with within the framework of the criminal proceedings in force.

- **Paragraph 96 (access to a lawyer by destitute aliens)**

Everything set forth above concerning paragraph 87 is applied.

- **Paragraph 96 (Refoulement of aliens)**

The provisions of the legislation regarding aliens (article 4, par. 4, L. 1975/91) prescribe that within the framework of the criminal proceedings, the Public Prosecutor of the Magistrates' Court, upon approval by the Public Prosecutor of the Appeal Court, may refrain from the criminal prosecution against an alien for the offence of the illegal entry into the Greek territory, in which case the alien is promptly returned to the country of his origin or descent. Until the issuance of the judgement of the Public Prosecutor of Misdemeanours Court, the detained alien is treated pursuant to the criminal procedural provisions.

The citizens of Albania are returned on the basis of the re-admission clause, which is incorporated into the Police Co-operation Agreement entered into between the two countries.

In any case and during the refoulement proceedings, the registration of the aliens to be removed is provided for.

We especially point out the fact that upon relevant decision of the General Secretary of the Ministry of Public Order, dated 1.1.2000, it is being faithfully implemented the procedure, pursuant to which in any case of illegal entry of aliens in the country, especially in cases of group arrivals, is immediately informed the Greek office of the High Commissioner for Refugees, regardless of whether the illegal immigrants apply or not for political asylum. In this way it is fully ensured the non-refoulement of the aliens, to wit without compliance with the relevant procedures.

- **Paragraph 97 (application of the principle of non-**

**refoulement)**

The Greek authorities, taking into account the status prevailing in countries where human rights are violated, based on reports by International Organizations such as the High Commissioner, do not deport aliens to these countries, applying fully the principle of non-refoulement, but they order their temporary stay in Greece, setting at the same time restrictive terms. On this topic, it was issued the circular order No. 4698/1-447322 dated 9.7.99 to all the Departments of the Hellenic Police, in which there is also a reminder concerning the compulsory registration of all detainees.

**C.**

**RESPONSE OF THE MINISTRY OF JUSTICE  
TO THE REPORT OF THE EUROPEAN COMMITTEE FOR THE  
PREVENTION OF TORTURE AND INHUMAN OR DEGRADING  
TREATMENT OR PUNISHMENT (CPT)**

**ON ITS VISIT TO GREECE FROM 26 OCTOBER TO 2 NOVEMBER 1999**





## **1. REPORT OF THE MINISTRY OF JUSTICE, 4.10.2000**

### 1) Preliminary observations of the Committee

48

Unfortunately, the issue of overcrowding of the Greek prisons still exists, as already noted by the Committee. This is because, on the one hand, the building programme concerning the construction of 10 new prisons, which is presently under way and will most probably be completed within the next two years, has not been finished yet, with the exception of the new Malandrino Prison of an official capacity of 300 places, which will be handed over for use by the end of October 2000, and on the other hand, the overwhelming problem of foreign prisoners' existence, and in particular of their increase, still exists. Present numerical data have as follows: with an official prison establishments' capacity amounting to 4,825 places, the current total prison population totals up to 8,200 detainees, of which 3,850 are foreign nationals. The afore-mentioned programme is advancing at a fast pace as far as the 2 special therapeutic centers are concerned (Detainees Detoxification Centers for Drug Addicts): the first one at Elaionas of Thiva is completely ready, equipped and its personnel has already been employed; the training of the latter by special scientists has been scheduled for the next trimester and commencing the year 2001 the prisoners who will be detained there are going to be selected, and these prisoners will follow its therapeutic programme. The second one at Kassandra of Halkidiki is under construction at an exceedingly fast pace and will be completed within the year 2001, whereupon the same procedures pertaining to its staffing and the selection of prisoners who will be detained there are going to be followed.

### 2) Physical ill-treatment – abuse

50

Violence among underage detainees of the Special Institution for Male Juvenile Offenders in Avlonas appears to be frequent at times since young men and women up to the age of 21, adolescents and persons of post-pubescent age of different nationalities (Greeks and foreigners) are detained there, who are very spry and dynamic due to their age but plagued with many problems – with some of them being far away from their families and, consequently, having no visits, money and, mainly, lacking in family care and affection. Thus, the display, on their behalf, of violent behaviour is both inevitable and unavoidable, and it is largely exercised against their co-prisoners. The juveniles' financial needs are covered of course by

the prison (hygiene items, detergents, clothing etc.), but this is certainly not enough for a juvenile prisoner to feel happy, having as a result the display of violent behaviour, for an insignificant cause sometimes. However, the Center's staff has already been sensitized and has gained experience in dealing with frays and scuffles among juveniles, with the relevant consequence of such incidents having been reduced to a base minimum to date.

