

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES

COMMITTEE
OF MINISTERS
COMITÉ
DES MINISTRES



Contact: John Darcy
Tel: 03 88 41 31 56

Date: 11/07/2018

DH-DD(2018)716

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1324th meeting (September 2018) (DH)

Communication from the authorities (11/07/2018) concerning the case of NISIOTIS v. Greece (Application No. 34704/08)

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

* * * * *

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1324^e réunion (septembre 2018) (DH)

Communication des autorités (11/07/2018) concernant l'affaire NISIOTIS c. Grèce (requête n° 34704/08)
(anglais uniquement)

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



**HELLENIC REPUBLIC
PRESIDENT OF THE LEGAL COUNCIL
OF THE STATE
AGENT OF THE GOVERNMENT**

Head of the Department
for the Execution of Judgments
of the European Court
of Human Rights
DGI, Council of Europe

Reg. No: 110989/ 595481, 572724

Athens, 11 July 2018

Re: Nisiotis Group of cases v. Greece.

Dear Madam/Sir,

I have the honour to submit hereinafter additional information on the execution of judgments of the European Court of Human Rights mentioned above.

The Greek Government consider that the above group of cases should no longer remain under enhanced supervision.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'V. Pelekou', written over a faint, stylized graphic element.

Vasileta Pelekou

Delegate of the Agent
of the Greek Government

**Cc: Permanent Representation of Greece
to the Council of Europe**

Additional information on the execution of judgments of the ECHR in cases regarding the detention conditions in various correctional facilities of Greece (Group Nisiotis).

I. Introduction

Within the framework of the effort to address the problems regarding the detention conditions in various correctional facilities, the Ministry of Justice, Transparency and Human Rights has managed to maintain the number of prisoners at level that the correctional system can adequately manage, while at the same time the adopted measures have not caused a blow to the public security and the security of citizens.

This policy will be continued, while, at the same time, all the necessary actions are taken in order to solve successfully the structural problem which is associated with the problem of overcrowding of prisons and also organize the procedure of release and the support of reintegration.

II. Individual measures

All the necessary individual measures for compliance with judgments of the ECHR in cases regarding the detention conditions have been taken.

III. Legislative measures

At the legislative level, the most important developments aiming at improving the correctional system are summarized in the enactment of Laws no. 4322/2015 (Government Gazette issue no. 42/Fascicule A), no. 4411/2016 (Government Gazette issue no. 142/Fascicule A) and no. 4489/2017 (Government Gazette issue no. 140/Fascicule A).

In particular, in order to address immediately and drastically the problem of overcrowding in prisons, urgent measures of decongestion of the Detention Facilities were included in Law no. 4322/2015 (Article 12) which have resulted in a considerable decompression of the correctional system as a whole.

It should be noted that Article 15 of Law no. 4411/2016 provided for an extension of the validity of the decongestion provisions of Law no. 4322/2015, aiming at a further improvement of the detention conditions due to the overcrowding's

elimination. Furthermore, by the provisions of Law no.4489/2017, the urgent measures for the decongestion of the Detention Facilities were extended for certain categories of prisoners.

These measures have resulted in a significant relief of the prison system and a general decrease of the population in Greek Detention Facilities by 18,3%.

Finally, the establishment of an effective domestic remedy to challenge the detention conditions in accordance with the requirements of article 13 of the Convention is already being considered within the framework of the draft of the new Correctional Code.

IV. As regards the other integrated interventions in the area of correctional policy, the following points should be stressed out:

The strategic plan for the correctional system was carried out setting the following basic targets as regards the anti-crime and prison policy: i) improvement of detention conditions -modernization of infrastructure, ii) development of human resources- staff training – administration, iii) reduction of the prison population- alternative punitive measures and their reliable enforcement – prevention and confrontation of juvenile delinquency, iv) preparation of reintegration – welfare and assistance after incarceration, v) security of personnel and inmates – transparency – accountability vi) health care services in prisons in collaboration with the Ministry of Health. The “Strategic plan for the prison system 2018-2020” with a detailed and complete action plan has been entered into force in January 2018 after extensive public consultation within the country and in cooperation with a committee of experts of the Council of Europe. Furthermore, the Ministry of Justice, Transparency and Human Rights is cooperating closely with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

According to the strategic plan the general principles governing the anti-crime policy of the Ministry of Justice, Transparency and Human Rights are the following: Humanism-respect of rights and international standards/ Proportionality-leniency principle, prioritising the milder means of repression/ Safety of prisoners and staff/ Preparation for reintegration - assistance after release/ Transparency, accountability, e-governance/ Rationalisation of administration at all levels/ Development of human resources-education, development/ Opening to society, cooperation with agencies, extroversion/ Prevention/educational approach to tackling juvenile delinquency/

Development of reliable alternative sanctions and measures for those on trial and prisoners/ Combating prejudice and social discrimination.

