

REPORT

of the external expert on the visit made to the Greek state for the period 01.11.2021-04.11.2021 in the Female Prison of Eleona, Thiva and in the Male Prison of Korydallos in Athens.

Tirana, November 2021

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1. INTRODUCTION

Representatives of the People’s Advocate Institution, consisting of the Commissioner, two Assistant Commissioners of the National Mechanism for the Prevention of Torture and an External Expert, pay an official visit to Athens, Greece, focusing on respecting the rights of foreign citizens (including albanian citizens) serving sentences in Greek prisons.

The visit was carried out in implementation of the Resolution of the Albanian Parliament “On the evaluation of the activity of the People’s Advocate for the year 2019”, point 3 of the recommendations where it is quoted that the institution in the future should: “*Increase the commitment to protect the interests of Albanian citizens residing abroad, by increasing cooperation with counterpart institutions*”, and in the framework of the EU project “B-COMPETENT” which includes countries such as Albania, Greece, Italy, France, Spain, Great Britain and Montenegro.

The project “***B-COMPETENT- Boosting Competences in Penitentiary Staff in Europe***”(2019-2021), co-funded by the EU Justice Programme and implemented by a Consortium of 7 partners from Italy, Spain and Albania, aims to build **capacity of prison front-line civilian staff** through the acquisition of specific skills and competencies related to **human rights protection with a focus on foreign inmates’ special needs and rights**, in line with the EU and international law and to Recommendation CM/Rec (2012)12.

The main objective of the visit was to collect information the treatment of foreign prisoners serving sentences in Greek prisons and to understand the progress made by the authorities in implementing the CPT recommendations made over the years, in particularly regarding overcrowding, poor conditions of detention, and health care provision. The Albanian representatives also looked into the impact of the Covid-19 pandemic situation.

Referring to Prison Watch’ Basic Human Rights for foreign prisoners , the discourse about basic human rights orient some major indicators that relate to (1) information¹, (2) fair trial and access to justice², (3) treatment³, and (4) resettlement⁴.

¹ Information in a language they understand own rights and how to avail of such rights. (UN Principles 13-14, CoE Police 55). - the right to be informed of the reasons for the arrest and of the charges in a language the prisoner can understand. (ICCPR 14.3, UN Principles 10, EU2012 6). - the right to inform a person of one’s own choice about the detention. (UN Principle 16.1, CoE FNP 15.2, CoE Police 57, EU2012 4.2 c). - the right to receive information about prison rules and the rights and duties of prisoners in a language the prisoner can understand. (UN Rec 4, SMR 54-55, EPR 30.1, CoE FNP 15.1). - the right to be informed about consular entitlements, to make contact with consular authorities and to receive visits and consular assistance. (VCCR 36.1 b-c UN Principles 16.2, UN Res (e), UN Rec 4, SMR 62, CAT 6.3, EU Charter 46, EPR 37.1, CoE FNP 24). - the right to be informed about transfer possibilities to the country of origin. (EPR 37.5, CoE FNP 15.3, CoE Transfer 4.1, EU909JHA 6.4)

² - the right to an effective remedy and to a fair trial. Everyone who has been charged shall be presumed innocent until proved guilty according to law. (ICCPR 14, UDHR10-11.1, ECHR 6, EU Charter 46-47). - the right to receive legal assistance in criminal proceedings. (ICCPR 14.3 d, SMR 61, UN Principles 17-18, EPR 23, CoE FNP 21). - the right to receive free assistance of an interpreter when the prisoner cannot understand or speak the language used in court. (ICCPR 14.3 f, UN Principles 14, UN Res (c)). - the right to be equal before the courts and to be tried without undue delay. (ICCPR 14.1, 14.3 c). - the right to be released pending trial, unless a judicial or other authority decides

With regards to information, the foreign prisoners have: - the right to receive at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter.

The main methodology used on obtaining the information on this visit is designed to assess, through a set of indicators, the conditions in prison. The five main indicators that have been used on this monitoring process are: (1) living conditions, (2) social work, free time and access to the outside world, (3) security and safety, (4) employment, and (5) healthcare. Each of these indicators includes a set of sub-indicators which assess specific components of the prison environment.

Also the information and the findings on this report was collected from a number of sources and various methods were adopted, including face-to-face contact with those officials who are responsible for keeping or gathering relevant statistical information in the 2 (two) Greek prison facilities (in the Female Prison of Eleona, Thiva and in the Korydallos Prison in Athens) and also interviews were conducted with the prison administration.

otherwise in the interest of the administration of justice. (UN Principle 39, CoE FNP 5). - the right to be considered for the same range of non-custodial sanctions and measures as other suspects. (UN Rec 2, UN Res (d), CoE FNP 4, 14.1). - the right not to be subjected to more severe custodial penalties or inferior prison condition solely because of foreign nationality. (UN Res (b)). - the right to be entitled to full consideration for early release. (CoE FNP 6)

³ - the right to be treated with humanity and with respect for the inherent dignity of the human person. (ICCPR 10.1, UDHR 5, SMR 1, CAT 1-2, UN Basic Principles 1, ECHR 3, EU Charter 4, EPR 1). - the right to be protected from torture or inhuman or degrading treatment or punishment. (ICCPR 7, UDHR 5, CAT 7, ECHR 3, EU Charter 4). - the right to be treated in a way that takes into consideration the particular situation and individual needs of foreign national prisoners. (CoE FNP 3). - the right not to be discriminated against (including on grounds such as national origin and language) and to receive effective protection against discrimination. (ICCPR 26, UDHR 7, SMR 2, UN Principles 5, UN Basic Principle 2, EU Charter 21-22, EPR 13, CoE FNP 7). - the right to have access to the same health care and treatment programmes that are available to other prisoners. (EU Charter 35, CoE FNP 31). - the right to freedom of thought, conscience and religion and freedom to manifest this in worship and observance. (ICCPR 18.1, UDHR 18, SMR 65-66, UN Basic Principles 3, UN Rec 3, EU Charter 10.1, EPR 29, CoE FNP 30). - the right to wear clothes and to maintain personal hygiene in a way that does not offend the cultural or religious sensibilities of the prisoner and to receive food that takes into consideration cultural and religious requirements. (UN Rec 4, CoE FNP 18,19). - the right to have no unlawful interference in his privacy, family life and correspondence and to make contact (also via visits) with family and friends at regular intervals. (ICCPR 17, UDHR 12, SMR 58, UN Rec 5, EU Charter 7, EPR 24, CoE FNP 22). - the right to receive in prison access to interpretation and translation facilities and the possibility to learn a language to facilitate the communication. (SMR 61.2, EPR 38.3, CoE FNP 8, 29.1). - the right to have the same access as national prisoners to education, work and vocational training. (UN Rec 1, SMR 4.2, 71, EPR 26, 28, CoE FNP 27.1, 29). - the right to make without censorship a request or complaint to the central prison administration, the judicial authority or other proper authorities through approved channels. (SMR 56, UN Rec 4, EPR 70)

