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**Response of the Government of Greece  
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 27 August to 9 September 2005**

The Government of Greece has requested the publication of this response. The report of the CPT on its August/September 2005 visit to Greece is set out in document CPT/Inf (2006) 41.

Strasbourg, 20 December 2006

**RESPONSE OF THE GOVERNMENT OF GREECE TO THE REPORT  
OF THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE  
AND INHUMAN AND DEGRADING TREATMENT AND PUNISHMENT (CPT)  
FOLLOWING ITS VISIT TO GREECE**

**FROM 27 AUGUST TO 9 SEPTEMBER 2005**

The Greek Government is pleased to provide the following response to the Report of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment following the Committee's visit to Greece from 27 August to 9 September 2005.

The Government of Greece has taken into consideration the findings and recommendations of the Committee with the greatest seriousness and trusts that the measures that are being taken in response to the recommendations and suggestions of the Committee in accordance with article 3 of the Convention will improve the deficiencies of the prison system, the police stations and the detention facilities for aliens.

Following the CPT's visit, but also well before that, the Greek Government has invested a lot in order to improve the conditions of detention in prisons and other places of detention in Greece. The recommendations by the Committee are precious in helping channeling those efforts towards the desired direction.

The following response follows in principle the sequence of the CPT's Report and refers to precise paragraphs therein when necessary.

As far as responses to issues raised under immediate observations (article 8, para 5 of the Convention), the Greek Government has presented its written response to the Committee by November 2005 and January 2006.

**A. Law enforcement agencies**

**1. Preliminary Remarks**

The guiding principle of the policy adopted by the Ministry of Public Order and the Greek Police entails the absolute respect and safeguard for the protection of the rights of citizens as well as the combating of every sort of racist behaviour. A "Modern and effective Police that is characterized by social sensibilities and is close to the citizen" constituted the central strategic goal of the Greek Police for the year 2005 and continues to remain its basic principle for the year 2006 as well as for the following years. The protection of human rights, particularly those of the persons who are detained by police authorities, and the constant updating, supervision and monitoring of the staff concerning the implementation of legislation and the measures aimed at safeguarding them, constitutes a first priority with respect to the actions of the strategy geared to public order and security.

(\*). *In accordance with Article 11, paragraph 3, of the Convention, certain names have been deleted.*

To this end, initiatives have been developed by the Greek senior police command and measures taken with the object of raising the social awareness of police officers in matters relating to respect and protection of human rights during police action and which prove the stable and permanent interest of the Greek Police. These initiatives revolve round the following axes:

## **2. Police Tactics and Practice**

A circular was issued by the Chief of Greek Police entitled “Combating of racism, xenophobia, bigotry and non-tolerance in the course of police action” (May 2006), wherein it is underlined that respect for the diversity of perceptions, ways of life and cultural features of all people indiscriminately constitutes the basic obligation of law enforcement officials. In the same circular it is noted and stressed the obligation of police authorities to investigate the possibility leading to the existence of a racist motive, both as regards criminal as well as administrative cases.

A circular was issued by the Chief of Greek Police entitled “Apprehension of persons as a preventive and suppressive action in the exercise of police authority” (June 2005), which aims at providing interpretative instructions to the services, taking into account the legal regime in force and demonstrating sensitivity in matters pertaining to the individual rights of the citizens in accordance with the proposals put forward by the Ombudsman. In consequence of the issuance of the afore-mentioned circular, the Ombudsman congratulated the senior command of the Greek Police, underlining that the circular in question is marked by soundness of legal argumentation, as it makes a co-evaluation of the state-of-the art of international parameters. The Ombudsman also expresses his satisfaction for the fact that it becomes explicit in the circular that co-operation with him constitutes an obligation of the Police Services.

A manual was issued and distributed to all Police Authorities entitled “Apprehension, treatment and rights of persons detained by Police Authorities” (June 2005). In this manual are included the circulars by the Chief of Greek Police relating to the protection of the rights of citizens in the course of police action referred to hereunder:

- Circular No 4803/22/44, dated 4 July 2003, bearing the title “Treatment and rights of persons detained by police authorities”, whereby the problems concerning the practical implementation of the rights of the detainees are solved.
- Circulars Nos 9001/5/24-c’, dated 23 April 2003 and 9001/22/44i, dated 1 October 2003, entitled “Publication of the identity data of apprehended persons”, whereby there was regulated the matter of the protection of personal data, the private and family life of persons arrested by Police Authorities, through the placing of a ban on the publication of data concerning their identity, in conformity with relevant decision reached by the Protection of Personal Data authority.
- Circular No 7100/22/49, dated 17 June 2005, titled “Apprehension of persons as a preventive and suppressive action in the exercise of police powers”.

On the occasion of the Day of celebration of Human Rights (10th of December), a circular was issued by the Chief of Greek Police bearing the title “The protection of human rights in the course of police action” (7100/1/5, dated 10 December 2005). The aforesaid circular was communicated to the entirety of Law Enforcement officers, so that they be acquainted and familiarized with the new strategy adopted by the Corps for the protection of human rights during police action aimed at a Greek Police that would be modern, effective, humane and close to the citizen and which would constitute the depository and trustee of a society of cohesion, solidarity, participation and justice.

### **3. Monitoring – disciplinary investigation of complaints lodged against police officers**

The requisite administrative actions were taken for the investigation, from a disciplinary point of view, of cases that concerned complaints of abuse-ill-treatment of Greek and foreign (detainees or not) individuals and the use of firearms by police officers, with a view to the definitive stamping out of such phenomena. Guidelines were given for the display of zero tolerance in cases of ascertainment of such abuses.

More analytically:

- a.** With a view to enhancing the impartiality of administrative examinations and to achieving a more objective administration of disciplinary justice, in connection with cases concerning complaints for the infliction of torture, of any bodily injury or harm of health, exercise of psychological violence and any other act or behavior that constitutes grave affront to human dignity in the execution of service or out of it, in accordance with the provisions of articles 11 and 15 of Legislative Decree 3/2004 which amended the provisions of articles 23 para 1 and 27 para 2 of LD 22/1996;

  - The initiation of disciplinary proceedings against the police officer liable for committing the abuse, through the issuance of an order for the carrying out of a Sworn Administrative Examination (E.D.E.), falls within the exclusive competence of the service echelons that are superior to the Police Directorate to which the officer under investigation is administratively subjected.
  - The administrative enquiry (administrative interrogation) is obligatorily entrusted to an officer belonging to another Police Directorate than the one to which the complained of officer organically belongs.
- b.** By circular No 7100/14/2-b’, dated 6 July 2005, issued by the Chief of the Greek Police, there was dispatched to all the services and communicated to all Police staff, with a view to raising their social sensitization in regard to the protection of human rights in the course of police activity, the judgment by the European Court of Human Rights, dated 20 December 2004, that was rendered on application lodged by MAKARATZIS Christos versus Greece (application No 50385/1999), whereby our country was sentenced for violating article 2 of the European Convention on the protection of Human Rights (LD 53/1974, A-256) which guarantees protection of the right to life.

With respect to the outcome of administrative investigations regarding cases of ill-treatment of foreign economic migrants in the special holding facilities of Venna and Peplos, as well as in the Border Police stations of Soufli, Tychero, Iasmos and Ferres that are set out in the Committee's report (**paragraph 20**):

- a. The Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of the Council of Europe, in the period from 3 through 6 September 2005, visited the special holding facilities for alien economic migrants of Venna in the Rodopi region and those of Peplos in the Evros Prefecture. It also visited the holding areas of the Border Police stations of Iasmos, Tychero and Ferres.

- On 4 September 2005, during its visit to the special holding facility of Venna, the Committee intimated to the Police Directorate of Rodopi complaints concerning the ill-treatment of some out of the 92 overall detainees by Border Guards and asked that they be transferred to another place in order to avoid further ill-treatment.