The Center's staff, just as in the rest of the country's prisons, is trained after its employment at the Corrections Officers' School for two months, which constitutes the necessary prerequisite for its acquiring permanent employment status. Moreover, the staff is at all times encouraged to choose and attend educational programmes that are organized by the Institute of Recurrent Training of the National Center for Public Administration in various cognitive subjects. As far as the staffing of the Avlonas Special Facility for Juvenile Offenders is concerned, the employment of correctional Personnel, who will be distributed in various detention centers (among them that of Avlonas), has already been approved by the Council of Ministers and is imminent.

Present number of juvenile inmates: 290

### 3) Visit of the Korydallos prison complex

55

As it was referred to above, the Ministry of Justice is very seriously preoccupied with the issue of overcrowding and continuous efforts are made by it for the solution of this issue. In the course of May 2000, 2 new wings with cells designed for 2-person occupancy at the Judicial Prison of Nafplio, operating at an official capacity of 100 places, were given over and in the end of October 2000, the Prison of Malandrinou, with a capacity of 300 places, will be given over for use. Both of these Centers have been built under the most modern specifications for detention centers securing a comfortable and human way of living for prisoners, their education and vocational training providing proper laboratory rooms, but also ensuring their recreation and physical exercise in the corresponding areas. These new prisons, together with the Detoxification Center of Thiva, but also the rest of them included in the building construction programme of the Ministry will surely contribute to the decongestion of the Judicial Prison of Korydallos and, consequently, to the accomplishment of the goal of roofing 2 persons in each cell. The renovation programme (painting etc.) is going on, as it is on a permanent basis, to wit each prison space is undergoing a periodic refurbishment as well as each wing whenever it is so required. The wing D' has already been painted. All necessary hygiene items, as well as other objects (telephone cards, clothes, cigarettes etc.) are granted by the prison to each indigent

detainee. Those prisoners who have money do not ask for the above objects, since they buy them on their own and these are of their absolute choice.

56

With the new Corrections (Penitentiary) Code in force since 24/12/1999, the Five-member Labour Council has been enacted in every prison, headed by a Public Prosecutor (Attorney) and regulating each labour issue of the prisoners. Thus, the prisoners, those awaiting trial (sub-judice) as well as the convicts are alternately placed to work posts as a matter of priority, after a relevant petition has been filed to that end, on their behalf, each day being calculated as working day to 1 ½, 1 ¾ or 2 days of detention depending on the work done. Furthermore, provided that they meet the necessary requirements (detention time, behaviour inside the center, health condition etc.), all detainees are encouraged to ask that they be transferred to a rural prison, where, being engaged in rural activities, take advantage of the beneficial calculation of working days, thus cutting short the time leading to their release from prison. Furthermore, many programmes relating to education and vocational training are being applied in the Judicial Prison of Korydallos, subsidized by the European Union and other bodies (Universities etc.), as well as in all the other prisons, and various laboratories are in operation therein (namely printing-office, bookbindery, workshop ...).

57

With regard to special cells (isolation units), continuous efforts for their maintenance in a satisfactory condition are made, given that these are rarely used for disciplinary reasons, but mainly by prisoners who ask to be segregated for their own protection and also by the mentally retarded who are being bothered by their co-prisoners. This explains the condition of the cells. Relevant instructions for the cells' maintenance in the best possible condition of cleanliness and sanitation have already been given. We note here that each attempt at cleaning, painting and repair fails immediately on account of the prisoners' intervention, who, as the Committee has observed, are sometimes mentally retarded. The mattresses are constantly replaced by new ones (in case they are destroyed) or are disinfected. Other furniture does not exist in those cells for reasons of preventing suicides (a fact that has repeatedly occurred). However, the examination of the possibility for making built furniture (table – chair – bed) has already begun, on condition that the building's static strength allows it and the relevant appropriations are granted, and we shall inform you of the progress in this matter.

#### 4) Special Institution for Male Juvenile Offenders in Avlonas

58

The current number of detainees at the Special Institution for Male Juvenile Offenders in Avlonas is 290.