⁴ - the right to receive treatment that is aimed at reformation and social rehabilitation to prepare for release into society. (ICCPR 10.3, SMR 4, EPR 6, 107, CoE FNP 9, 29.2, 35). - the right to be informed as early as possible about their legal status and situation after release. (CoE FNP 35.2 a). - the right to be protected from expulsion, return ('refoulement') or extradition to a State where there is a serious risk to be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment. (UDHR 14, CAT 3, EU Charter 19.2). - the right to have the consent and the social reintegration of the prisoner taken into account in the decision on transfer to another country. (UN Transfer 1, CoE Transfer 4, CoE FNP 10). - the right to establish relations with outside agencies to receive assistance and support with resettlement after release. (SMR 107-108, 81, EPR 107, CoE FNP 37, CoE Probation 64).

*Representatives of the People's Advocate Institution and the foreign expert were allowed to interview foreign prisoners and to visit some of the areas inside the prison facilities. **The Albanian experts have targeted on this interviews the Albanian inmates for offering e better environment in understanding the climate of treatment and the respecting of rights of foreign citizens in this facilities.***

These meetings were conducted with the support and coordination of the Albanian Embassy in Athens, that also participated in the visits in order to further cooperation of the Albanian state institutions with the Greek institutions to come to the aid of our compatriots in the neighboring country serving sentences in Greek prisons for various criminal offenses committed in this state.

The purpose of these meetings was the interest of the institutions and documentation in the form of a report on issues related to the situation and treatment of foreing citizens (including Albanian citizens) in Greek prisons and to get acquainted with their needs and complaints to further create opportunities for addressing in order to improve their current situation.

The meetings were initially held with officials of the Albanian Embassy in Athens with the heads of penitentiary institutions in both prisons where the meetings took place, including the staff of their administration, as well as with a group of compatriots serving their sentences in the Female Prison of Eleona, Thiva, as well as in the Korydallos Prison in Athens with the aim of addressing the issues raised through this inspection and their treatment by the Greek side to improve conditions and solve problems for convicts serving sentences in these institutions.

- **The meeting with representatives of the Embassy of the Republic of Albania in Greece and receiving information on the situation of Albanian convicts in Greece.**

The Embassy of the Republic of Albania in Greece had made possible the contacts to ensure the entry of the Albanian representatives of the National Mechanism for the Prevention of Torture from the institution of the People's Advocate in Albania and of the external expert in the prison and detention facilities in both the two relevant institutions, more specifically in the Female Prison of Eleona, Thiva and in the Korydallos Prison in Athens.

Prisons in Greece function as regional administrative units with a level of management and under the control of central government authorities, which in this case is the Ministry of Justice, but at the same time are controlled by institutions operating in the field of Transparency and Local or International Human Rights.

The activity of prison institutions in Greece is coordinated by a central administrative body, which is the General Directorate of Policies of Institutions for the Execution of Criminal Judgments and its departments monitor the organization of the penitentiary system.

Initially, the first meeting was held at the Embassy of the Republic of Albania in Greece, where the representatives had held several meetings in these two institutions about two weeks ago, where they had established contacts with both the prison administration and Albanian citizens who were suffering the sentence or were under the effect of coercive security measures in these penitentiary institutions.

From the information we received through the officials of the Embassy of the Republic of Albania in Greece, it was clarified to us that Korydallos Prison (*women and men*) has the largest number of Albanian detainees and convicts that is estimated at almost 1/3 (*one third*) of the total number of Albanians in these prisons.

In reference to the statistics presented by the Greek authorities referred to the experts of this mission from our embassy in Greece, the number of Albanian detainees and convicts in Greek prisons has decreased compared to years ago, taking into account the number of the Albanian population located in the Greek state.

Currently in the entire penitentiary system in the Greek state were convicted or detained about **1643 Albanian citizens** at a time when there are at least **700,000** (*seven hundred thousand*) Albanian citizens living or residing in the Greek state without mentioning here the number of Albanians who can be without any residential documentation.

As mentioned above, the representatives of the Embassy of the Republic of Albania in Athens had recently held several meetings in the form of visits to Greek prisons that included the area of Athens and Arta, where there are Albanian convicts or detainees distributing some artistic books in Albanian and Greek language as well as getting acquainted with the problems that Albanian citizens serving sentences in these institutions could face.

In the framework regarding the problems related to possible abuses or rapes in these institutions for Albanian citizens, according to the Embassy, during this year they had not identified any cases. Also during this year there were no requests from Albanian citizens serving sentences in Greek prisons directed through various communication channels at the Albanian Embassy in Athens.

A problem that was identified in the respective prisons by the staff of the Embassy of the Republic of Albania in Greece, was the issue of expiration of Albanian passports of the Albanian citizens serving sentences in these prisons and this brought difficulties in cases where convicts left prison after serving the punishment as they did not have the proper means of identification. In accordance with the sentence given in many cases, the relevant authorities took the decision to remove the convict from the territory of the Greek state after the specified time of imprisonment was served.

