

EXECUTIVE SUMMARY

The purpose of the 2019 visit to Greece was twofold. First, it was an opportunity to review whether there had been any progress in addressing the systemic deficiencies in prisons outlined in the CPT's 2015 visit report. These concerned overcrowding, serious inter-prisoner violence, low staffing levels, a poor regime and inadequate health care provision. Second, the treatment of criminal suspects detained by the police was examined, as were the safeguards afforded to such persons and the effectiveness of investigations into allegations of police ill-treatment. In addition, the situation of persons held at police-run transfer centres and the arrangements for transferring prisoners were assessed.

The practical co-operation received during the visit was very good at all levels. However, the Committee remains concerned about the dire state of the Greek prison system and the insufficient steps taken to tackle the prison crisis. It considers that the recovery of the Greek prison system must be a priority of the Greek Government. Further, it is deeply concerned that the infliction of ill-treatment by the police remains a frequent practice throughout Greece and that the current system of investigations into allegations of ill-treatment cannot be considered effective. The CPT urges the Greek authorities to take concrete action to address the situation in prisons and the issue of ill-treatment by the police, in light of the recommendations made in this visit report.

Prison establishments

The findings of the 2019 visit demonstrate once again that the two overarching problems of overcrowding and chronic shortage of staff continue to compound the many additional shortcomings in the prisons visited. While acknowledging the measures taken by the Ministry of Justice, Transparency and Human Rights since 2015, much more decisive action from the Greek State as a whole is required. In particular, the CPT recommends that the Greek authorities effectively address the structural reasons driving prison overcrowding, including by reflecting upon the policy of very long sentences in comparison to other European countries, and that they draw up a second, more detailed Strategic Plan for the Penitentiary System for the years 2021 to 2025. The recovery of the prison system must be a priority of the Greek Government, together with the Hellenic Parliament and the judiciary as a whole.

Currently, the Greek authorities are unable to fulfil their minimum obligation to keep both prisoners and staff safe. Prisoners, not staff, control the wings and increasingly high levels of inter-prisoner violence and intimidation are evident in the prisons visited. Once again, cases of hospitalisation of inmates due to severe (and sometimes fatal) injuries inflicted by other inmates are a feature in every establishment visited. The situation at Korydallos Men's Prison remains the most volatile and alarming. The four large wings, each holding between 230 and 431 prisoners, were often staffed by a single prison officer who clearly was not in a position to exert any authority or control over prisoners. A sense of lawlessness pervaded the prison and many prisoners met possessed make-shift knives for self-protection, knowing that staff would not be able to help them. Many violent incidents remain unreported or even unnoticed. An effective national strategy to tackle inter-prisoner violence and intimidation should be devised, which must, *inter alia*, include a risk and needs assessment of every prisoner entering the prison system. Further, an action plan for prison staff to regain control of the wings and for stronger groups of prisoners to be separated from other prisoners must be put in place. Above all, as a prerequisite, staffing levels must be radically increased and all instances of inter-prisoner violence must be rigorously investigated and the perpetrators prosecuted.

At Nigrita Prison, a number of credible allegations were received of physical ill-treatment of foreign national prisoners by prison officers, supported by external perimeter guards. Staff must be told that such behaviour is unacceptable. Further, perimeter guards should be trained in the proportionate use of force and there must be stringent recording of all instances of use of force.

As regards living conditions at the time of the 2019 visit, they were generally adequate in some wings of Chania, Nigrita and Trikala Prisons. In contrast, in other parts of these prisons and in much of Korydallos Men's and Thessaloniki Prisons far too many prisoners (usually those prisoners with no financial resources or relatives to support them) continue to be held in conditions which represent an affront to their human dignity. Most wings at Korydallos Men's Prison were severely overcrowded with poor material conditions; for instance, up to seven persons in a 9.5m² cell containing filthy mattresses and blankets, infested with bed bugs and with mould on the walls and ceiling. The conditions in certain sections such as Special Area C at Korydallos Men's Prison (where up to five prisoners were held in cells of only 6m²), and the unsupervised disciplinary unit at Nigrita Prison, can easily be considered to amount to inhuman and degrading treatment. Steps must be taken to decrease the occupancy levels to ensure that every prisoner is provided with at least 4m² of living space, excluding the sanitary annexe, and all prisoners must have their own bed. Urgent steps should be taken progressively to reduce the overcrowding at Korydallos Men's and Thessaloniki Prisons, both of which were operating at over 140% of their official capacity. Further, a rolling programme of maintenance of the wings should be put in place and prisoners must be provided with appropriate quantities of hygiene products and have regular access to hot water.