- 11 Iraqi nationals were allegedly referred to as having been ill-treated. The aforementioned persons have been examined the following day by the Head of the Forensic Medical Service of Thrace. From the examination it followed that six (6) of them, namely M.S., K.R., H.M., K.K. and S.A., did not bear any injuries, whereas the other five (5), namely Ma.S., A.S., H.S., S.D. and A.B., bore slight bodily injuries (of fair color) that were occasioned by a cutting instrument, with the possible date of the wounds' infliction being twenty (20) to twenty five (25) days approximately before examination. The first bore contusive ecchymosis on the right and left scapular area, the second contusive ecchymosis on the right anterior thigh, the third contusive ecchymosis on the abdominal (epigastric) area, the fourth contusive ecchymosis on the right anterior brachial area, while the fifth contusive ecchymosis on the right scapular area.

- the aforesaid foreign individuals, together with other 56 of their compatriots, had illegally entered the country; their apprehension was effected on 22 August 2005, after a hot pursuit of the truck that transported them to a rural, full of irrigation canals, area of Chrysoupoli-Kavala, was carried out.

- b. In the Committee's initial report, the following ascertainments are mentioned, among other things.

(1) **The Venna holding facility for aliens.** 11 persons were examined by the medical members of the CPT's delegation and all displayed injuries were, according to the allegations of the individuals that made the complaints, the result of ill-treatment inflicted by border guards (by means of punches, kicks and/or the use of a police baton).

(2) **Border guard stations of Soufli, Tychero, Iasmos and Ferres:**

The following complaints were made to the Committee but without however, citing the Services' involved.

- a detained person with a bandaged leg was ill-treated by a police officer
- application of a technique including dousing with cold water and enforced stay for 13 hours in front of an open window.

For the purpose of investigating the complaints of ill-treatment concerning the foreigners in question, a sworn Administrative examination was conducted that revealed the following:

- From the administrative examination of foreign detainees, both of those who claimed that had been ill-treated, as well as of others who had remained and their readmission had not been ordered, the complaints made with regard to ill-treatment by border guards were not affirmed. Some of the above mentioned detainees attributed their inquiries to their being banged against the inner walls of the body of the truck that transported them during the hot pursuit and prior to their arrest (M.S., K.R., K.K., Ah.B.), while others to an attempted escape from the place of detention in Venna on 28 or 29 August 2005, when they refused to conform to the instructions of the border guards to get back into the holding areas. This allegation, nevertheless, contradicts the forensic report drawn up by the Medical Doctor of Thrace in relation to the time of the inflictions of the bodily injuries.
- According to the deposition made by three (3) of the persons who claimed that they had been victims of ill-treatment, namely of H.S., A.H. A and A.B., their complaints lodged with the Committee concerning their ill-treatment by police officers were made following a prior joint consultation between them and with a view to the Committee's interfering for their being transported to Athens, where they had relatives and friends who would assist them in their departure for another country of Europe.
- As far as complaints lodged about the ill-treatment of prisoners in the Border Guard stations of Soufli, Tycherio, Iasmos and Ferres, these were not reaffirmed in the depositions, as there were neither information nor data that could be made use of.

Whereas from the so conducted administrative examination no liability has arisen in respect of police officers or border guards, the case was placed on file in terms of disciplinary sanctions imposed.

**(3) Case of ill-treatment of foreign economic migrants at the Holding Facility for aliens in Mytilini.**

- a) From 6 to 7 September 2005, members of the CPT delegation visited the Special Holding Facility for Aliens in Mytilini, where they were made recipients of complaints by two (2) economic immigrants residing in it, to the effect that in the beginning of August, a high ranking police official ill-treated them (by blows with a stick and kicks).
- b) In respect of the inquiry conducted into the case, a sworn Administrative Examination was carried out, whereby the following ensued:
  - The persons claiming that they had been the victims of ill-treatment, apart from the fact that they were not referred to by name in the relevant document of the Committee, were not to be found at the Facility during the time of the conduct of the said inquiry, as the time of their stay in no case exceeded three months, a fact that could not possibly allow their examination (the persons who stayed at the Detention Centre the longest, first entered into it on 25 August 2005).
  - None of the foreigners that were held at the Facility made any mention of complaints relating to the ill-treatment of any detained person by a police officer, nor something of the sort ever came to the knowledge of law enforcement officials. The foreigners,

nationals of Sri Lanka, namely B.A., W.S.J. and S.A., who were the longest staying at the Centre and who were examined in the framework of the administrative interrogation, knew nothing that was related to ill-treatment, use of violence or cruel or inhuman behaviour against any other inmate residing at the Centre.

- According to the woman President of the Greek Rescue Team (Lesbos Branch), responsible for the feeding and provision of health care for those residing at the Center, who was also examined in the context of the administrative questioning, it never came into her personal knowledge, nor a complaint was ever lodged by a foreigner with regard to anything that was connected to ill-treatment during the everyday contact that she had with them.

Whereas from the administrative examinations there arose no responsibilities on the part of police officers, the case was put on file from a disciplinary point of view.

**(4) Case of ill-treatment of persons detained at the Omonia Police Station (paragraph 13 of the Report).** Complaints made in regard to the “attempt” by police officers to hide, during the second visit of the CPT’s Delegation, the actual number of detainees held by this service.

A sworn Administrative Examination was ordered. The initial findings of this examination were considered by the High Command as being defective and the file was returned on 17 April 2006, for further supplementation and submission of new more complete findings.

**(5) Statistical data in regard to cases of complaints made against police officers** for ill-treatment, abuse of citizens by police officers in the period from 2004 through 2005 **(paragraph 20 of the Report).**

a) 22 cases of complaints were inquired into in the year 2004 in respect of ill-treatment-abuse of citizens (detainees or not). This investigation bore the following results:

From a disciplinary point of view

- A disciplinary sanction was imposed in (1) case. A police officer was punished with the lowest disciplinary penalty of the imposition of a fine.
- (10) cases were placed on file.
- (7) cases are pending for examination.
- The taking of a decision for the imposition or not of a disciplinary sanction or committal of the person held liable before the competent Disciplinary board was suspended up to the issuance of a decision by the criminal court in connection with the corresponding criminal case, in one (1) case.
- The taking of a decision before the competent Disciplinary Boards has been held in abeyance in three (3) cases.

From a criminal point of view

- (12) cases were not accorded a criminal dimension.
- (2) cases (dismissal of complaints) were placed on file by the competent Prosecutorial Authorities.
- The corresponding penal briefs were formed in regard to (4) cases, of which (2) were placed on file by the competent Prosecutorial Authorities. Progress in (1) of them (related to the institution or not of criminal proceedings) has not been made known by the appropriate Prosecutorial Authorities, while in (1) case the so lodged formal complaint was disallowed.
- Criminal proceedings were instituted in (4) cases. An acquittal was rendered in (1) of these cases, while decision for the other three (3) is still pending before the Judicial Authorities.

b) The investigation of (69) cases complaints concerning the ill-treatment- abuse of citizens (detainees or not) was ordered in the year 2005; the results of these cases had as follows:

From a disciplinary point of view

- Disciplinary sanctions were imposed in (2) cases. (2) Police officers were punished with the lowest Disciplinary sanction of fine imposition.
- (39) cases were placed on file.
- (25) cases are still pending for investigation.
- The taking of a decision is still pending before the competent Disciplinary Boards in the matter of (3) cases.

From a criminal point of view

- (50) cases were not accorded any criminal dimension.
- A formal complaint was lodged in (1) case that is still pending before the competent Prosecutorial Authority.
- Corresponding criminal briefs have been formed in connection to (10) cases.

Progress in (9) of these (concerning the initiation or not of criminal prosecution) has not yet been made known by the competent Prosecutorial Authorities, while in (1) case the complaint lodged was rejected.

- Criminal proceedings have been instituted in relation to (8) cases, seven (7) of which are still pending before the Judicial Authorities, while an acquittal was rendered in connection with (1) case.