59

The Ministry of Justice has approved the appropriation of a sum amounting to 220,000,000.00 drachmas and extensive repairs for the reconstruction of the entire plumbing installation, which presented the problems referred to at this point of the report, and for the complete renovation of the sanitary articles have already begun. The contractors have already been settled, and the works proceed at a satisfactory pace and are expected to be completed by the end of the year 2000.

61

Moreover, the refurbishment of all the cells of the establishment has already begun.

62

The long stay of the prisoners at the courtyard, outside their cells, is really a novelty compared to other countries. In the course of summer, above stay is even longer, due to the fact that it takes long for the sun to set. The areas are of course bare and will be equipped as soon as the extensive works of the prison end.

63

Present educational situation has as follows:

A Primary School staffed by 3 teachers and attended by 50 Greeks and foreigners is in operation. A Junior High School, which shall be operative as of this year, (a branch of Avlonas Junior High School) will be attended by 20 juveniles. Five juveniles will attend the classes of the Senior High School (Lyceum) situated at Avlonas. (They will be taught at the Center by volunteer teachers and tutors and they will sit for examinations). A programme of vocational training in the field of bike engineering is also in operation. Said programme will be attended by 15 prisoners. Presently, the aggregate job positions at the establishment stand at 96.

64

A modern library building, very well equipped, is being constructed anew; sports areas and grounds will also be equipped immediately after the completion of the repairs. As far as an indoor gymnasium is concerned, what really puzzles the staff is its construction and outfitting both due to the eventuality of a scuffle erupting among the prisoners and to the use of gymnastics instruments as lethal weapons, as it has so happened in the past. In any case, the issue will be examined again as soon as the works will have been completed.

65

In the course of this year (and set to be continued in the following year), there shall begin a cooperation between the center and various volunteers, such as psychologists, trainers and members of the organization "Doctors of the World", who will offer many programmes to the juveniles regarding psychological support, educational assistance and teaching, and medical support as well. As far as the specialized personnel is concerned, which personnel is lacking in the establishment, the Ministry of Justice has already sent to the Ministry of Interior, Public Administration and Decentralization, which is competent for employment and hiring, lists with all the staff categories required for the normal function of all correctional centers and the unimpeded exercise of the Ministry's correctional policy, and their approval are expected.

66

Present situation of disciplinary cells has as follows: In a special area of the establishment, cells similar to the ordinary ones and fitted in the same way shall be constructed anew under state-of-the art specifications and shall henceforth operate under the dictates of the new Corrections (Penitentiary) Code. As regards the rest of the observations advanced by the Committee, the same are under consideration and an effort shall be made for their proper implementation. The special register, which is mentioned in these observations, has already begun to be applied.

68

As far as the visits of the Institution of Avlonas are concerned, apart from the regular (closed) ones, an open (free) one is realized very often for mainly family reasons.

The supply of seats has already been satisfied for the prisoners as well.

## 5) Health care issues

69

At the Judicial Prison of Korydallos, apart from the permanent doctors referred to in the report of the Committee, there is also a permanent dentist (and a fully equipped dental clinic), there is also a great number of visiting doctors, who go there on a daily basis. These are: 4 general practitioners, 3 psychiatrists, 1 surgeon, 1 orthopedist, 1 otolaryngologist, 1 oculist, 1 dermatologist, 1 cardiologist and 1 urologist. 3 nurses and 8 correctional officials working as auxiliary (male) nurses are working, too. As it follows from the data above referred to, the provided medical care is at least satisfactory since there is almost always a doctor in the prison (morning or evening), and the prison is adjacent to the Prisoners' Hospital where the presence of doctors and nurses lasts for 24 hours. At the Institution of Avlonas, apart from the nursing personnel mentioned in the report, medical care is provided by the following visiting doctors, who are on an alternate active duty there, 5 evenings a week, to wit: 3 general practitioners, 1 psychiatrist and 1 dentist. In all other respects, there shall be applicable the stipulations contained in the report.

70

With regard to the medical examination of the detainees newly admitted to prison, both at the Judicial Prison of Korydallos and the Institution of Avlonas, the following shall be applicable:

At the Judicial Prison of Korydallos, the direct medical examination of the persons newly admitted to prison daily appears to be difficult, both due to their rapid alternation (approximately 100 detainees are being admitted and exiting the prison on a daily basis), as well as the shortage of many permanent doctors and nurses. However, the newly admitted prisoners are examined without fail in the course of the days following days their admission both by a doctor and a social worker who undertakes their case. At the Special Institution for Male Juvenile Offenders in Avlonas, the prisoners are examined after their admission and, more particularly, a special consulting room is already under construction where the newly admitted persons will stay and be examined in detail.