The lack of the necessary documentation prevented the person from leaving the territory and the authorities could usually deprive them of their liberty in other institutions until it became possible for them to obtain a passport.

In these conditions, the consular sector at the Albanian Embassy in Athens in cooperation with the company Aleat in Albania, which covers the passport enforcement service, would set a time to go to the respective prisons where there are Albanian convicts in order to obtain the release of passports for those persons who had expired the latter.

Also, the Embassy of the Republic of Albania in Athens, following the activity to be close to the Albanian citizens, has held several meetings with even more representatives of the penitentiary system in Greece, where it addressed 3 (three) cases of Albanian convicts in Greek prisons, one

of which had been settled as a lawful claim and the other two had been dealt with but it was evidenced that the allegations did not stand.

Greece ratified the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in 2014 and designated the Greek Ombudsman as the National Preventive Mechanism (NPM).

2. THE VISIT TO THE FEMALE PRISON IN ELEONA, THIVA

• The meeting with the administration at the Eleona, Thiva Female Prison in Greece.

The first visit of the group from the National Mechanism for the Prevention of Torture of the People's Advocate and the external expert as well as the two representatives from the Embassy of the Republic of Albania in Greece took place on 02.11.2021 in the Female Prison of Eleona, Thiva where We first met with the Director, Mr. Jorgo Makris, as well as with the people in charge of socio-philological and educational issues.

The leader welcomed the Albanian team and got acquainted with the purpose of this visit as well as the components of the Bi-Competent project and in turn introduced the team of Albanian experts with the general situation in this institution focusing mainly on the treatment of Albanian convicts who have settled there.

The head of the institution clarified that as part of the measures against the Covid-19 pandemic, all the staff of the institution were vaccinated to prevent the spread of the virus. On the other hand, he stressed that a considerable part of the convicts or detainees in this institution were vaccinated and this process was free according to the desire and will of the persons to be vaccinated or not.

For the administration of the institution, the Albanian convicts serving their sentences in this prison were characterized by good behavior and were not problematic but implemented the regulation.

• The general situation in the Female Prison of Eleona, Thiva

The Female Prison of Eleona, Thiva had previously accommodated 498 women while currently there were a **total of 376 women** who were detained and convicted. There were convicts or detainees of Greek, Bulgarian, Romanian and Albanian citizenship in this prison.

The number of foreign nationals was a total of **105 persons, 21 of whom** were Albanian citizens (*another 1 (one) Albanian citizen was expected to arrive in the Female Prison of Korydallos, Athens*) and the rest were Bulgarian and Romanian.

The prison cells in this institution were from 83m² the largest to 41m² the smallest. In most cases in the framework of accommodation the prison administration aimed to maintain the standard of

space inside the rooms of 6-m² for prisoners living alone and 4m² for prisoners who share the environment with others without including the area for sanitary access⁵.

In the larger rooms the number of convicts or detainees reached a maximum of **15 persons** while in the smaller rooms there were accommodated up to **6 persons**.

Based in this general situation this gives the opinion that large-capacity dormitories are inherently undesirable and has objections to the very principle of such accommodation arrangements, particularly in closed prisons.

In terms of lighting criteria in the rooms the latter were equipped with large windows the same as those used by the prison administration and offered full natural and artificial lighting and a very good ventilation of the premises.

The largest rooms had 8 (*eight*) windows placed in a convenient position for ventilation and lighting, while the smallest rooms had 4 (*four*) windows located in the same position.

Eleona Prison in Thiva had 7 (*seven*) sections where convicts or detainees were accommodated and offered the possibility of an agricultural section where convicts could work and benefit from reduced sentence as a result of working days. Convicts who worked for each working day received two days of reduced sentence, while prison work was unpaid.

The prison had a special section that allowed mothers to live with their child. There were 18 + 18 rooms that created the possibility of a separate section to enable the stay in special facilities of mothers with children. In this section heating was provided 24-hours a day every day, unlike other sections where in certain warm seasons of the year the heat was removed to be restored to the colder seasons.

Hot water was provided daily in the time interval 07:30-23:00. None of the Albanian citizens serving sentences in the Female Prison of Eleona, Thiva was in this institution with her children.

In prison there were currently full-time employed 1 (*one*) dentist and 1 (*one*) gynecologist as well as 8 (*eight*) other various part-time doctors, including 3 (*three*) pathologists, 1 (*one*) pediatrician, 1 (*one*) otolaryngologist doctor, 1 (*one*) pneumologist, 1 (*one*) dermatologist as well as 1 (*one*) psychiatrist. **Currently the institution did not have a psychiatrist as the latter had left.**

In this institution there were prisoners with various diseases as well as with mental health problems. According to the employees of the administration, one of them was an Albanian citizen who was serving her sentence in the Female Prison of Eleona, Thiva.

Based on this fact we have to specify that according to the United Nations, the services of at least one qualified medical officer who has some knowledge of psychiatry must be available at every prison (Rule 22.1 of the SMR). A similar rule is included also in the European Prison Rules (Rule 41.1 of the EPR).

⁵ See CPT/Inf (2015) 44, Living space for prisoners in prison institutions: the standards of the Committee for the Prevention of Torture.

Healthcare in prison is important for a variety of reasons. Being isolated from society, prisoners are practically deprived of the health services they used to benefit from before their imprisonment.

At the same time, studies show that the rates of transmittable diseases in prison are much higher than in the society. As noted by the CPT, when a state deprives people of their liberty, it takes on a responsibility to look after their health so that prisoners do not leave prison in a worse condition than when they entered.

In Eleona, Thiva prison, disciplinary measures were applied which resulted from the violations of the Greek Penitentiary Code of the year 1999 and provided for maximum measures of up to 5 days for female convicts (exclusion from joint activities or isolation, etc.).

Albanian citizens were accommodated in different rooms together with citizens of other nationalities who were serving their sentences in this prison.

In this institution, there was no division specifically for citizens of a certain nationality to place them together. So there were no segregation elements (elements of inequality and division).