Furthermore, the strategic goals which determine the action plan of the Ministry of Justice, Transparency and Human Rights are the following:

1. Improvement of detention conditions- Modernization of infrastructure. The achievement of this goal includes:

- Registration of capacity
- Full implementation of existing detention places
- Development of education and training infrastructure
- Plan of allocation and separation of inmates
- Modernization of Rural Prisons

2. Development of human resources- Staff training- Administration. The achievement of this goal includes:

- Increase of staff in Detention Facilities through recruitment
- Establishment and function of a permanent training school for the personnel of Detention Facilities and other Services
- New organizational plan for the Detention Facilities with an increase of permanent posts, especially of scientific staff- development of personnel

3. Decrease of overpopulation- Alternative punitive measures and their reliable enforcement - Prevention and confrontation of juvenile delinquency. The achievement of this goal includes:

- Assessments to identify the reasons that cause overpopulation
- Extension of use and reliable enforcement of alternative punitive measures
- Increase of the number of Social Welfare Supervisors and Minors Supervisors
- Consultation and voting of draft legislation concerning the Juveniles Care Units

4. Preparation of reintegration - Welfare and assistance after incarceration.
The achievement of this goal includes:

- Upgrade of education provided at the Detention Facilities (establishment of school units, vocational training institutes (IEK) and Greek learning programs for foreigners)
- Vocational training and provision of consulting services
- Cultural activities in collaboration with local community organizations
- Establishment of a personalized (individualized) plan for every inmate, aiming at reintegration
- Promotion of “Epanodos” (Center of Reintegration of Prisoners after release) and establishment of a regional network for the reintegration

5. Security of Personnel and Inmates – Transparency – Accountability. The achievement of this goal includes:

- Evaluation of needs/ upgrade of equipment in every prison – Assessment of the contribution to technical equipment on the upgrade of prison security
- Registration System for serious incidents in prisons
- Full operation of the Integrated Informational System for the Interconnection of Detention Facilities
- Monitoring of the Detention Facilities from controlling bodies

6. Health Care Services in Prisons in collaboration with the Ministry of Health. The achievement of this goal includes:

- Incorporation of the Inmates Hospital of Korydallos in the National Healthcare System (ΕΣΥ)
- Incorporation of the Psychiatric Facility of Korydallos in the National Healthcare System (ΕΣΥ)
- Upgrade of the functioning of the infirmaries in the Detention Facilities (Recruitment of doctors and nurses/ regulatory operating framework/ establishment of Special Regional Hospitals/ classification as hospitals of distant and remote areas/ establishment of independent medical services in the new organizational plan)
- Extension of information campaigns/ consultancy against addictive substances and rehabilitation at the Detention Facilities

A special reference should be made to the significant initiative of snapshot of the prisons' capacity and the respective planning aiming at the control of completeness of Detention Facilities. The fruit of this study is posted on the site of the Ministry of Justice and is updated on the 1st and 16th of each month. In this way, all the parties involved (Prosecutors, Central Commission of Transfer etc.) have the possibility to be aware of the available seats in each Detention Facility and consequently ensure the proper distribution of detainees.

V. General compliance measures

With regard to the general compliance measures adopted in various Detention Facilities all over Greece, the following are noted:

Detention Facility of Komotini: The number of inmates, which was 338 (01.01.2013) has been decreased to 266 (16.06.2018), namely by 21%, while a new elementary school was established.

Detention Facility of Korydallos: The number of inmates has been decreased from 2295 (01.01.2013) to 1799 (16.06.2018), namely by 22%. A permanent doctor has been employed; a training program for the inmates is functioning in collaboration with the Technical Assistance Program of the Austrian Ministry of Justice (specialty in General Construction), while in collaboration with the University of Athens and the Inmates Hospital of Korydallos a program concerning viral hepatitis, HIV and tuberculosis is addressed to the inmates of the particular Detention Facility. In addition, there is established cooperation with the National Theater (functioning theatre groups) and the National Opera for the organization of workshops and different cultural activities. Finally, according to the article 44 of Law 4531/2018 (Government Gazette issue no. 62/Fascicule A), the administrative reorganization of the Detention Facility of Korydallos has proceeded with the administrative upgrade of the Woman's Department into an organizational unit at the level of Directorate and its rename to Detention Facility of Korydallos II.

Detention Facility of Chios: The number of inmates has been decreased from 134 (01.01.2013) to 114 (16.06.2018), namely by 15%, contributing to the significant improvement of the detention conditions. There is a library –reading room for the

inmates, a special emergency system (alarm buttons in the prison chambers) and a program of tele-psychiatric in cooperation with the Ministry of Health.

Detention Facility of Ioannina: The number of inmates, that was 223 (01.01.2013) has been decreased to 132 (16.06.2018), namely by 41%. There is an operating, fully equipped infirmary and dental clinic, a permanent doctor has been employed, renovation constructions were carried out, a training center was established and different educational programs for the inmates started operating, including vocational training programs (“Plasterboard, Craftsmanship and House Painting”) in collaboration with Manpower Employment Organization (OAEΔ).

Detention Facility of Patras : The number of inmates which was 756 (01.01.2013) has been decreased to 491 (16.06.2018), namely by 35%. The disciplinary cells have been repealed, the School of Second Chance of the Detention Facility has been relocated to another suitable specially designed space and became autonomous while a Greek language learning program operates in cooperation with “Epanodos” (Center of Reintegration of Prisoners after release). In addition, there is a specially designed place for children’s visiting, which is friendly for them and located outside of the wings.

Finally, the completion of the inclusion of the Korydallos Prisoners Hospital in the National Health System is expected as the procedure for the issue of the relevant presidential decree is in a final stage.

VI. Conclusion

In view of the above information, the Greek Government consider that the detention conditions in the Detention Facilities all over Greece have been significantly improved and further efforts will be made including legislative initiatives and reforms in order to further improve the correctional system. Therefore, in the Government’s opinion the above group of cases should no longer remain under enhanced supervision.