71

## Psychiatric Unit of Korydallos:

We have already mentioned details relating to the forthcoming operation of the Detainees Detoxification Center for Drug Addicts at Elaionas of Thiva, which will relieve the Prisoners' Psychiatry from many drug-addicts. Present official

capacity of the psychiatric unit stands at 160 persons. Current medical personnel has as follows:

2 permanent psychiatrists, 4 visiting ones (of the above five, one has acquired permanent employment status), 8 nurses and 1 pharmacist.

As regards the special register mentioned in the report, a casebook of the infirmary is kept with registration of the isolation prisoners every 6 hours and instructions have been given for the observance of the other observations of the Committee, that is indication of the time of the measure starting and ending, the reasons for taking it and a report of the doctor that ordered it, etc. Finally, with regard to the personnel above referred to, the permanent psychiatrists have been increased by one and although the filling of 2 vacant posts for psychologists had been proclaimed, no one turned out to fill the posts.

In conclusion, the Ministry reserves itself the right to inform the Committee of any new action taken, which is associated with the Committee's observations.

---

True translation from Greek into English of the attached document

Athens, 11/10/2000

The official translator Sofia N. Vassilopoulos



**HELLENIC REPUBLIC**  
**MINISTRY OF HEALTH AND WELFARE**  
**DEPUTY MINISTER'S OFFICE**

**Athens, 23/8/2000**  
**Ref. no: 4753**

**To: The Chairman of the  
Committee for the Prevention  
of Torture & Inhuman or  
Degrading Treatment or  
Punishment (CPT)  
(Via the Greek Permanent  
Representation in the Council  
of Europe)**

Mr Chairman,

We hereby submit you the semestrial progress report on topics of interest for the C.P.T., as drawn up by the Directorate of Mental Health.

On this occasion, please allow me to inform you that the policy of the Ministry of Health and Welfare is steadily oriented to the deinstitutionalization of chronic patients of psychiatric hospitals who are no longer in need of hospitalization, and to their integration into psycho-social rehabilitation units and programs.

At the same time, we believe that the development of new mental health services in the community and their interconnection with the already existing ones in the framework of a sectorized system, will provide the citizens with fuller and of higher quality mental health services.

Finally, we are concerned constantly with the protection of the rights of persons with mental disorders. The competent committee has been working to this direction (see A1a of the report).

Yours faithfully,  
The Deputy Minister of Health and Welfare

Christina Spiraki





**HELLENIC REPUBLIC  
MINISTRY OF HEALTH AND WELFARE  
GENERAL DIRECTORATE OF HEALTH  
DIRECTORATE OF MENTAL HEALTH  
SECTION B'**

**Athens, 10/8/2000  
Ref. no: Y5b/1525**

19 Aristotelous Str.  
GR 10187 Athens  
Tel.: (301) 5247062  
Fax: (301) 5233434  
Contact: K. Mavratzotou, E. Zaharias

**To: The Chairman of the  
Committee for the Prevention  
of Torture & Inhuman  
or Degrading Treatment  
or Punishment (CPT)  
(Via the Greek Permanent  
Representation in the Council  
of Europe)**

**SUBJECT: Semestrial progress report**

**REF.: Our A3a/1834/8.11.99 document**

Following the above reference document, we inform you on developments, problems and perspectives during the first semester of 2000 in topics of interest of the CPT

**A' DEVELOPMENTS**

1. In application of the Act 2716/99 "Development and Modernization of Mental Health Services":

a. Ministerial Decision D1a/15992/99/6.3.2000 was issued, by virtue of which the members of the Committee for Controlling the Protection of the Rights of People with Mental Disorders are appointed, as determined by the Act 2716/99. The committee consists of distinguished scientists in their fields, namely one psychiatrist, one child psychiatrist, two social workers, one psychologist, and two law professionals, and has been developing its actions since April 2000.

b. Ministerial Decision A3a/876/16.5.2000 was issued, by virtue of which the organizational and operational mode of the Psycho-social Rehabilitation Units (boarding-houses, hostels) as well as that of the Sheltered Apartments is determined.