Convicts could contact their relatives by telephone by communicating with them through the telephone card service in special booths for this service. There were no restrictions in terms of people who could call.⁶

Also, the convicts could meet with family members or relatives who came to visit this institution in compliance with the rules and in accordance with the anti-covid 19 protocol, where persons who entered for visits were required to have a vaccination certificate or a negative test for the Covid 19 virus.

There was a market in this institution where convicts could also buy various food items as they wished. Food from outside the institution was also allowed, respecting the control and safety criteria for products entering from outside, except that there were few cases when convicts could receive or order food from outside.

Also, in the Female Prison in Eleona, Thiva, there was a special unit for the education of convicts for young prisoners, but there was no such unit for pre-detainees. Primary (six-years) and secondary (three years) education was offered. Attendance at school is compulsory for juveniles and was also offered at juvenile educational facilities and prisons for adults.

However, **this did not guarantee that all juvenile prisoners practically completed an educational program.** Also in this prison there was the possibility for the convicts to attend the university and specifically there were 7 (seven) people attending this program.

⁶ The Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of a person to access a lawyer in criminal proceedings and on European arrest warrants, and on the right to be informed of the abolition of freedom and to communicate with third parties and consular authorities while deprived of liberty. The head of the institution explained that in the framework of the measures against the Covid-19 pandemic, all the staff of the institution were vaccinated to prevent the spread of the virus. On the other hand, she stressed that a considerable part of the convicts or pre-detainees in this institution were vaccinated and this process was free according to the desire and will of the persons to be vaccinated or not.

From an overview of some of the facilities at the Eleona, Thiva Female Prison, it was noticeable that they were clean, airy and well lit. Unpleasant odors were not detected and it was noticed that in the premises of the institution there were also disinfectants determined to be used, both by the staff and by the convicts or detainees.

The airing and ventilation of the institution was good. In this institution, convicts or detainees could practice religious rites, including Muslim rituals, without obstacles.

- **Meetings and interview of Albanian citizens serving sentences in the Female Prison in Eleona, Thiva.**

After the information received from the officials at the Female Prison in Eleona, Thiva, we contacted some of the Albanian convicts and detainees who were in this prison, who expressed their position regarding the treatment you receive in this institution, as well as their needs.

The meetings we held were not monitored physically by the prison staff and the convicts **did not show any state of fear or anxiety** during the time they were questioned by the Albanian team of experts.

The convicts and detainees we contacted were Albanian citizens who were generally convicted or charged with criminal offenses in the field of narcotics and psychotropic substances.

They expressed attitudes towards the manner and extent of punishments given by the Greek justice system to them due to the very harsh punishment measures applied to foreign citizens which for the same offense according to them was lower for the Greek citizens.

Albanian women serving sentences in this institution were generally satisfied with the treatment by prison staff and also clarified that they were not subject to cases of use of psychological pressure, degrading and discriminatory treatment, torture or physical force. The convicts generally confirmed that they had never encountered situations of violence or inhuman treatment by the prison staff.

The Albanian convicts and also other foreign convicts were employed in the kitchen of the institution and the meeting with them took place in the premises used for meetings with family members. The convicts explained that they worked in this institution and this was reflected in the reduction of their sentence where one working day in prison was equivalent to two days of serving a prison sentence.

Based in our experience we can say that work in prison is an important instrument for the rehabilitation of offenders. It allows inmates to maintain their working habits and is also a way to decrease the duration of the sentence.

Also in terms of the quality of food served in this institution, the Albanian convicts confirmed that it is good and there were no problems. According to them the food was served on time and was sufficient. On the other hand, the natural and artificial lighting for them was satisfactory.

The convicts explained that they had the opportunity to have contacts with lawyers and family members², to make phone calls, to be informed about their rights in a language they understood,

to be informed through electronic and written media, for the employment procedures and the benefit that came for the work performed, for the right to activities in the fresh air, the right to practice religious rites, etc.

Some of them had contacts with the family by phone or even with visits, but there were also those cases as one of the Albanian convicts from the city of Fier (Albania) who had not communicated with the family for some time after being abandoned by them.

Regarding the conditions in the room where they were staying, the convicts demanded that there be greater care regarding the placement of persons in these rooms in terms of selection because in the same room where they were staying there were other persons with health problems who required a different treatment which in many cases became a concern for the other convicts.

By our experience in monitoring in different prison in Albania, illness, complaints and perceived crowding increases with the increase of the number of cellmates and that larger dormitories have more negative consequences than single-person units or doubles.

However, by examining this issue it points out that the larger the number of people in the accommodation space, the more possibilities there are for tensions which can lead to prison unrest. Larger numbers may result in increased noise, compromise the capacity of management to maintain acceptable standards of cleanliness and have negative effects on the physical and psychological health of detainees.

Another issue that was highlighted during the meetings with the Embassy, but that was mentioned by the Albanian convicts, **was the issue of expiration of passports**, about which we informed that after compiling a list of Albanian persons who are or are serving sentences in Greek prisons the passports of whom had expired, the company Aleat in Albania together with the consular office at the Albanian Embassy in Greece would enable the realization of the latter within the premises of the respective prisons.

3. THE VISIT TO THE KORYDALLOS PRISON IN ATHENS.

- **Meeting with the administration at the Korydallos Male Prison in Athens, Greece.**

The second visit of the group from the National Mechanism for the Prevention of Torture of the People's Advocate and the external expert, as well as of the two representatives from the Embassy of the Republic of Albania in Greece, took place on 03.11.2021 in the Male Prison in Korydallos, where we first met with the Director of the institution Ms. Maria Stefi as well as those responsible for directing security Mr. George Markakos and Mr. Costas Lambropoulos as well as those responsible for the socio-psychological and educational issues.

The leader Ms. Stefi, welcomed the Albanian team and got acquainted with the purpose of this visit, as well as the components of the Bi-Competent project and in turn introduced the team of Albanian experts with the general situation in this institution, focusing mainly on the treatment of foreign convicts who had been placed there.