#### **4. Ill-Treatment and Conditions of detention**

##### **Para 15 of the Report. Detention of a citizen of China by the name G.Y.G.**

- a.** The aforecited foreigner was sentenced to a 2-year imprisonment term and a pecuniary penalty to the tune of 2000 Euros, by decision No 3487, dated 23 March 2004, reached by the Three-Member Magistrates' Court in Corinth, for breach of the law pertaining to aliens. Sentence was suspended and his deportation from the country (judicial deportation) was ordered.
- b.** On 2 April 2004, he has been transferred to the Athens sub-Directorate for Aliens for the purpose of the execution of the decision of deportation. Because the aforementioned national was not in possession of a travel document, a thing that constitutes a necessary requirement in order for deportation to be effectuated, all the necessary actions were taken for his being supplied with one by the Consulate of his country. However, this prerequisite was not rendered feasible, despite repeated reminders to that end and the relative intervention by the competent Police Service, on 22 September 2004 that was effected through the Ministry of Foreign Affairs.
- c.** On 11 October 2005, the abovementioned person was led to the Korydallos Judicial Prison following Prosecutorial Injunction No 105, dated 11 October 2005, issued by the Prosecutor's Office to the Court of First Instance in and for Athens regarding the so detention of a foreigner in special places of detention (article 74 para 4 of the Penal Code) up to his deportation. By a more recent injunction rendered by the same Prosecutorial Authority, No 190/ 4 May 2006, there was ordered his detention in the same establishment in regard to the monetary penalty and the court expenses that were imposed on him by the initial judicial decision.
- d.** The Sub-directorate for Aliens of Attica has continuously followed up on the actions for the purpose of the aforementioned person being supplied with a travel document by the Consulate of his country.
- e.** Relevant to the detention of foreigners under deportation, following a decision on judicial deportation, is opinion No 3/10 February 2006, rendered by the Prosecutor to the Supreme Court (Areios Pagos) that was communicated to all Police Services. In this opinion mention is made of the following:

“In cases where there is ordered the conditional release of a foreign detainee, against whom a judicial decision on deportation has been pending, it is imperative that cooperation is struck between the wardens of the Prisons and the competent police authority for the timely and effective execution of judicial deportation, when the foreigner under deportation has been detained in order to serve a penalty deprivative of his freedom; likewise, the correctional officials must not release a foreigner prisoner automatically from prison, but they ought, instead, to extend his detention conforming to the needs of carrying out deportation.”

**Para 21 of the Report. Establishment of an independent authority for the inspection of detention facilities of law enforcement agencies.**

The relevant recommendation made by the CPT delegation will be examined after evaluation of similar institutions in other European Police Forces, the experience accumulated by the Committee on the Inspection of Prisons of the Ministry of Justice, the views expressed by co-competent Ministries and the final stance that will be adopted by our country with regard to the eventual signing of the Optional Protocol to the International Convention Against Torture and any other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) are duly taken into account.

**Para 25 of the Report. Holding areas of the Omonia Police Station.**

The holding places of the aforesaid Station are located on the first floor of a newly-built building and are equipped with air-conditioning and ventilation systems, toilets, baths, a closed television circuit, as well as natural and artificial lighting. They have an official capacity for thirty (30) persons.

The Athens Police Directorate monitors, on a daily basis, the number of detainees held by all subordinate services, and every time this number comes close or exceeds the occupancy rates of the holding places, a re-distribution is effected immediately among the holding places of other services.

The suggestions that had been advanced by the Committee to the effect that the handcuffs placed for the holding down of mentally-ill patients be removed in order to avoid the possibility of the patients causing self-inflicted wounds were implemented forthwith.

**Para 27 of the Report. Holding places in Thrace.**

All the necessary measures have been taken towards improving the places of reception of foreign economic migrants in the special holding facilities of Ferres, Tycherio, Soufli and Iasmos, which have been set up care of the Prefectural Administration. A heating system has been installed and is operative in all the areas. All foreigners that are put up there have been supplied with new bedding and personal hygiene and cleaning items.

The operation of the reception area for the accommodation of illegal entrants-migrants in Peplos-Evros has been suspended and the facilities have ceased operating up to present day, so that maintenance works be carried out under the responsibility of the Prefectural Administrative Division of Evros.

**Para 29 of the Report. Holding facilities for Aliens in the former Hellenikon Airport.**

The holding places are cleaned twice daily and detainees are provided with all the necessary sanitary items. Prior to the CPT delegation's visit, orders had been placed for the provision of new mattresses, which have already been delivered.

The detainees' access to an exercise yard is done on a regular basis, so long as weather conditions so permit. Special purposeful activity for the detainees has not been anticipated, but all inmates are allowed to play football or do jogging.

The 3,5 m<sup>2</sup> cell referred to in the report is not used to accommodate detainees, but is used as a storage place for clothing items.

**Paras 31, 32, 34 of the Report. Improvement of detention conditions.**

The ongoing effort for improvement of circumstances and conditions of detention in the existing holding facilities, as well as in the special places of detention, from the viewpoint of security and hygiene, falls within the immediate priorities of the Ministry of Public Order.

- a. Pursuant to article 76 of Law 3386/2005 on "Entry, stay and social integration of citizens of third countries in the Greek state" and article 44 of L.2910/2001, in no case can detention exceed three (3) months.
- b. In accordance with Law 3386/2005, there was issued order No 6634/1-193260, dated 27 August 2005, by the Headquarters of the Greek Police, whereby the competent services were ordered to set free the foreign detainees against whom deportation decisions had been rendered, so as to making them subject to the beneficial provisions of the law. The relevant consequence was that the holding places of the Greek Police were decongested.
- c. Article 81 of L.3386/2005 provides for the creation of special places of detention, which will be set up by decision taken by the Ministries of Interior, Public Administration and Decentralization, Economy and Finance, Health and Social Solidarity and Public Order. The aforesaid decision will also designate the specifications and terms of operation of these places. In respect of this issue, the Ministry of Public Order by its document No 6634/1-195812, dated 29 March 2006, addressed itself to the Ministry of the Interior, Public Administration and Decentralization for the purpose of issuing a Joint Ministerial decision, as provided for in the aforesaid article.

**Para 36 of the Report. Special Holding Facilities of the Directorate of Aliens Attica (P. Ralli street).**

The holding facilities of the Attica Directorate of Aliens are housed on the 2<sup>nd</sup> and third floors of the building located at 24 Petrou Ralli Street and are designed for the temporary custody of foreign detainees.

The holding areas for men of overall capacity of 200 persons, divided in 40 cells, accommodating five persons each, with corresponding concrete plinths, are located on the second floor. In operation are also 10 communal toilets with a partitioning off wall between them, so that the privacy of the place is absolutely secured, as well as 7 baths screened by a partitioning wall. On the same floor, and at a separate wing, are located the holding facilities of minors which are separated from those of women by a metallic door. The holding capacity of these facilities are for 20 persons, and are divided in 20 cells, accommodating one person each, and supplied with a corresponding concrete bed.

Two (2) communal toilets are in operation in the holding places for minors, as well as a bath constructed as per specifications.

For the unhindered communication of the detainees, 13 card-phones have been installed and operate.

All prisoners leave the cells in a phased way and at regular intervals, so as not to create cramped conditions, in order to comply with their needs of nature.

All detainees are being supplied with personal hygiene items (soaps, shampoos, shaving products, toothpaste, toothbrushes etc.)

A heating-cooling-ventilation system has been installed in all the cells. There is a constant flow of warm water around the clock.

The cleanliness of communal areas (baths, toilets, corridors etc) has been entrusted to a private cleaning company, which caters, on a daily basis, to their cleaning and disinfection. The bed sheets are cleaned and disinfected by a private cleaning company, at the expense of the Aliens' Directorate of Attica.

There is no call bell in any of the cells, as they are under constant surveillance around the clock by the custodial staff.