As regards regime, in all prisons visited the management attempted to create as many "jobs" as possible but for most prisoners such work was largely notional (e.g. cleaning for an hour or two a day). Further, there was a clear lack of any organised recreational, sports/gym or vocational activities on offer. The promotion of "Second chance schools" is positive; however, there is a need to expand their provision as well as that of other educational and offender management courses. It is also necessary that sentence plans for prisoners be elaborated with a view to their re-integration into society. In sum, much more needs to be done to provide prisoners with a programme of purposeful activities.

The widespread deficiencies regarding the state of health care services in prisons persist. Problematic issues such as access to health care, medical screening upon arrival or medical confidentiality are all compounded by the severe shortage of health care staff and the continued lack of integrated management of health care services. Prisoners and custodial staff should not have access to medical records, be distributing medicines or be present during medical consultations. Also, steps should be taken to ensure that all prisoners are able to obtain an AMKA social security number as this is a prerequisite for the provision of appropriate medication and the reimbursement of prison health care services. Further, the medical assessment of all newly arrived prisoners within 24 hours of admission must include routine screening for transmissible diseases, as well as screening for, recording and reporting of injuries. In addition, a comprehensive strategy for the provision of assistance to prisoners with drug-related problems should be drawn up.

Responsibility for the oversight of Korydallos Prison Health Centre (the former prison hospital) was transferred to the Ministry of Health in 2018. However, it is disappointing that many of the fundamental deficiencies identified by the Committee in 2015 persist, such as the lack of medical and nursing staff, very poor living conditions and the continued warehousing of the old and infirm. In particular, the CPT recommends that urgent steps be taken to increase significantly the number of qualified health care personnel, reduce the occupancy levels and repair the toilet and washing facilities. Further, the system of medicine dispensing and administration should be reviewed.

The CPT highlights its deep concern about the treatment of two patients at the Centre which, in addition to being grossly neglectful, could be considered as inhuman and degrading, as they were being denied the nursing or medical care they required. Urgent action is required to improve the quality of care and to transform the Centre into a professional care-oriented medical facility.

The dire staffing situation in all the prisons visited must be addressed without delay in order to guarantee an effective control and a safe environment for prisoners and staff alike. The announced recruitment and increase of custodial officers represents a start but it remains wholly insufficient. The staffing levels in all Greek prisons must be reviewed and the working conditions of prison staff improved. Further, a comprehensive plan for staff training should be developed. The CPT also makes a number of recommendations to ensure that prisoners are informed about their rights and of the disciplinary procedures. In addition, it recommends the introduction of a proper reception and induction process, improvements in prisoners' contact with the outside world and the development of a formal system of complaints.

Police establishments

The CPT has been highly critical about the treatment of criminal suspects by elements of the Hellenic Police and remains concerned that, despite overwhelming indications to the contrary, the Greek authorities have to date consistently refused to accept that police ill-treatment is a serious problem in Greece.

The findings of the 2019 visit indicate once again that the infliction of ill-treatment by the police, especially against foreign nationals and persons from the Roma community, remains a frequent practice throughout Greece. The CPT's delegation received a high number of credible allegations of excessive use of force and unduly tight handcuffing upon apprehension and of physical and psychological ill-treatment of criminal suspects during or in the context of police interviews. Alleged ill-treatment mainly consisted of slaps, punches and kicks as well as blows with truncheons and metal objects to the body and head. It also received some allegations involving blows with a stick to the soles of the feet (falaka) and the application of a plastic bag over the head during police interviews, reportedly with the aim of obtaining a confession and a signed statement. None of the persons who alleged ill-treatment had been allowed to make a phone call or to contact a lawyer during their initial questioning by the police. Further, a great number of allegations of verbal abuse of detained persons was received, including of racist/xenophobic remarks by police officers.

