

**PRISONS IN GREECE:**  
**AN APPRAISAL IN LIGHT OF ARTICLE 3 ECHR**  
***EIN Briefing to the Committee of Ministers,***  
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**Note**

**in relation to “Nisiotis” group of cases<sup>1</sup> [prison facilities in Greece]**

1. The Greek prison system suffered for long from structural deficiencies. Overcrowding is the most important of them. In 2014 the number of prisoners reached a historical peak of 12,500. Insufficient health care and medical services are also important shortcomings. These two issues together with a number of deficiencies, such lack of staff, lack of funds to ensure good quality of food, heating and hot water, sanitation facilities, recreation facilities compose the picture of Greek prisons that until nowadays produce judgments by the ECtHR finding violation of Art. 3 involving more than 1,200 applicants. English courts also stopped extradition to Greece due to prison conditions (first time among EU member states).
2. During that period of time all relevant national and international organisations and independent bodies criticised heavily the prison system in Greece: The Greek Ombudsman, the Hellenic Commission for Human Rights, the Committee of the Greek Parliament, the CPT, the UN Committee against Torture. Politically speaking, the governments until 2015 did very little to remove the systemic failures presented in the findings of all relevant institutions and courts.
3. After the new government was elected in January 2015, the then MoJ declared that prisons in Greece need special attention and structural changes in order to attain human rights standards. Although the number of inmates dropped by 20%, structural problems remains and lack of

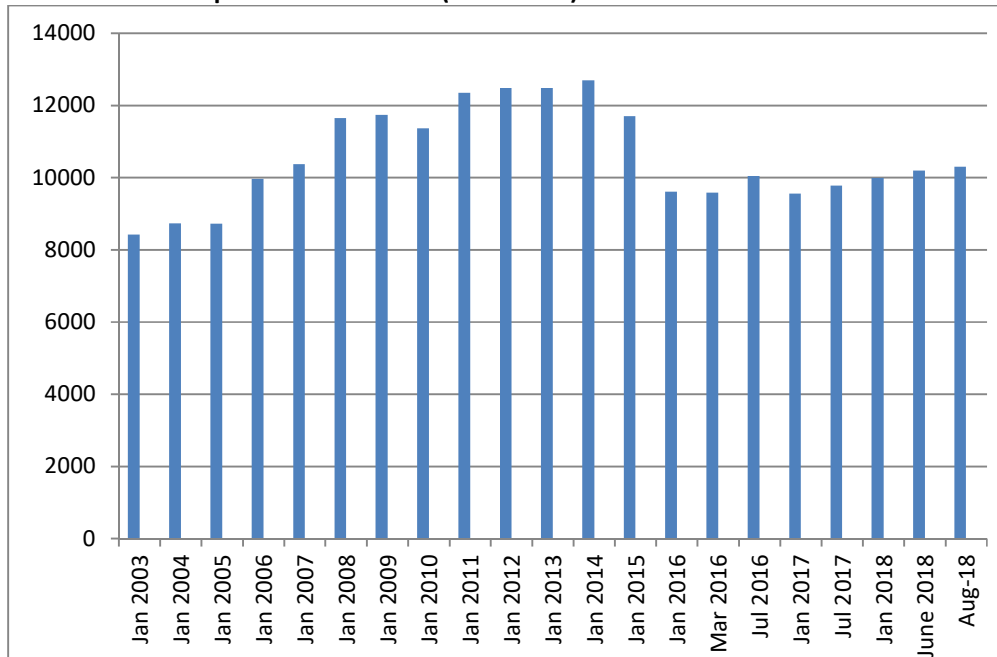
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<sup>1</sup> Recommendation Rec(2006)2 (952nd meeting, 11/1/2006) on the detention conditions, 1172nd meeting, 4-6/6/2013, decision on the execution of ECtHR judgments, <http://hudoc.exec.coe.int/eng?i=004-15760>. As a response to the action plan submitted by the Greek Government in July 2018, a comprehensive report has been submitted by the Hellenic League for Human Rights to the CM according to Rule 9.2.

sustainability put at risk the positive steps taken during the past three years. On the 15<sup>th</sup> January 2018 the number of prisoners was 9,988. On the 15<sup>th</sup> June 2018 the number was 10,198. Last, on the 16<sup>th</sup> August 2018 the number was 10,298.

4. The official total capacity of prisons was for 9,886 prisoners while the actual number of places is approximately 9,050 as certain wings in a series of prisons are not operational due to lack of staff and financial resources.
5. The MoJ attempts to keep as strict as high as possible the prison capacity. This resulted in manipulation of numbers covering incapacities for sustainable policies. The manipulation of numbers results in a paradox. If the new measurement complies with the letter of the Mursic judgment (that furniture can be included in the free surface of 3 sq.m.), it is not in line with the spirit of human rights and the Convention. An inmate who lives in a cell having a bed, a table and a chair, all occupying 3 sq.m., will not have free space at all to move. A prison (Alikarnassos, Crete) doubled its capacity (fro 105 to 210). Equally, the capacity of Korydallos (Athens) increased to 140%.

**Chart: Number of prisoners in Greece (2003-2018)**



6. Overcrowding is still the major canvas on which all kind of deficiencies and short-comings of the Greek penitentiary system have to be considered and assessed. During 2018 the prison population was more than 10,000. This practically speaking means that in a series of prison facilities, many sections house by fare more than the maximum capacity and therefore Art. 3 is breached.

#### **b. Health services, medical care and other issues**

7. Health care service in prisons is one of the most crucial areas of inmate treatment. The hospital and the psychiatric division of the Korydallos prison compound are not subject to the national health system (NHS), lacking consequently adequate supervision and support by the Ministry of Health (Act 3772/2009 has not been executed). Today living conditions and health care services have been improved, if compared to the pre-2015 situation, but not to the point of removing structural problems.
8. Lack of custodial staff, training and special education, have all direct impact on the security of inmates.
9. A series of measures helped to drop the total number of inmates, but still it is more than ten thousand. Certainly, these measures –unfortunately and despite the good intentions- did not tackle efficiently the issues. Improvements have been done, sporadically and sectorially, but still living conditions in an important part of Greek prisons cannot be seen as in line with article 3 requirement and CPT’s guidelines. The Government’s latest action report to the CM shows that deficiencies are acknowledged. The action report lists a series of positive interventions that are sporadic and sectorial. The “Strategic plan for the prison system 2018-2020” that entered into force in January 2018 can not be seen as a material evidence of change until it is fully implemented. Allocation of funds is a prerequisite for the fulfillment of the measures announced. Overcrowding and insufficient health care are enduring structural problems, affecting a large number of detainees throughout Greek prison facilities.

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#### **Recommendations**

- Guarantee allocation of funds for prisons: As regards upgrading prison premises and staff.
- Ensure “free space to move” of at least 3 sq.m. to each inmate. Re-calculate and allocate the real capacity of prison facilities. Make operational those sections in prisons which remain closed.
- Enforce the “Strategic plan” of the Government through a specific timetable.
- Ensure incorporation of the Korydallos hospitals to the NHS and guarantee proper medical care to all prisoners.
- Guarantee just satisfaction to all applicants, as awarded by the Court. Undocumented migrants still do not have access to just satisfaction.

- Conduct regular training on security, crisis management, health issues etc., in relation to prison to all existing staff and hire additional custodial (trained) staff.
- Lower sentences as provided for by the Criminal Code. Reducing sentences ex post facto, can not be assessed as sustainable measure for controlling prison population.

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