For the administration of the institution, the convicts serving sentences in this prison were characterized by good behavior and were not problematic but followed the rules.

- **General situation in the Male Prison in Korydallos, Athens, Greece.**

The Korydallos Male Prison, located west of Athens, is a structure built in the 1970s that consisted of four separate wings (A, B, C, D), each containing 4 (*four*) wings containing 117 prison cells (9.5 m each) distributed in three floors.

A fifth unit (arm E) serving juveniles and wing F, with a capacity of 50 seats, is used for prisoners in need of protection. The convicts voluntarily entered this side according to the special need or situation (*cases when their lives could be endangered*) that they had.

On this matter the CPT (2019) specified that it is necessary to remove prisoners from the general prison population and place them in separate accommodation for their own protection. As a rule, such separation should be for as short a period as possible; all appropriate measures should be taken to facilitate the reintegration of the inmate into the general prison population, either in the same establishment or in another one.

In addition, there were three small, separate areas attached to wings C, D and E. Currently in Korydallos prison **there were 1900 convicts where there were 1143 foreigners** (mainly from North Africa, Afghanistan, Rumania, Georgia and 314 convicts were Albanians) while **the capacity of this prison was 1200 people**⁷. **So there were 700 convicts more than the capacity allowed by this institution.**

Overcrowding has been a constant feature of the Greek prison system for many years. Also if we refer to the time of the April 2015 visit of CPT, the prison occupancy rate stood at 119% of the capacity of 9,866 places whereas four years later, on 1 April 2019, it stood at 107% (i.e. 10,602 prisoners for a capacity of 9,935 places).

Although this represents a modest improvement, the trajectory is for prisons to become more, not less, overcrowded⁸. The measures taken in 2015 resulted in a reduction of some 2,000 prisoners, and during 2016 and the first seven months of 2017 the prison population was slightly below the capacity of available places. However, despite the Greek Government extending the emergency measures repeatedly, the prison population has been rising steadily since August 2017⁹.

Albanian convicts made up 15% -18% of the total number of persons serving sentences in this prison. The prison had rooms for 2-4 people¹⁰. **The current situation based on the capacity of this prison confirmed the fact that it was overcrowded.**

⁷ The calculation is based upon 4m² of living space per prisoner within all Greek prisons and notably the cells in the four main wings were now designated for two prisoners rather than the previous single occupancy design.

⁸ Indeed, on 1 June 2019, the prison occupancy rate increased to 108% (i.e. 10764 inmates), according to the Ministry of Justice, Transparency and Human Rights, Statistical Table of Detainees for 2019.

⁹ See Law 4322/2015 which provided for emergency measures to relieve overcrowding in Greek Prisons. These measures included the introduction of early release schemes, the adoption of non-custodial alternatives to detention, special or alternative arrangements for certain vulnerable categories of prisoners and the limitation of imprisonment for juveniles. These measures were extended twice by Law 4411/2016 and Law 4489/2017.

¹⁰ The calculation is based on 4 m living space for prisoners within all Greek prisons and especially the prison cells on the four main wings were already designated for two prisoners instead of the previous model of single housing.

Consequently, this situation necessarily can create problems in the management of the institution as well as in the needs posed by the convicts in the context of living in the latter, starting from the material basis to the use of space or management of free time.

It is important to note that a prison cannot function effectively if it operates at 100% of its capacity. There should always be a limit (in the context of respecting capacity) for the transfer of incompatible prisoners from one side to the other or for the admission of additional prisoners or for the reception of temporary prisoners by other institutions, because otherwise the institution will always be in front of the fact of overcrowding as it was in this case.

Also, addressing the issue of overcrowding by applying temporary emergency measures by the prison administration does not offer a sustainable solution as in these cases there is a need for a long-term framework strategy that goes beyond the level of the host institution.

The White Paper of the Council of Europe for Prison Overcrowding¹¹ states that *“if a given prison is over 90% of its capacity, this is an indication of the impending prison overcrowding”*. This is a high risk situation and **the authorities should feel concerned and take measures to avoid further blockage of accommodation capacities in these institutions.**

Overcrowding means that the prison infrastructure can no longer be used according to its original design and that the prison administration has to adapt the facility to accommodate more people that it has originally been designated for.

In order to deal a little more deeply with the factor that leads to overcrowding, it is important to apply change measures in the development of criminal policies that the Greek justice system pursues against persons who are subject to criminal activity in this country, using alternative measures as far as domestic legislation allows to consider deprivation of liberty and placement of persons in these institutions under coercive measures in proportion to the criminal offense committed, as a last resort at least in cases where the persons are in the capacity of defendant or under investigation.

The Council of Europe published a report on Reducing Prison Overcrowding in Greece based on discussions with the Ministry of Justice in December 2018 which sets out the problematic clearly¹².

It should be noted that in the conditions of overcrowding, in the Male Prison in Korydallos, the spaces inside the rooms for convicts can not be respected, which should be 6m² for living prison cells with one person and 4m² per person for the living prison cells with more than one person, excluding the facilities for personal hygiene¹³.

The living conditions are an important prerequisite for achieving the objective of the penalty of imprisonment in the Male Prison in Korydallos. At the same time, their adequacy remains a

¹¹ See section 20 of the White Paper on Prison Overcrowding - CM (2016), 23 August 2016.

¹² See Report on Reducing Prison Overcrowding in Greece prepared by Action Against Crime Department, Directorate General of Human Rights and Rule of Law, Council of Europe, March 2019.

¹³ See CPT/Inf (2015) 44, Living space for prisoners in prison institutions: the standards of the Committee for the Prevention of Torture.

major challenge for the penitentiary facilities. The lack of adequate living conditions may have a negative impact on the rehabilitation and social reintegration of offenders.

Based on the experience on monitoring we can say that there are numerous national and international standards referring to the living area in prisons. Internationally, the majority of applicable standards are linked to basic principles, such as the prisoners' human dignity, health and privacy, and avoid prescribing concrete technical specifications. At the national level, many countries have introduced specific standards adding also measurable technical specifications. These, however, vary significantly from country to country (from 4 m² in Albania to 12 m² in Switzerland) and are often differentiated depending on the category of inmates (e.g. there could be different standards for juveniles and/or women).