Necessary steps have been taken for supplementary works in order to create the requisite preconditions for out-of-cell time and access to an exercise yard for prisoners, separately for men and women, under conditions of security.

Contact with lawyers takes place at all times during the day.

Three meals are provided daily (breakfast, lunch, dinner).

A doctor's consulting room operates four (4) times a week for the provision of health care services to detainees in a designated space within the holding facilities by a medical team belonging to the non-profit company styled "Medical Intervention" that is cooperating with the Ministry of Health and Social Solidarity. The team of medical practitioners comprises a pathologist (GP), a Surgeon, a Psychologist, a Psychiatrist, a Social Worker and a Health nurse.

In cases of emergency and for incidents that cannot be dealt with at a hoc basis by the medical team, the patient detainees are transferred, to the accompaniment of police officers, to a hospital on duty in an ambulance provided by the E.K.A.B. (First Aid National Center.)

Except for the examinations routinely undertaken, all detainees undergo a chest examination that takes place once a month, at the initiative of the Ministry of Public Order and in cooperation with the Ministry of Health and Social Solidarity, by a mobile unit employed by the aforesaid Ministry, which comes for the purpose to the holding facilities located at Petrou Ralli Street.

Moreover, all the necessary steps are being taken for preventing the transmission of communicable diseases (scabies etc) under the direction and guidance imparted by doctors to the custodial staff.

For each detainee patient, a personal medical file is opened by the doctors in which there is recorded all information regarding his medical history. The file is kept in the registers of the Aliens' Directorate of Attica.

## **5. Safeguards against the ill-treatment of detained persons**

### **Paras 39, 41 of the Report. Access of independent authorities to places of detention for foreigners.**

In regard to access of independent authorities to the places of detention designed for foreign detainees, it is stressed the good cooperation that the Greek Police is having with independent authorities, such as the Ombudsman, the National Commission on Human Rights and NGOs. In no circumstances whatsoever has the visit by representatives of Non Governmental Organizations to places of detention been prohibited. Moreover, it is stressed, that as regards the treatment and the rights of detained persons by Police Authorities, Direction No 4803/22/44, dated 4 July 2003, by the Chef of Greek Police is applicable.

### **Para 42 of the Report. Information sheets setting out the rights of foreign detained persons under deportation.**

A new reminder was addressed by the Greek Police Headquarters to all Law Enforcement Agencies for the granting to foreign detainees information sheets setting out their rights ( Order referenced under number 6634/1-196292, dated 28 December 2005.)

The certificates receipts of these information sheets by foreigner detainees are kept in the registers of the Holding Facilities.

### **Para 43 of the Report. Drawing up of an individualized custody record of foreign detainees under deportation.**

For each foreign detainee under deportation, an individualized record is introduced. Particulars concerning commencement and termination of his/her custody, as well as transfers, are recorded in a special detainees' register of the Service where he/she is held.

## **6. Establishments under the Ministry of Merchant Marine.**

### **Paras 45, 46, 47 of the Report.**

- a) In cooperation with the Port Authority of Chios and the local authorities, and under the supervision of the Prefecture of Chios, there has been constructed and is already functioning a prefab dwelling intended as a place of reception for illegal migrants bearing the following features:
  - aa) The overall surface of the interior spaces measures 40 sq.m. and consists of three rooms and one toilet. The roof of the structure is constructed from roof tiles and this has as a consequence the preservation of low temperatures in the interior during summer. The building has a satisfactory number of windows, thus giving the space the ability to be ventilated and lighted by natural means. The reception center is also supplied with a satisfactory number of beds, clean sheets and blankets. The place is also disinfected at regular intervals and is always kept clean.
  - bb) In cases entailing a large number of illegal migrants, in application of the plan entitled POSIDONION, the provision of medical care, food and accommodations under good living conditions is immediately secured.
- b) As regards the recommendations by the European Committee (CPT) regarding the conditions of stay of illegal migrants in the holding place falling within the competence of the Port Authority of Mytilini:
- c)
  - aa) The space that the Committee refers to and expresses recommendations for is not used as a reception place for illegal migrants. The illegal migrants stay at the aforementioned place for a very short period of time (2 to 3 hours), so that the duties of the Port Authorities, which are prescribed by the Code of Criminal Procedure, should be carried out. Moreover, the aforementioned place of the Central Harbour Master's Office of Mytilini has been refurbished, disinfected and cleaned.
  - bb) In Mytilini, there is and operates a modern reception center for illegal migrants outside the jurisdictional bounds of the Port Authority of Mytilini which has a capacity to put up 250 persons. The reception center is also equipped with doctors and the living conditions are considered to be excellent.

## **7. Special holding facilities for Aliens**

### **Para 48 of the Report. Arrangements in relation to detention facilities for aliens under art.81 of Law 3386/2005**

On 13/06/2006, a meeting took place at the Ministry of Interior, Public Administration and decentralisation with the participation of representatives of the co-competent Ministries and the Public Estate Company for the purpose of expediting the procedures for the setting up of the relevant places taking into account the recommendations made by the CPT delegation in regard to the specifications that these places should meet. The Ministry of Public Order will immediately proceed to the registration of the population of persons in custody, as well as to their deportation it manages on average and on a daily basis per geographical area, so as to designate where the special holding places prescribed in article 81 of L.3386/2005, as well as the special features of these places, is deemed advisable to be created. The Public Estate Company, from the moment it shall receive the specifications of sought for places by the Ministry of Public Order, will be in a position, in a spate of a few days, to make propositions in regard to the available public places (it will be investigated among other things the possibility of using expanses with existing structures on them for this purpose). Further, after an evaluation of the cost of the project has been made (to wit of construction and operational expenditures) an effort will be made by the Ministry of Economy and Finance for finding the necessary funds, so that the relevant expenditure be included in the drawing up of the state budget.

The custody of illegal migrants in the Country shall be effected in pursuance of the plans entitled "POSIDONIO", as soon as they gain entry by using the sea borders, and "VALKANIO", whenever they enter from land into the Centers of Temporary Stay of Illegal Migrants, the jurisdiction for the operation of which rests with local prefectural administrations who cater to securing their temporary stay, feeding and medical care at a cost to be incurred by the Ministries of the Interior, Public Administration and Decentralization and Health and Social Solidarity.

By way of specification, within the framework of the materialization of the plans entitled "POSIDONIO" and "VALKANIO", an entry shall be made regarding a yearly overall allocation to the tune of 3.500.000,00 EUROS approximately into the budget of the Ministry of Interior, Public Administration and Decentralization, with the aim of tackling expenditures concerning assistance (purchase of sanitary items and drugs), food and transport of illegal migrants, as well as the maintenance of the already operating Centers of Reception. For the list of Reception Centers of Illegal Migrants, see **Annex No 1**.

### **Paras 63, 64 of the Report. Mytilini Detention Establishment for Aliens.**

Quite recently, maintenance works were carried out by the Prefecture Administration of Lesbos in the holding facility for aliens in Mytilini. It will be stressed that all suggestions made by the Committee pertaining to repairs of windows, sanitary places, as well as to the heating system of the aforementioned Centre, were immediately implemented. Beds, mattresses and personal hygiene items were also bought.

**Para 69 of the Report. Clarification in relation to time limits for applying for asylum.**

- a) As regards the filing of an application for the granting of asylum, this application can be filed both at the moment of the foreigner's entry into the country, as well as at any time during his/her stay inland, without any limitation whatsoever.
- b) As regards the remedies of legal recourse (appeals). An appeal launched against a dismissive decision concerning the granting of asylum is permitted in all instances, the only limitation having to do with the time limits within which said appeal should be lodged; said limits have as follows:
  - Within thirty (30) days, in case petition for asylum is being examined through the channels of the normal procedure.
  - Within ten (10) days, if petition is dealt with by means of a speedy process.
  - Within five (5) days, in the cases where the applicant foreigner is in the transit hall of the port or airport and has been denied entry into the country.