The Greek authorities must ensure that all police officers understand clearly that any form of ill-treatment of detained persons constitutes a criminal offence and will be prosecuted accordingly. The authorities should also actively promote a culture change within the ranks of the Hellenic Police and provide regular professional training for police operational officers and investigators, including on appropriate interview and investigation techniques.

In the CPT's view, the current system of investigations into allegations of ill-treatment cannot be considered effective. The establishment of a "National Mechanism for the Investigation of Arbitrary Incidents" within the Ombudsman's Office, operational since June 2017, represents a step in the direction of creating a fully independent police complaints body. However, the CPT has a number of concerns as to whether it is able to be fully effective, particularly as it provides no oversight of the criminal investigation into alleged ill-treatment cases. The CPT recommends that the Mechanism be provided with significantly more resources and be granted supplementary powers.

The Committee's own findings confirm that investigations are still not carried out promptly or expeditiously and often lack thoroughness. Further, the criteria for deciding to investigate cases under the torture provision of Article 137 A of the Criminal Code appear unclear. Consequently, most cases of alleged police ill-treatment are not criminally prosecuted and only very few result in criminal sentences or even disciplinary sanctions. This picture is reinforced by the fact that none of the 21 outstanding cases of alleged serious police ill-treatment raised by the Internal Affairs Directorate of the Hellenic Police in April 2014, including two cases examined *in extenso* by the CPT in 2015, has resulted in a successful prosecution. These flaws in turn undermine any message of zero-tolerance and foster a culture of impunity. It is important that all allegations of ill-treatment by law enforcement officials are investigated effectively, and that the Greek criminal justice system adopts a firm attitude with regard to torture and other forms of ill-treatment.

Regrettably, the CPT's standards as regards procedural safeguards against ill-treatment are still not effectively implemented in Greece, as they do not for the most part apply in practice from the very outset of a person's deprivation of liberty (i.e. during the first hours of police custody, and particularly during the initial questioning by security police officers). The authorities should notably clarify the legislative provisions on the rights of notification of custody and access to a lawyer by extending their application to criminal suspects as from the very outset of deprivation of liberty and ensure that these rights become fully effective in practice.

As regards conditions of detention, most police establishments visited were totally unsuitable for holding detained persons for periods of longer than 24 hours. In particular, conditions of detention were appalling in the cell on the third floor of Omonia Police Station and in the basement cells and the ground floor cell of Kypseli Police Station, and, in both of these stations, certain cells should not be used for holding persons overnight. More generally, the current system of food provision for persons deprived of their liberty by the police should be reviewed to ensure that they are all provided with adequate and appropriate food, and the manifest lack of cleaning, hygiene and maintenance in the police detention areas visited must be remedied. Further, the Greek authorities must put an end to holding unaccompanied minors under "protective custody" in police stations, a practice which has been found by the European Court of Human Rights to be degrading and unlawful. Steps must also be taken to ensure that women and unaccompanied minors are never detained together with unrelated adult men.

The CPT found that the material conditions in the Athens transfer centre for prisoners were appalling, while those in the centre in Thessaloniki were poor. The Greek authorities should review the way in which the two transfer centres operate and ensure that they are kept in a decent state of repair through regular maintenance and cleaning. As a matter of principle, women with infants or in later stages of pregnancy should never be detained in an environment such as that in the two transfer centres visited. Further, medication should only be dispensed and administered by qualified health care staff.

As regards the vehicles used for transferring prisoners around the country, they were mostly out-dated and hardly fit-for-purpose, and they presented a heightened security risk. The CPT found that up to four persons were squeezed together in one of the filthy secure 1.2m² compartments in the transfer coaches, their knees touching each other for periods of up to eleven hours, without always being provided with food or water and with insufficient toilet stops; some prisoners alleged that they had to urinate in a bottle in the presence of their co-detainees. Transferring women and their children in such conditions, prone to intimidation and verbal abuse by male prisoners, is an abnegation of the State's duty of care towards them. The CPT considers that transfers of prisoners should always be carried out in a humane, secure and safe manner and it recommends that the Greek authorities urgently review the current arrangements in this regard. Further, the number of escort officers should be increased to meet the transfer demands placed upon the escort service.