The European Prison Rules (EPR) stipulate that the accommodation provided to prisoners, and in particular all sleeping accommodation, must respect human dignity and, as far as possible, privacy of inmates (Rule 18.1 of the EPR), leaving it to national governments to set, through national law, the minimum requirements in respect to the living area.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, commenting on the conditions and space available in prisons in various countries, has begun to indicate certain minimum standards.

These minimum standards are 4 m² for prisoners in shared accommodation and 6 m² for a single prison cell. The CPT makes a disclaimer that these minimum requirements are related to a wider analysis of the specific prison systems, including studies of how much time prisoners actually spend in their cell, and therefore should not be regarded as the norm. Although the CPT has never laid down such a norm directly, indications are that it would consider 9 to 10 m² as a desirable size for a cell for one prisoner¹⁴.

In the context of the Covid-19 pandemic situation, overcrowding is an element that negatively affects as a risk factor for the spread of the virus and reduces the guarantee to create an environment with hygiene and cleanliness in accordance with the standards. This situation multiplies the degree of inmates' exposure to pandemic”.

The authorities in the Male Prison in Korydallos, Athens have reported that it is provided health care services to convicts and detainees through its medical staff. In this prison there was a specialist in internal medicine employed full time and three general practitioners as well as two forensic doctors who worked part time. There was also a dentist working at the Male Prison Institution in Korydallos.

Based on this situation is clear that for a stablishment of 1900 inmates this is totally insufficient and the prison healthcare service should have an adapted number of qualified medical, nursing and technical staff and doctors and nurses which should be available on a full-time basis in this large penal institution, depending also on the number, turnover and state of health of inmates

¹⁴ Commentary to Recommendation Rec(2006)2 of the Committee of Ministers to Member States on the European Prison Rules, 2006, [http://www.coe.int/t/dghl/standardsetting/prisons/E commentary to the EPR.pdf](http://www.coe.int/t/dghl/standardsetting/prisons/E%20commentary%20to%20the%20EPR.pdf).

Given the large number of convicts and detainees in this prison, it is important to consider a possible increase in the medical staff, including doctors specializing in various profiles, including mental health, who must serve on full-time. The authorities must improve the important role that health care staff can play as a crucial point in the prevention of ill-treatment.

Currently the authorities reported that in Korydallos prison, all convicts were placed in the reimbursement health care scheme and health care was provided, providing the latter with medication as needed.

Regarding the situation of the Covid-19 pandemic, the prison administration clarified to us that some of the convicts have been vaccinated, but it is expected that the rest will be vaccinated in the future. Vaccination was an optional process and was left to the convicts' desire to be vaccinated or not.

In Korydallos prison, the accommodated population, as it was clarified, **was divided according to ethnic/cultural lines**, which made it possible for convicts of one nationality to stay in the same premises, without mixing in the personal accommodation of convicts of other nationalities. This situation was generally evident for Albanian convicts as well.

From this point of view, segregation in this form **creates more conditions that within each of these specific groups, to have, or to create a possible and defined hierarchical structure, which all prisoners who could adhere to that group would be forced to follow.**

It was also possible for prison staff in many cases to rely on community representatives within the institution to maintain order which although not accepted by the administration in the practice of institutional management has thus shown to occur in most cases, and especially in prisons with large numbers of convicts.

However, the representatives of the security sectors in the Male Prison in Korydallos clarified that they had no problems with the Albanian convicts and there was always found the way of communication with them.

Disciplinary measures were also applied in Korydallos Prison as a result of violations of the Greek Penitentiary Code of the year 1999 and provided for maximum measures of up to 10 days (*exclusion from joint activities or isolation, etc.*) for adults and up to 5 days for minors.

Sections D and G are the sections that had the largest number of Albanian convicts. Meetings between convicts and their families were twice a week ago and were now allowed once a week due to the Covid-19 pandemic situation.

Convicts could meet with family members or relatives who came to visit this institution in compliance with the rules and in accordance with the protocol against Covid-19, where persons who entered for visits were required to have a vaccination certificate or a negative test for the virus.

Also due to the pandemic situation open meetings with unobstructed contact do not take place, but only distance meetings separate from the glass structure apply. **This posed problems for**

convicts who had children who did not have the opportunity to have physical contact with them.

Based in our experience we can specify that visits are the most common way prisoners to keep live contacts with the outside world and they help to maintain and develop family relationships in as normal a manner as possible.

The promotion of educational activity through school attendance in Korydallos prison is a positive development for the provision of primary education to prisoners, especially foreign citizens. The prison also offered educational courses such as Greek language classes for foreigners or Open University courses. It should also be noted that every day of school attendance counts as two days of serving a prison sentence.

There were currently 4 (*four*) convicted students, who went to the University every day and returned to sleep at dinner at the Korydallos Prison in Athens. One of the convicts attending the University was an Albanian citizen.

We can specify that education, together with work, is among the key factors for the rehabilitation of offenders. As noted also by the Council of Europe, education in prison helps to humanize prisons and to improve the conditions of detention and is also an important way of facilitating the return of the prisoner to the community.

Based on the situation of the population in the prison of Korydalos (*with 1900 inmates*) we recommend that the institution must put more efforts for the further education of all prisoners capable of profiting thereby with a special focus on illiterates and young prisoners for whom education should be compulsory.

Food from outside the prison due to the Covid-19 situation was not allowed and inside the prison premises **there was a supermarket where convicts could buy food at their request.**

According to the European Prison Rules, prisoners shall, subject to the requirements of hygiene, good order and security, be entitled to purchase or otherwise obtain goods, including food and drink for their personal use at prices that are not abnormally higher than those in free society (Rule 31.5 of the EPR).

The prices in the prison are difficult to assess because they may depend on a number of factors. The supply of goods may be subsidized by the government or by the prison authorities or may be subject to other regulations (e.g. public procurement rules) resulting in price differences.