The Ministerial Decision is accompanied by the Consensual Declaration on Psycho-social Rehabilitation drawn up by the World Health Organization and the

World Association for the Psychosocial Rehabilitation (WHO/MNH/MND/96.2)

c. Ministerial Decision Y5a/1351/5.7.2000 was issued, determining the requirements for approval of organized rehabilitation programs, for which it is expected that a financial motivation for rehabilitation is provided to the persons with mental disorders who participate.

d. 14 Ministerial Decisions have been issued concerning the creation of 14 mental health sectors in various areas of the country

e. Ministerial Decision Y5b/1424/12.7.2000 was issued, determining the organizational and operational mode of the Sectorial Mental Health Committees.

2. In November 1999, the "Psychargos A' phase" program was approved and is in the course of implementation, covering the creation of 46 hostels and 5 boarding-houses in the community all over the country, where 712 persons with chronic mental disorders and who are now living in psychiatric hospitals will be transferred to. To this end, 572 professionals of various specialities (nurses, psychologists, social workers, occupational therapists etc.) have been employed, then followed a two-month training program, while they prepare the patients for the transfer.

Most of the necessary buildings have been leased and their equipment has been bought, and the necessary building arrangements are now performed. Two hostels are already operating. It is estimated that from August till December 2000, the transfer of patients will have been completed, with October being the crucial time period when the large number of them is expected to be operating.

3. In January 2000, the Research University Institute of Mental Hygiene was appointed the project of the Support, Encouragement and Monitoring Unit for the implementation bodies of "Psychargos A' phase" program, and has been already developing its actions.

4. Ten new community structures (hostels, apartments, boarding-houses) are in course of establishment by means of the state budget in Attica and other areas, providing lodging for 125 patients of the "Dromokaitio" Psychiatric Hospital. In these structures, 130 mental health professionals will be employed. The implementation of this action is estimated to reach conclusion by October 2000.

5. Attica Psychiatric Hospital (Daphni)

In the report of 22.10.99 drawn up by our Directorate on the recommendations of C.P.T., we mentioned extensively topics relating to the situation of the Attica Psychiatric Hospital, as a result of the damages caused by the earthquake of 7.9.99 to the majority of its buildings, as well as to the drafting of an urban and operational plan that will serve the aim of the drastic reduction of beds in the above hospital from 1800 to 500, by the year 2006.

The competent Directorates of the Ministry, the Administration and the scientific bodies of the Hospital have agreed on the following actions:

a. Regarding the Hospital buildings.

1. To demolish 9 buildings, the repair of which was considered inadvisable, either due to their age, or on the basis of repair or reconstruction cost criterion.
2. To restore 3 buildings through repairs to the pre-earthquake state, with the perspective to abandon them gradually by the end of 2006.
3. To install 5 prefabricated heavy duty buildings for short-term hospitalization of 250 patients.
4. To install 1 prefabricated heavy duty building for supporting the operation of the above hospital departments.
5. To arrange the area surrounding the new installations, as well as the networks for sewage - water supply - power supply etc.
6. To purchase necessary equipment for the new buildings.
7. To perform a series of projects of lesser importance, such as a metallic storehouse, or the restoration of minor damages in various buildings etc.
8. To erect a new kitchen building for a 800-bed hospital, of 1.300.000.000 drachmas total budget, in order to serve all hospital needs in its transitional phase, and after the reduction of beds to 500 to provide food in those boarding-houses that are in a small distance from the hospital. At the moment, the food of the patients is provided mainly by a catering company.
9. To erect a new laundering facilities building.
10. To erect a new building for the needs of the Vocational Training Centre.
11. To install 1 prefabricated building for the needs of the detoxification program

The course of implementation of the above projects is as follows:

- Project under item (2) has been completed, at a total cost of 430.000.000 drachmas, and all 3 buildings have been handed over to operation.
- Project under item (1), of 426.335.000 drachmas total budget, will be completed by the end of August.
- Projects under items (3) and (4) are now being constructed by the contractor firms, of 4.740.600.000 drachmas total budget, and their delivery will begin in parts after November 2000.
- The actions for purchasing the equipment have already started, so that it is available at the time of installation of the six prefabricated buildings.
- From October onwards, the actions for arranging the surrounding area and the networks will start, at a total budget of 420 000 000 drachmas.