**Para 70 of the Report. Contacts of detained person**

Telephone access for all detainees, through the so installed card-phone, has been established in all places of detention (Chios, Mytilini, Venna).

**B. Prisons**

**1. Preliminary Remarks**

**Para 77 of the Report**

The overcrowding of prisons is an established reality. Currently the prison population stands at 10.051 prisoners as compared with 9970 for the corresponding period last year and 8.760 for the year 2004.

The building program for the construction of new prisons is at an advanced state of operational activities, as you have already been kept posted thereon. Enclosed please find a copy of a briefing note drawn up by the "THEMIS CONSTRUCTION S.A", which has been entrusted with task of the specific sector (Annex 2). In addition, a program of supplementary construction works is in progress for the already operating prisons, so that a decongestion of the prison population be achieved and better living conditions for the prisoners implemented.

Also, the following actions assumed by the Minister of Justice have provided a major contribution to the matter of decongestion.

- a) By dint of ministerial decision No 138317/2005, sixty-eight (68) new entities have been incorporated into the list of those of the institution of community works, thus their number has been increased to one hundred and two (102). The implementation of the institution of community work as a measure for the alternative serving of sentences will hopefully contribute both to the decongestion of correctional institutions, and to the attainment of new objectives of correctional policy designed for the employment and social re- integration of prisoners.
- b) By the enactment of Law 3346/2005, measures have been taken for the urgent decongestion of prisons and a number of approximately four hundred (400) prisoners has already been released.
- c) By decision No 8508/22 Feb. 2005 reached by the Minister of Justice, new more flexible criteria will be implemented with regard to the transfer of prisoners from “closed” prisons to agricultural ones, with a view, on the one hand, the decongestion of the former and, on the other, the beneficial computation of actual sentences served on account of work done by prisoners leading to a reduction of their time of detention.

#### **Para 78 of the Report**

The effort of implementing a system of classification by way of criteria that are in conformity with the code of Corrections, is already being materialized following written instructions issued by the competent Directorate of Correctional Policy of the Ministry of Justice. This ongoing effort is being monitored by the General Directorate.

#### **Para 79 of the Report**

The basic goal of the correctional policy is the provision of education and professional training of the prisoners so that they, on the one hand, spend their time in prison in a meaningful way, and on the other, be supplied with knowledge aimed at their employment after their release from prison.

- a) For the materialization of this goal, the institution of second chance schools has been expanded. Commencing from the current school year, apart from the Judicial Prison in Larissa, two more schools are still operative in Korydallos (one in the Judicial Prison and one in the closed central Prison for women). As from September 2006, a School of second chance will also begin operating in the Judicial Prison of Thessaloniki.
- b) Educational and refresher training programs are being implemented by the institution for the Permanent Education of Adults.

- c) In partnership with the Ministry of Employment, twenty-one projects of comprehensive (integrated) intervention have already been planned and announced with a view to the occupational training of the prisoners who will participate in them (**Annex No 2**).
- d) As regards the organization of cultural events, the Ministry of Justice, through a series of regular events of culture and human contact, is deploying concrete effort to provide prisoners with courage, faith, hope and recreational activities.

A time-schedule of the building program for the construction of new prisons, together with a copy of the document addressed by the competent services relating to the improvement of material conditions in the correctional institutions visited by the delegation (**Annexes 3 & 4**).

## **2. Ill-treatment**

### **Para 80 of the Report**

A fundamental principle of the Code on Prisons in force is legality in the treatment of prisoners so that respect for human dignity is appropriately secured. The control of legality in the treatment of prisoners is exercised by the competent judicial official, as well as by the court of the execution of sentences.

The Ministry of Justice demonstrates zero tolerance in cases of violation of the aforesaid principle, which must be complied with by the correctional officials irrespective of sex, and directs the competent organs to follow the statutorily prescribed procedures, whenever complaints are lodged as to its violation, such as the sworn administrative examination or preliminary prosecutorial investigation (enquiry).

In regard to the case of the exercise of corporal violence against a woman detainee by a correctional officer in the Korydallos women's Prison, as the CPT has already been apprised, despite the fact that this was an unfortunate incident and the officer involved asked for public forgiveness of the detainee, a disciplinary sanction was imposed upon the correctional officer for breach of duty while criminal proceedings are pending against him.

No change of duty was effected in respect of the officer concerned, as he was a (.....), neither his transfer to another correctional institution was deemed necessary, since the incident had been considered as unfortunate and the relations between the correctional official and the detainee were mended after the expression of forgiveness by the officer involved.

At times, instructions are given to the entire correctional staff to the effect that they must fully desist from resorting to ill treatment or verbal insults.

### **Para 81 of the Report**

Dispensation of laxatives to newly admitted detainees and the screening of their use of the toilets by video-cameras:

- a) Women detainees for whom there is probable cause by the production of concrete evidence to believe that they will attempt at importing narcotic substances into the correctional facility (to wit women users of substances that have been accused of breaching the Law on Narcotics) are placed in a specific prison ward for the purpose of short-duration monitoring.
- b) the special toilet of the premises under surveillance is provided for in article 34, para 15 of the Regulation on the Operation of Correctional Institutions, so that the woman prisoner be deprived of the possibility of removing from her body and, subsequently, stealthily usher into the establishment, the narcotic substance that she has probably hidden into it. Cameras are used in such a way that the monitoring of the person in question should be rendered more discreet. Otherwise the use of the toilets by the prisoner should be made in the presence of a prison officer.
- c) In regard to the practice of intimate internal examination and, principally, to the examination of the bodily orifices of new arrivals, this is not carried out indiscriminately for all women prisoners, but only for those for whom the prison authorities have probable cause to believe, through the production of concrete evidence, that they will make an attempt at bringing into the establishment narcotic substances (notably the women users of substances who have been accused of violating the law on narcotics).

The process of screening is performed in the prison's infirmary by a visiting medical practitioner-gynecologist of the service and, mainly, by the doctors on duty, who in no case are the main treating physicians of the prisoners, but instead those who perform active duty in the establishment for the purpose of coping with emergencies.

In our opinion, this mode of examination in no way offends the dignity of women prisoners, as it is performed in the premises of the consulting room on a gynecological bed that is properly screened by a partitioning, according to all the rules of hygiene, as well as the rules for respect of human dignity. The aforesaid procedure is provided for in art. 34, sub-section 14 of the Internal Regulation concerning operation of the prison establishment.

### **Para 83 of the Report**

Inter-prisoner violence has been limited to the absolutely minimum, despite the fact that the prison population, comprised of aliens of various nationalities (main reason for engagement in a quarrel or scuffles), has considerably increased. In these cases, the prison staff makes every possible effort towards a painless disengagement, where and when needed, by following the instructions of the appropriate Directorate of the Ministry, as well as of the Supervising Prosecutor.

### **3. Conditions of detention**

#### **Paras 84 and 85 of the Report**

The problem posed by the occupancy levels in the specific prisons mentioned (Korydallos, Chios and Komotini Judicial Prisons, as well as in the Korydallos Women's Prison) is being dealt with through action described above, under II, A of this document.

#### **Para 91 of the Report**

Parallel to the maintenance and improvement works in prisons that are regularly carried out (sanitary control and disinfection of the premises takes place during the first ten days of each trimester when this is deemed necessary).

In the Chios Judicial Prison, as you have already been duly apprised, are operating, in collaboration with the Ministry of Education:

- a) Two programs intended for the learning of the English language (number of prisoners 22).
- b) One program for the learning of the Greek language (number of prisoners participating 13), and
- c) Two programs of Counseling Services (number of prisoners participating 35) (Annex 5).

Lastly, as regards Korydallos Women's Prison, we inform you that in accordance with the planning timeframe drawn up by the Ministry of Justice, women prisoners-convicts shall be transferred to a new-prison that will be constructed to this end in Eleonas of Thebes by the end of the year.