Besides, the amount of money, which inmates are actually allowed to have with them, may be subject to certain restrictions so even if prices are low inmates can still be unable to obtain all the goods they want.

Most of the Albanian prisoners or detainees were in this prison for the criminal offense of drug trafficking. In this institution convicts or detainees could practice religious rites including Muslim rituals without obstacles.

- **Meetings and the interview of Albanian citizens serving sentences in the Male Prison in Korydallos, Athens.**

The team of Albanian experts and the External Expert met with **4 (four)** Albanian convicts serving their sentences in the Male Prison in Korydallos, in Greece. The meetings we held were unmonitored by the prison staff and the convicts **did not show any state of fear or anxiety** during the time they were questioned by the Albanian team of experts.

Albanian citizens serving sentences in this institution **were satisfied with the treatment by prison staff and also clarified that they were not subject to cases of use of psychological pressure, degrading and discriminatory treatment, torture or physical force.**

The convicts explained that they had the opportunity to have contacts with lawyers¹⁵ and family members or embassy representatives (if necessary), to make phone calls¹⁶, to be informed about their rights in a language they understood, to be informed through the electronic and print media, about the employment procedures and the benefit that came for the work done, to the right to activities in the fresh air, the right to practice religious rites, etc.

However, in meetings with family members, the criterion of having the same surname was usually used to meet the convict, and this could often lead to problems. Of course, this was more evident in foreign convicts who also had their families at greater distances or moreover abroad in Greece.

Convicts could contact their relatives by telephone by communicating with them by telephone card service in special booths for this service. There were no restrictions in terms of people who could make a call.

However, despite the legal provisions governing the rights of all prisoners to educational activities and vocational training, work, organized physical exercise, cultural and recreational activities, **the activities offered remained insufficient for the number of prisoners being in this institution.**

Generally the prison cells in this institution were open during hours usually between 08:00 in the morning and 12:30 in the afternoon, and again between 15:00 and 20.30 (21.00 in summer), with access to the yards up to half an hour before sunset.

The hours during which the usual prison cells of accommodation were opened created the possibility for the prisoners to move freely in the wings of the institution (*access created the possibility to move even in the training yards*).

¹⁵ Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of a person to access a lawyer in criminal proceedings and on European arrest warrants, and on the right to be informed of the deprivation of liberty and to communicate with third parties and consular authorities while deprived of his liberty.

¹⁶ Article 99C (1) of the Code of Criminal Procedure (CPC) of 1951, as provided by Law 4478/2017. See also paragraph 3 (d) of Circular 4803/22/44, dated 4 July 2003, issued by the Chief of Greek Police, according to which police officers should facilitate telephone contact between detainees and their families in order to inform them of the place and reasons for their detention.

Also, regarding the quality of the food served in this institution, the Albanian convicts confirmed that it is good and there were no problems. According to them the food was served on time and was sufficient. Meanwhile, the Albanian convicts confirmed that they could get food in the supermarket of the institution.

In conversations with Albanian convicts, the latter indicated that they spent most of their time outside the prison cell during the day as the doors remained open and they could move through the various wings of the prison.

It was noticed that there was an unclear situation **of any activity organized with periodic participation and of a relaxing, sporting or professional character**. The convicted prisoners from the conversation we had with them clearly **did not have a defined program for managing their time in prison, to which they could also contribute with the intention of preparing for their next release in the community**.

This means that even for inmates sentenced to life imprisonment, **in particular, there were few options to structure their time**.

Based on this situation it is a need in the Male Prison in Korydallos that the authorities must improve substantially the programmes of purposeful activities on offer to inmates (both remand and sentenced), including educational, vocational, sports and recreational opportunities. **The authorities must work on the elaboration of sentence plans for prisoners with their input be introduced, for instance starting with life-sentenced prisoners**.

The prison authorities in the Male Prison in Korydallos must take measures if they want to avert the prison system from becoming an even greater breeding ground for criminality. This measures have an immediate impact on the prisoners that approach release into the community because they need to be prepared for that step, to possess a degree of self-worth and to feel capable of leading a life away from crime.

Social work, free time and contacts with the outside world encompass a set of factors relevant for the rehabilitation of prisoners. Social work and education are the main tools for re-educating offenders and improving their personal knowledge and skills. Contacts with the outside world are important precondition for avoiding the marginalization of prisoners and preserving their relations with family and friends. The conditions provided to inmates to have a worthwhile spent free time are also particularly relevant for their rehabilitation and for the reduction of the harmful effects of imprisonment.

The convicts and detainees we contacted informed the experts that the most of the foreigners in this prison facility were convicted or charged with criminal offenses in the field of narcotics and psychotropic trafficking. They expressed attitudes towards the manner and amount of punishments given by the Greek justice system to them due to a practice of applying very harsh punishment measures to foreign nationals which for the same offense according to them was lower for Greek citizens.

According to them, **all the sentences given to foreign citizens are maximizing the sentence margin compared to the sentences of Greek citizens for the same criminal offense**.

Another issue which was highlighted during the meetings with the embassy but which was mentioned by the Albanian women convicts in Eleona, Thiva Prison as well as mentioned in the Male Prison in Korydallos was **the issue of expiration of passports** which we informed in presence of the employees of the Albanian embassy that after compiling a list of Albanian persons who are or are serving sentences in Greek prisons whose passports expired, the company Aleat in Albania together with the consular office at the Albanian Embassy in Greece would enable the realization of the latter within the premises of the respective prisons.

This commitment taken by the Albanian Embassy was towards finalization in practice and at the same time helped a lot in solving the need of convicted Albanian citizens to obtain passports.

4. CONCLUSIONS

The visits to these penitentiary institutions in the Greek state were of particular importance because they help to better understand the general situation of treatment of convicts in the neighboring country and specifically create an even clearer picture of the situation of foreign convicts who serving sentences in Greek prisons.

These visits took place under a very good climate of cooperation with all the representatives of the Greek side covering the administration of the institutions in the Female Prison in Eleona, Thiva and in the Male Prison in Korydallos, Athens.