The largest part of the expense is co-funded by the Funds of European Union, while the Hospital assumed the cost of small-scale and immediate repairs, as well as the erection of kitchen and laundering facilities buildings. For projects under items (10) and (11), there is sponsoring by private sources for the former and by pharmaceutical companies for the latter.

b. Concerning the transfer of patients to buildings outside the Hospital

We have mentioned and in our previous report the need to find secure lodging for a large number of mainly chronic patients.

The administration of the hospital has leased hotels in the centre of Athens together with other buildings to ensure in the first place secure and hygiene living conditions for the patients, and afterwards to search for smaller-scale structures for creating psycho-social rehabilitation units, that is hostels and boarding-houses

These actions are incorporated in programs co-funded by the European Union, as we have informed you in detail with our previous report.

At a recent recording, the number of patients of the Attica Mental Hospital totalled 1330 persons, including 34 individuals under the detoxification program and 67 individuals placed for "custody and treatment" under Penal Code art. 69. Their distribution in buildings inside and outside the area of the hospital is as follows:

- In hospital buildings: 933 persons.
- In buildings outside the hospital: 397 persons, divided as follows:
  - a) In hostels and Sheltered Apartments created by the Hospital years ago, and the operation of which is funded by the Hospital budget: 87 patients.
  - b) In hostels created recently: 50 patients.
  - c) In Athens hotels: 206 patients.
  - d) In a residence complex at Pikermi, Attica: 54 patients.

The operation of the above (b), (c) and (d) units will be co-funded by the European Social Fund until the year 2001.

In August, 3 hostels and 1 boarding-house will also be operating, and a total of 58 patients will be transferred there. By the end of this year, we are hopeful that:

- Two more hostels for 22 patients in Athens
  - Two hostels in other cities, that are the patients' places of origin, developed in co-operation with the local general hospitals (Halkida and Agrinio), which will accommodate 10 patients each
- will be operating.

The patients to be transferred in these units have been prepared accordingly for this purpose, with the support of expert and specially trained staff, and will follow a vocational training course, as planned in the program "Psychargos phase A".

The administration and the staff of the hospital continue their efforts to find and lease more buildings, suitable for the operation of hostels and boarding-houses, a task proving extremely difficult, in spite of the financial and moral support of the European Union and the Ministry of Health and Welfare, due to the reactions of the owners to give their building for this specific use.

## **B' PROBLEMS**

1. As it was mentioned earlier, the destructive earthquake of 7/9/99 in Attica had caused severe damage to the Attica Mental Hospital in the majority of its building infrastructure.

Among other things, this rendered the Hospital unable to admit new patients with acute psychiatric problems, most of whom were admitted involuntarily at the public attorney's mandate. The second Psychiatric Hospital of Attica, "Dromokaitio", served obligatorily all these cases, which resulted in the filling of all available beds since March 2000, and from then on showed inability to admit patients with acute psychiatric problems.

In order to face this difficult situation, the Ministry of Health and Welfare decided that involuntary admissions could be made also in the Psychiatric Departments of the Attica General Hospitals.

It is anticipated that this measure, in combination with the transfer of 125 patients from Dromokaitio and the consequent reduction of its patients, as well as the gradual operation of new hospital units in the Attica Mental Hospital will tackle the problem that has arisen.

2. During the implementation of "Psychargos A' phase" program, for the creation of 46 hostels and 5 boarding-houses, in several occasions there have been reactions from the local communities due to prejudice, fear and the stigma related to mental disorder. This results in the delay of the operation, until the local communities accept "their new neighbours", through community intervention.

## **C' PERSPECTIVES**

The Ministry of Health and Welfare has been working on and planning actions for the period 2001-2006.

Special emphasis is given to the sector of Mental Health and the planning contemplates further deinstitutionalisation of chronic patients living in the psychiatric hospitals, through the creation of Psycho-social Rehabilitation Units in the community (hostels, boarding houses, sheltered apartments).

At the same time, the creation of new psychiatric services (Mental Health Centres, Psychiatric Departments in General Hospitals) has been planned.

The final planning will result in November 2000, after co-operation with the European Union that co-funds these actions, and we believe that in our next report by the end of year 2000 we will be able to inform you accordingly.

In the final report of year 2000, the detailed report for the living conditions in the Greek psychiatric institutions will also be submitted, according to the recommendations of the C.P.T

**The Director**

**P. Yiannoulatos**