### **4. Health-care Services**

#### **Para 110 of the Report**

Both by dint of the provisions of the Code on Prisons, as well as the internal rules concerning the operation of prisons, the confidentiality of medical information compiled for each prisoner is statutorily respected and ensured. Knowledge of the contents of the afore-mentioned examination, are strictly privy to those persons who are provided for by the provisions of the above documents, and this for reasons which are directly associated with ensuring the state of the prisoner's health, in case a decision is taken that is related to the prisoner's transfer or to the observance of any likely special measure of detention.

Owing to the overcrowding of prisons, the creation of a special ward within prisons, where the HIV-positive prisoners in need of special care are held together, is not for the present possible. For this reason the prisoners falling within this category are kept in a special section of the Prisoners' Hospital, where the conditions of detention have, from every aspect, considerably improved and, consequently, the placement of the prisoners there does not constitute segregation but instead an effort of attaining better living conditions for them. Concluding, their stay in the Hospital provides them with direct access to health and medical care in regard to any problem likely to arise for them.

In accordance with the provisions of the Code on Prisons, an individualized medical file for each prisoner is kept containing data of medical interest. The inmate's personal health card accompanies him/her in the event of his/her being transferred.

The General Directorate of the Ministry of Justice, in its circulars addressed at regular intervals to the Directors of the prisons makes due reminder of this obligation.

### **Paragraph 115**

For the prisoners who have problems related to narcotic substances and are in need of being provided with special assistance, programs laid out by the Center for the Treatment of Drug-dependent persons (KETHEA), in cooperation with the Ministry of Health and Welfare, have already been put into operation in the following prisons:

1. Avlon Special Detention Establishment for Male Juvenile Offenders (EKNA) – Network of services “STROFI” provided by KETHEA (Groups of Counselling and Self-Help are already operative).
2. Kassavetia Agricultural Correctional Establishment for Minors (ASKA) – Network of Services titled “EXODUS” launched by KETHEA (Team for the updating and Self-Help for 12 minor detainees).
3. Korydallos Women's Closed Central Prison - Self-Help and information of detainees set up by KETHEA.
4. Korydallos Judicial Prison – 3 programs launched by KETHEA- “18 and OVER”- “DRUG-ADDICTS ANONYMOUS”.
5. THESSALONIKI Judicial Prison – 2 programs (1 for men, 1 for women) launched by KETHEA – “ITHAKI Community”.
6. Korydallos Prison Psychiatric Hospital- 2 programs introduced by KETHEA – “18 and OVER”.

In addition, commencing as of September of the year 2002, a special therapeutic institution has been functioning in Eleonas-Thebes; its purpose lies in the treatment of drug-addicted prisoners and is designed for their bodily and mental detoxification. Lastly, information-related programs concerning transmissible diseases are introduced at times with respect to detainees at all prison establishments.

## **5. Other issues related to the CPT's mandate.**

### **Para 124 of the Report. Planning for future recruitment of staff**

Following planning initiated by the Ministry of Justice, an public examination was pronounced by the Supreme Council for Staff Selection and the relevant results were out; the resultant staff appointment is about to be made as per attached list (**Annex 6**).

We have also been waiting for results to be announced by the ASEP (Supreme Council for Staff Selection) for the posts of nursing staff per prison (**Annex 6**).

The foregoing posts aside, the filling of vacancies for the posts of the Administrative staff, which have been pronounced in accordance with the planning initiated by the Ministry of Justice, are expected to be announced.

In view of the operation of the new detention establishments, as indicated in Annex 3, there have been approved for filling purposes:

- a) 609 posts of out-of-prison guards and already pronounced 225,
- b) 315 posts for guards which are about to be promptly pronounced and
- c) 69 posts of other specialties, which are also to be promptly pronounced.

It must be stressed that following relevant programming initiated by the Ministry of Justice since the year 2001, there have been pronounced for filling purposes thirteen (13) vacant-health-care posts for General Practitioners (CP) and ten (10) posts for psychiatrists for which posts no interest has been expressed with the result that they remain vacant.

### **Paragraph 132 of the Report**

By virtue of Law 3090/2002, a Body of Inspection and Control for Detention Establishments has been set up; it comprises a specific service directly subject to the General Secretary of the above Ministry, whose mission lies in the:

- a) Carrying out of regular and extraordinary controls at any day and time for the purpose of ascertaining the conditions of detention, the keeping of proper order and the observance of security measures in the establishments of detention, the implementation of the provisions of the Code on Prisons, the Regulations relating to the operation of these establishments, as well as the relevant circulars-instructions concerning the operation of detention establishments.
- b) Investigation and unraveling of crimes prosecuted ex officio and committed in the premises of the detention establishments throughout the whole land; to this end, the above body gathers, evaluates and makes proper use of information and data that come to its knowledge in any way.

## **C. Psychiatric Establishments**

### **1. Course of psychiatric reform**

Within the framework of our obligation for providing answers to the recommendations contained in the CPT's reports, we had in the past the opportunity to expand in summary the planning introduced by our country with a view to the furtherance of psychiatric reform. We had made reference to the objectives of the action plan entitled "PSYCHARGOS", to wit of a plan with a ten-year-horizon, which is undergoing a review approximately every five years, in order to describe works and actions designed for the following decade.

At present period, the programme entitled "Psychargos"- phase B, which constitutes part of the reviewed, in the year 2001, Psychargos Plan designed for the decade 2001-2010 is being implemented. The programme "Psychargos"-Phase B is being developed into two axes. The first regards the ongoing process of deinstitutionalization, while the second establishment of a community network geared towards the provision of mental health services.

A considerable part of phase B programme has been incorporated into the Operational Programme titled "Health- Welfare 2000-2006" of the 3<sup>rd</sup> Community Support Framework (CSF) and is co-funded by the European Union by means of the Structural Funds. After the end of the co-funded period, the financing of the operations relating to the structures passes on to the Regular Budget of the Ministry of Health and Social Solidarity. As regards the ongoing process of deinstitutionalization, the set goal of the programme consists in the closure of four small psychiatric hospitals (most notably those of Petras Olympou, Chania, Corfu and Tripoli), and of the Pedopsychiatric Hospital of Attica, as well as the marked reduction in the capacity of those of Thessaloniki, Attica and Leros.

Already as of January of the year 2004, the Psychiatric Hospital of Petras Olympou has permanently closed all the wards for its chronically-ill mental patients, while in February of the year 2006, there departed from the in-patients wards of the Therapeutic Hospital of Mental Disorders of Chanea its last patient.

The patients of the aforecited psychiatric hospitals shall be relocated by using the criterion of their place of origin, to psycho-social rehabilitation units which are established in all the regional departments of the country. It will be noted that the majority of the tenants of these units are either psycho-geriatric patients or patients with a severe mental retardation characterized by low functionality as it is indicated by the large number of high protection units that have been set up (hostels).

In the table that follows, there are set out the particulars pertaining to the registration of the units that have been set up within the framework of the programme (2001-2006) up to May 2006.

<b>Structures of Psychosocial Rehabilitation</b> (up to 31.05.2006)			
	<b>Number of Structures</b>	<b>Number of Patients</b>	<b>Number of working staff</b>
Guest house	12	141	182
Hostel	71	1007	1418
Sheltered apartment	81	247	(84)*
<b>Total</b>	<b>164</b>	<b>1395</b>	<b>1600</b> (1631)
* The 84 persons are part-time employed in the sheltered apartments.			

As far as the Community Units of Mental Health are concerned, their establishment leads to the diminution of the role that Psychiatric Hospitals play and ensures the continuity of care and the covering of the needs of the whole population.

