

EXECUTIVE SUMMARY

The purpose of the CPT's April 2018 visit to Greece was to examine the situation of civil and forensic patients in psychiatric establishments and of foreign nationals deprived of their liberty under aliens' legislation. With a few exceptions, the cooperation received by the Greek authorities was very good. Concrete action should, however, be taken to implement a number of long-standing CPT recommendations.

Psychiatric establishments

The CPT notes that the very significant reforms undertaken in the psychiatric sector in Greece since the 1980s have come a long way. However, they remain incomplete, with persistent problems of the inappropriate allocation of patients to understaffed and/or overcrowded in-patient services.

In general, patients met by the CPT's delegation spoke well about staff at the establishments visited, whereas some isolated allegations were received of ill-treatment (punches on the back, tight restraints, verbal abuse) by staff at the private "Athina Vrillissia" Psychiatric Clinic. A small number of allegations of violence among patients were also received at Dromokaiteio Psychiatric Hospital, in particular in respect of periods during which the alleged victims were being restrained.

As regards living conditions, the CPT recommends that improvements be made in the personalisation of living space and the degree of privacy afforded to patients. The most problematic material conditions observed concerned the systemic overcrowding in the psychiatric units at the three general hospitals visited (Evangelismos, Gennimatas and Sotiria). In particular, at Evangelismos, patients needing greater assistance or under mechanical restraint were placed in the corridor. On the other hand, it was positive that patients at Dromokaiteio and Sotiria benefited from an open regime, with unrestricted access to the garden area throughout the day. However, very few activities were offered to patients.

Understaffing was a problem, especially at Dromokaiteio Psychiatric Hospital and the Athina Clinic. As regards treatment, high-dosage intra-muscular anti-psychotic injections were being regularly administered during the first days after admission to Dromokaiteio Psychiatric Hospital. At Athina Clinic, 1st-generation anti-psychotic drugs were in use in relatively high doses over long periods, with several patients displaying clear symptoms of overmedication. The CPT recommends that diversified and individualised treatment plans be urgently introduced. Further, medical record-keeping should be improved.

One of the most serious findings during the visit concerned the use of mechanical restraint. The CPT's delegation observed a lack of appropriate training on, and strict criteria for, the use of restraints in line with internationally accepted guidelines. These factors, combined with very low staffing levels, have resulted in a widespread practice of excessive and inappropriate use of mechanical restraint. Shortcomings related to the criteria, duration, methods, supervision and documentation when resorting to mechanical restraint. The CPT recommends that a range of principles be followed, restraint guidelines and procedures introduced, and staff training implemented in each establishment, and that a strategy be drawn up on lowering the incidence and prolonged use of mechanical restraint.

In examining the safeguards surrounding involuntary placement procedures, the CPT recommends that the law, currently under review, explicitly provide that: periodic re-assessment beyond six months of placement be carried out; involuntary treatment be the subject of a separate decision; and a clearer legal basis be established for involuntary placement in a private institution, subject to external monitoring. Certain safeguards, although prescribed by law, were found not to benefit

patients in practice. The report points, *inter alia*, to the need for: placement procedures to be supported by two separate and reasoned medical opinions; and patients to be fully informed of their rights, heard in person and legally represented during placement or appeal procedures.

The CPT reiterates its very serious concerns regarding transfers of persons by the police to psychiatric establishments. Pending the planned change in transfer arrangements, the necessary instructions (e.g. that patients not be handcuffed) and training should be provided, so that transfers are carried out in conditions which ensure the safety and dignity of patients. In light of the practice of allowing armed penitentiary staff to supervise prisoners receiving treatment at civil psychiatric hospitals, the CPT recommends that a proper individual risk assessment be made in such cases and less intrusive measures considered.

The CPT's delegation also visited Korydallos Prison Psychiatric Hospital, noting little significant change since the CPT's previous visit in 2005. The Committee trusts that the imminent transfer to the Ministry of Health of responsibility for medical services will help to transform the establishment into a proper health-care facility. The planned reinforcement of health-care staff should also address a number of concerns expressed in the report as regards the quality and variety of care, treatment and activities on offer at the establishment.

No allegations of ill-treatment were received, though a few complaints were made by patients of verbal abuse and disrespectful behaviour by staff. The CPT's most alarming finding at Korydallos Prison Psychiatric Hospital concerned the unacceptable use of the basement protection cells for the seclusion of patients at risk of harming themselves or others. In the Committee's view, to place patients in those cells, without supervision and for extended periods, could easily be considered inhuman and degrading. The CPT welcomes the steps taken by the authorities following the visit to take the cells out of service and instead to establish an appropriate "quiet room" on the ground floor of the Hospital.