Of course, for many factors, the penitentiary institutions are very difficult to create perfect facilities, but due to the requirements of the law and the fulfillment of obligations as a result of international acts, there is always a need for the latter to be met as they help in human treatment and in the rehabilitation of persons serving sentences.

However, at the end of the mission and the visits to the two penitentiary institutions **in the form of main recommendations**, we are summarizing the latter specifically for each institution:

- 1. The administration of the Female Prison in Eleona, Thiva to assess the health condition of the convicts in order to enable their distribution in the rooms in accordance with these needs as the convicts with increased health needs should not stay with the convicts who do not show problems in health.**
- 2. Placing convicts with health problems in special facilities adapted to their requirements requires, in parallel, the increase of medical care that the institution should pay attention to in relation to the human treatment of them.**
- 3. It is important that in the Female Prison in Eleona, Thiva measures should be taken to fill the position of the psychiatrist based on the fact that in this institution there were cases of convicts with mental health problems.**
- 4. Given the large number of convicts and detainees in the Korydallos Male Prison, it is necessary to strengthen the dental service with at least one additional dentist to ensure that their needs are met.**

5. **It is important to consider a possible increase in medical staff including doctors specializing in various profiles including that of mental health in the Male Prison in Korydallos, Athens. Increasing the number of qualified staff will provide a better quality medical service in terms of meeting the health needs of convicts and detainees.**
6. **Taking measures to avoid overcrowding in the Male Prison in Korydallos Athens should be in the attention of the Greek authorities to limit the further blockage of the accommodation capacities in this institution. The authorities should take into account and calculate the official capacity of the prison and the number of places available within the institution and at the same time assess the relevant situation in the future to eliminate overcrowding. In the context of the Covid-19 pandemic situation, overcrowding is an element that negatively affects as a risk factor for the spread of the virus and reduces the guarantee to create an environment with hygiene and cleanliness in accordance with the standards.**
7. **Also in conditions of overcrowding it is necessary to take measures to guarantee the necessary space for convicts in the Male Prison in Korydallos which should be in accordance with the standards set by the Committee for the Prevention of Torture which is 6m² for living prison cells with one person and 4m² per person for living prison cells with more than one person, excluding facilities for personal hygiene.**
8. **Given the large number of convicts and detainees in the Male Prison in Korydallos, it is necessary to increase the care of the institution to ensure the hygiene of the premises where residents are accommodated, offering an increased opportunity to prevent situations that may to cause the spread of viruses and in this case also the Covid-19 virus.**
9. **To avoid overcrowding, it is important to apply change measures in the development of criminal policies that the Greek justice system pursues against persons who are subject to criminal activity in this country, applying alternative measures as far as domestic legislation allows to consider deprivation of liberty and placement of persons in these institutions under coercive measures as a last resort at least in cases where the persons are in the capacity of defendant or under investigation.**
10. **It is important to take steps to significantly improve the programs of activities offered to prisoners (detainees and convicts) at the Korydallos Male Prison, including an increase in educational, professional, sports and recreational opportunities. The authorities must improve substantially the programmes of purposeful activities on offer to inmates (both remand and sentenced). A regime which provides for varied activities is a vital component in the preparation for release, as well as being beneficial for the running of the prison.**
11. **Based on the situation of the population in the prison of Korydallos Male Prison (with 1900 inmates) we recommend that the institution must put more efforts for the**

further education of all prisoners capable of profiting thereby with a special focus on illiterates and young prisoners for whom education should be compulsory.

- 12. The institution of the Male Prison in Korydallos in relation to the situation of overcrowding should show continuous care and take measures to meet the needs for material basis for convicts or detainees in this institution.**
- 13. In the Male Prison in Korydallos, as it is also the largest penitentiary institution in the Greek state, it is important to avoid segregation of inmates on the basis of ethnicity (nationality) or culture in order to prevent the possible creation of groups or hierarchical structures of convicts within prisons.**
- 14. Also in the Male Prison in Korydallos, in the context of the convict's meetings of inmates with relatives and especially with children, it is important that in respect of the anti-Covid-19 measures, the forms of meeting with physical contact between them must be applied.**
- 15. In the Male Prison in Korydallos it is important the adaptation of programs for new inmates are aimed to facilitate the transition of prisoners from life in the community to life in prison. Such programs are particularly important for first time offenders for whom the first experience with the prison environment may be particularly harmful.**

Finally, I consider that the realization of meetings in the two penitentiary institutions in the Greek state as in the Female Prison in Eleona, Thiva and in the Male Prison in Korydallos in Athens as part of the framework of the EU project "B-COMPETENT", of very special importance as it helps to review whether there had been any progress in addressing the systemic deficiencies in prisons but also to establish contacts between Albanian institutions and the Greek ones, highlights the situation of convicts or detainees staying in these prisons and the element of respect for their rights and freedoms and also serves as a comparative option between the penitentiary institutions of different states.

On the other hand, specifically these meetings helped to obtain more complete information on the situation of Albanian convicts in the Greek state in the institutions visited by establishing contacts with the convicts themselves who appreciated the interest being shown by the institution of the People's Albanian Advocate in this regard.

The convicts, Albanians, said that this was the first initiative they had encountered during their stay in these institutions to have a clear interest in their condition from Albanian bodies. On the other hand, they praised the commitment during this year of the Albanian Embassy in Greece, which has been present in meetings with them in these institutions to facilitate the solution of the problems they have encountered.

At the end, I emphasize that the activity of the Embassy of the Republic of Albania in Greece is to be appreciated, which helped and coordinated all meetings between the Albanian representatives of the People's Advocate and the foreign expert with the

institutions of the Female Prison in Eleona, Thiva and the Prison of men in Korydallos in Athens as well as in parallel in the role they are playing recently, through holding meetings during their activity and mission in all prisons where there are Albanian convicts or detainees in Greece, to come to the aid of the latter and to mediate in guaranteeing their rights in these institutions.