<b>“Psychargos” – phase B’</b>		
Community structures of mental health that have been set up and operating from 2002 up to May 2006.		
<b>Type of Structure</b>		
Psychiatric Wards in General Hospitals	3	56
Pedo-Psychiatric wards in General Hospitals	1	11
Out-of-Hospital Hostels for short stay	1	17
Centers Mental Health/ Medico-pedagogic Centres	5	52
Day Centres	16	124
Units for the treatment of the Alzheimer disease	2	71
Hostels for persons suffering from autism	1	22
A fully-fledged Center for the treatment of Autism	1	40
Programmes for the provision of at home care	2	40
Mobile Units of Mental Health	3	34
<b>Total</b>	<b>35</b>	<b>467</b>

Considerable is also the progress that has been achieved in the field of occupational rehabilitation and integration of persons suffering from chronic mental disorders into the working environment. In the numerous workshops for training and employment, there have been added, during the last few days, the social cooperatives of limited Responsibility prescribed in article 12 of Law 2716/99. Up to the present day, the social cooperatives of Limited Responsibility (SCLR) that have been set up are twelve (12) in number, and up to the end of 2006, an additional number of three or four are expected to be established in different regions of the country.

The Mental Health Directorate of the Ministry of Health and Social Solidarity has hammered out a plan designed to secure quality in the Psycho-social Rehabilitation Units; said plan contains specifications and criteria relating to services rendered and is based on respective manuals drawn up by the World Health Organization. The relevant evaluation tool comprises 4 sets (units) of criteria: to wit, the natural environment, the administrative settlements, the procedure pertaining to health case and the relations with the family and the community. The first stage of the process of consultation has been completed with the submission of remarks by the units of Psycho-social Rehabilitation intended for the supplementation and amendment of the envisaged plan. The incorporation of the remarks advanced by the units for the formulation of an enriched instrument designed to secure quality which will be implemented on a pilot bases within the year is forthcoming.

## **2. Corfu Psychiatric Hospital**

### **a. Preliminary remarks**

#### **Para 135 of the Report**

In May, a meeting took place between senior officers of the Division of Mental Health of the Ministry of Health and Social Solidarity and the Directorate on Correctional Education of Adults of the Ministry of Justice, its object being the promotion of mutual understanding and co-operation of the two Ministries on issues related to providing support to criminally irresponsible persons suffering from mental disorders and to the violators who are characterized by diminished criminal imputability. In this context, further cooperation is going to be struck on these issues as well as for the elaboration of proposals concerning the amendment of articles of the penal code that relate to criminally irresponsible mental patients.

#### **Paras 136, 137 of the Report**

The process concerning the de facto closure of the Corfu-Psychiatric Hospital is marked by considerable progress. More particularly, from the moment of the Committee's visit to date, 50 out of the 110 long stay patients have already been relocated to psycho-social rehabilitation units in Corfu and Epirus resulting in the evacuation of the two long hospitalization units (namely "Galinos" and "Asklepios") of the Corfu Psychiatric Hospital. The remaining sixty (60) chronically-ill patients are scheduled to be removed from the main site of the hospital and relocated to hostels by the end of 2006. A State-of-the art Psychiatric Section is envisaged to be established within the premises of Corfu's General Hospital in the context of which there shall operate an open short hospitalization unit and a closed wards of patients with acute disorders.

The materialization of the relevant planning shall be incumbent upon the construction of a new general hospital; a pertinent timescale is not available for the time being.

### **Para 138 of the Report**

For preventing the manifestation of episodes concerning the ill-treatment of patients, the administration of the hospital has made recommendations to the Directress of the Health Nursing Service and the Heads of the health nursing sectors to the effect that they should tackle these episodes with severity.

The administration of the hospital has also set as a priority the constant highlighting and updating of the staff on matters pertaining to the protection of the rights of patients and prevention of inhuman treatment in its meetings with the nursing staff taking place every two months. In the same vein, both within the framework of the scheduled meetings that the administration had with the nursing staff in December 2005 and February 2006, as well as in the context of the celebration of the International Day for Health Nursing Personnel that was held in May 2006, special emphasis has been placed to the need for protecting the rights of the patients in this area.

### **b. Living conditions and treatment**

#### **Paras 139, 140,141 of the Report**

The administration of the Hospital responded to the oral recommendations by the Committee immediately after the latter's visit by taking the following steps for the renovation and repair of the structures of the Psychiatric Hospital in Corfu.

More particularly:

- a. The ground floor of the long stay unit "Hippocrates" was refurbished.
- b. Interventions have been effected in regard to the short Hospitalization Ward "Gousis" (in terms of curtains, bed covers, paintings etc.) which have conduced to the place becoming more humane, looking like a living place and losing its impersonal and institutionalized character.
- c. The roofs of the "Galinos" ward have been sealed and insulated and its lift fixed. Immediately after the aforecited works were carried out, the ward ceased being in service on 8 May 2006, as scheduled.
- d. Repair works have been programmed to take place in the Day Hospital which will be completed in 4 months.
- e. The Hostel "N. Moros" has been decided to undergo complete refurbishment (change of outdoors and indoors doors and windows, change of electromechanical installations, repair of the lift, insulation works on the building, painting, etc.)  
The necessary contracts have recently been signed and works will have been completed in sixty calendar days. During this time, the majority of the patients that are scheduled to be put up in the hostel will be accommodated in the "Asklipios" building. These patients will undergo evaluation by mental health professionals, so that an individualized therapeutic plan of psychosocial rehabilitation be hammered out. Finally, it must be mentioned that four of the hostel's patients have returned to their homes and commute daily to the Day Hospital for treatment.

- f. Concluding, there has been developed a procedure for registering damages that derive from all structures of psycho-social rehabilitation for the purpose of their being redressed forthwith and without any time lag within a space of time that should not exceed 48 hours and a time of six (6) hours for emergency repairs.

### **Para 142 of the Report**

By decision of the Director of the Hospital, there has been set up a Committee for the establishment, monitoring and evaluation of therapeutic activities for the users of mental health services the proposals of which have been put immediately in force.

By way of specification, the aforesaid committee proceeded to the registration of the existing activities' programmes per in-hospital and out-of-hospital structure and submitted recommendations concerning the enrichment of psycho-social rehabilitation activities and therapeutic schemes. These proposals include the training of patients in honing self-care dexterities (personal hygiene care for one's personal premises, cooking), as well as social dexterities (money management, shopping, use of mass transport means), participation in recreational and cultural activities, such as long walks, having coffee, going to restaurants and cinema, playing football etc, occupational therapy groups, vocational training and employment for some of the patients. In addition, the planning and processing of individual therapeutic programmes were recommended.

In parallel, a seminar was held in January 2006 involving the training of members of the staff, so that comprehensive programmes of psycho-social rehabilitation should be developed within the framework of these programmes; more detailed development and specialization activities of psycho-social rehabilitation per structure has been provided for including the granting of an economic motive for patients participating in the programmes (article 14 of L. 2716/99).

Likewise, such programmes are also being implemented in other Hospitals in regard to the majority of hospitalized patients (Psychiatric Hospital of Attica, Psychiatric Hospital of Thessaloniki).

Moreover, the current staffing levels of the Corfu Psychiatric Hospital have been reinforced by one physiotherapist and two psychologists, who develop therapeutic activities (psychotherapeutic sessions, psycho-social support) in all the Psycho-social Rehabilitation Units and on a daily basis in the short Hospitalization ward. The range of therapeutic activities is expected to be enhanced with the forthcoming hiring of a drama-therapist and a music-therapist (the process of evaluation has been completed).

Finally, within the framework of psycho-social rehabilitation and the lifting of social exclusion, 33 patients have been working in isolated entrepreneurial activities in Corfu's Social Co-op (cleaning party, students' club, gardening, tending to outdoor spaces). Moreover, an additional number of twenty patients are scheduled to be employed with regard to the new activities that have been undertaken by the social co-operative (parking and washing of vehicles, modern coffee establishment, visitors' room).

### **Para 143 of the Report**

Following a relevant decision by the Board of Trustees for the drawing up of internal regulations, meetings of the multi-disciplinary therapeutic team are already held twice a week in all the Units of Psycho-social Rehabilitation and once a week in the short stay ward in which all the nursing staff participates.