Foreign nationals deprived of their liberty under aliens' legislation

At the outset, the CPT acknowledges the difficult context and the significant on-going challenges faced by the Greek authorities in dealing with the high number of foreign nationals arriving in the country. Nevertheless, in light of the increased use of immigration detention, the Committee recalls that foreign nationals deprived of their liberty must always be treated humanely and with dignity.

The CPT's delegation received a number of credible allegations of physical ill-treatment by the police, mainly consisting of slaps, punches, and kicks as well as baton blows. The allegations related primarily to detention places in the Evros region (i.e. Fylakio Pre-removal Centre, Fylakio Reception and Identification Centre (RIC) and Tycherio Police and Border Guard Station) and on Lesbos (i.e. Moria Pre-removal Centre). Several allegations of verbal abuse, including racist language, by police officers were also received. The CPT recommends that vigorous steps be taken to stamp out ill-treatment of foreign nationals deprived of their liberty by the police.

The fundamental safeguards against ill-treatment (i.e. the rights of notification of custody, access to a lawyer and access to a doctor) remain ineffective and, for the most part, do not apply in practice from the very outset of deprivation of liberty. Interpretation services should also be strengthened, and custody records and complaints procedures improved.

Conditions of detention in most police and border guard stations visited remain unsuitable for holding persons for periods exceeding 24 hours, and yet they were still being used to detain irregular migrants for prolonged periods. At Isaakio Police and Border Guard Station, 41 foreign nationals were crammed together overnight in filthy and grossly sub-standard material conditions, with less than 1.5 m² of living space per person. Overcrowding was also observed at Fylakio RIC and the CPT invites the Greek authorities to introduce alternative measures to detention in

managing irregular migrants arriving in the country. Conditions in the pre-removal centres visited varied from good (Pyli on Kos), to acceptable (Amygdaleza), to poor (Moria) and even appalling (Fylakio). In particular, Fylakio Pre-removal Centre was severely overcrowded, with up to 95 foreign nationals, including families, children, and pregnant women, crammed together in a cell with little more than 1 m² of living space per person. In the CPT's view, holding persons for several weeks or months in such appalling conditions can easily be considered as amounting to inhuman and degrading treatment.

The CPT specifically recommends that: occupancy levels be reduced drastically so as not to exceed an establishment's capacity; facilities be clean and repaired; and every detained person be provided with appropriate food, a mattress and clean bedding, and sufficient hygiene products. Immediate action should be taken to ensure that vulnerable persons are transferred to suitable open reception facilities and that women and children are never detained together with unrelated men. Unrestricted access to outdoor exercise throughout the day should also be extended to all pre-removal centres in Greece.

As regards the provision of health-care services to immigration detainees, the CPT concludes, once again, that it was inadequate. In particular, in most of the detention places visited, the Committee noted chronically insufficient numbers of health-care staff and deficient interpretation services. Even the most basic medical equipment and medication was lacking; medical screening on arrival was not carried out systematically; and access to a doctor was still not effective in practice. The report makes a series of recommendations to address these deficiencies.

Regrettably, no decisive action has been taken by the Greek authorities to implement the CPT's previous recommendations as regards the detention of migrant children. The Committee recommends that the Greek authorities fundamentally revise their policy regarding the detention of unaccompanied children both for reception and identification purposes and under "protective custody". The CPT also recalls that the detention of children with their parents in police detention facilities – police and border guard stations, pre-removal centres or RICs – can have a negative psychological effect on a child's development and well-being, particularly when the child is young. The CPT reiterates its recommendation to end the routine detention of children with their parents in police establishments upon their arrival in the country, and urges the authorities to pursue their efforts to increase significantly and rapidly the number of dedicated open (or semi-open) shelter facilities for unaccompanied children.

The CPT reiterates the importance of carefully selecting and training custodial staff in pre-removal centres. It is also necessary for all centres to be adequately staffed and, in this context, staffing levels at Fylakio Pre-removal Centre should be increased. Further, the Greek authorities should permit foreign nationals held by the police to retain their mobile phones in all pre-removal centres.

Finally, in the course of the April 2018 visit, several foreign nationals interviewed in private at three places of detention made credible allegations about the occurrence of push-back operations from Greece to Turkey by boat across the Evros River border, after they had been apprehended by Greek police and border guards. A number of them alleged that they had been physically ill-treated (including baton blows to the head) by police and border guard officers or (para-) military commandos during such push-back operations. From the information gathered, the CPT considers that, at least until early March 2018, these persons were not effectively protected against the risk of *refoulement*. The Committee recommends that the Greek authorities act to prevent any form of push-backs taking place, and effectively protect foreign nationals against the risk of *refoulement*.