### **c. Staff**

#### **Para 144 of the Report**

As regards the staffing levels designed for Corfu's Psychiatric Hospital, apart from the specialties above referred to, the process of the hiring of 15 health care workers has been completed, with six (6) of them (health care nurses) having already assumed service. Moreover, a process has been set in motion for the hiring of an additional number of 10 health care workers.

The planning elaborated by the Ministry of health and Social Solidarity for the sector Corfu-Lefkada provides for the enhancement of a network of community services by means of the establishment of a Mental Health Center in Corfu, a Day Hospital in Lefkada and the Corfu-Lefkada Mobile Unit, as well as the hiring of a sufficient number of mental health professionals intended for staffing the above-mentioned hospital units and centers.

### **d. Restraints**

#### **Paras 145, 146 of the Report**

As of December 1<sup>st</sup>, 2005, a Protocol pertaining to the implementation of measures of restraint which makes reference to the warning signs leading to the manifestation of violence, to the methods of de-escalation and secure restriction, to the process of taking a decision concerning restriction, to the algorithms of pharmaceutical regimen and to the processing of monitoring and re-assessment of patients, registration and therapeutic planning, has been put into force with respect to the Psychiatric Hospital in Corfu. The safeguards that are prescribed in the relevant protocol have become the object of dialogue and analysis at the regular meetings held by the multi-disciplinary therapeutic team. The Protocol's application has already yielded fruits by way of the reduction of the number of mechanical restraints from 86 (4 months prior to the implementation of the protocol) to 55 (4 months later).

It will also be stressed that the Attica Psychiatric Hospital, the Thessaloniki Psychiatric Hospital and the Therapeutic Establishment for Mental Disorders in Chania (prior to its closure) have put into implementation an analytical protocol pertaining to the application of measures of physical and mechanical restraint.

#### **e. Safeguards relating to involuntary hospitalization and discharge**

##### **Paras 147, 148, 149 of the Report**

It is an established fact that in the majority of Psychiatric Hospitals there does not take place an automatic review of the need to continue the placement of patients who remain in hospital, on an involuntary basis, beyond six months. However, the long stay of patients who are treated in hospitals without consent is attributed not so much to the lack of their being traced and to the inability of providing diagnosis for the so “treated” patients of long stay, but to social reasons, to wit, to the non-possibility of an autonomous (self-reliant) living on the part of the patients and the lack of a supporting network designed to secure their social re-integration.

Besides, the process of deinstitutionalization, through the establishment of Psychosocial Rehabilitation Units, which has markedly reduced the chronic patient population in Psychiatric Hospitals, revolves round this particular axis.

The automatic (obligatory) review of the chronically-ill patients, nevertheless, constitutes a safety valve (safeguard) geared towards the prevention and warding off of isolated arbitrary incidents.

A deficit has also been observed with regard to the free, following a relevant updating, consent of the patients in regard to their proposed treatment in mental health services. The shortage of an adequate number of short hospitalization units, the workload involved and the medical-centered culture constitute serious impediments concerning the protection of the right to information.

With respect to the tackling of these deficits, the recent enactment of Law 3418/08 entitled “Code of medical deontology (ethics)” (Gov.Gaz issue A’ /28.11.05) constitutes a particularly positive step. There are provisions in this law making reference to the obligation of updating the patient, even in cases where there is a lack of his/her ability to consent (article 11), and to the “consent of a properly informed patient” (article 12). In addition, special reference is made to “mental health care prescribed in article 28. The Text of this law in Greek is attached in **Annex 7**.

The lack of a culture of information as well as the logic of resorting to unilateral medical acts, such as the reverberations of past institutionalization practices have resulted in confusion being observed in members of the staff and patients as to the making of a distinction between voluntary and involuntary placement.

##### **Para 150 of the Report**

The Psychiatric Hospital at Corfu has published printed forms (**Annex 8**) setting out the rights of patients (with an attached complaints form) in the Greek, Italian and English language ( a form in the Albanian language shall follow suit), which are being distributed and explained to the patients and their escorts during their entry into the Admissions Department (above forms are attached herewith). The health nursing service provides also oral information to illiterate patients about their rights. The complaints form is available on all the wards of the Psychiatric Hospital of Corfu.

The Special Committee for the Control of the Protection of the Rights of Persons with Mental Disorders (article 2 of Law 2716/99) is not restricted to making inquiries into complaints lodged by the users of mental health services but proceeds instead to ex officio visits to Units of Mental Health. Following the CPT's visit, on-site visits have been carried out to the Psychiatric Hospital of Attica (13 Dec. 2005), to the Pedo-Psychiatric Hospital of Attica (16 Feb. 2006), to the Psychiatric Hospital of Attica-Dromokaitio (21 March 2006) and to the Psychiatric Hospital of Tripoli (10 May 2006).

#### **f. Other issues related to the mandate of the CPT**

It constitutes an entrenched belief both of the Ministry of Health and Social Solidarity, as well as the Ministry of Public Order, that the transport of patients in police vehicles by police officers who are not in possession of qualified training, runs contrary to the therapeutic treatment of patients and the protection of their rights. Securing access of patients to Hospitalization Units, the fastest possible, reduces appreciably the load that is brought to bear upon the patient, but in no way detracts the implication of police officers as far as the said transport is concerned.

The Ministry of Health and Social Solidarity, being in quest of ways for solving this problem, as well as the pertinent matters that tend to arise during the process of involuntary placement (hospitalization), has proceeded to embark upon a dialogue – consultation with all the competent services interested parties (users of services, families of users, mental health professionals, Non-Governmental Organizations, Independent Authorities).

The relevant dialogue embarked upon has revealed a joint rapprochement between the First Aid National Center (E.K.A.B.) (which undertakes the transport of patients to the Health Care services) and the Police, with respect to the possibility of setting up a distinct service with appropriately equipped and trained staff, whose mission will be the transfer of patients in cooperation with the police. The relevant proposals must be met with further elaboration as to the so required human and material resources, the training of staff and the mode of linking the services involved, so that the possibility of incorporating these proposals into the planning of the Ministry of Health and Social Solidarity should be examined.

Apart from what was referred to above as a response to each one of the recommendations advanced by the CPT in regard to the matter in question, the Directorate of Mental Health has already dispatched document No. 47393/19 April 2006 to all Mental Health Units, in which mention is made of the need for taking all the necessary steps in light of the recommendations made by the Committee. In addition, the aforesaid document refers to the need for “the recommendations of the Committee.....becoming the object of a far reaching dialogue within the framework of the therapeutic team in all the structures, with a view to their incorporation into everyday therapeutic practice”.

This action by the Ministry of Health has been dictated by the conviction that the Report drawn up by the Committee bears a weighty significance with regard to the assessment of the position and action that are to be advanced by the Ministry of Health and Social Solidarity in matters pertaining to respect and protection of human rights. The recommendation, carried out by the Committee, constitutes both a safe indicator pointing to the progress of the Psychiatric reform that we are determined to establish in our country , as well as a guide to its deepening and expediting and to a review of our priorities and planning. The observations made by the Committee reaffirm that our set goal should be focused on this area of medical and health care directly associated with confinement and custody and that community dimension introducing social reintegration be strengthened. Reduction of the number of the chronic population of patients placed in Psychiatric Hospitals and closure of them, as well as reduction in the time of hospitalization and therapeutic continuation constitute, in the view of our service, the best safeguards for protecting the rights of the patients.

The contribution of the Committee is deemed as particularly crucial in providing clarification to all aspects concerning the operation of Mental Health Units, to wit aspects which are directly connected with the rights and satisfaction of the users, highlighting in a tangible and not specific way the gray zones pointing to the violation of rights and the way in which the user perceives and experiences the actions assumed by the services.

The contribution of the Services and Units of the Ministry of Health and Social Solidarity in the development of an autonomous movement by the patients, who must be given a role to play in the organization and evaluation of mental health services, constitutes their uppermost priority.

***The Appendices to the response are available in PDF Format  
on the CPT's website <http://www.cpt.coe.int>***