



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

DECISION

Application no. 28849/23
Nikolaos MANAVIDIS
against Greece

The European Court of Human Rights (Third Section), sitting on 15 September 2026 as a Chamber composed of:

Peeter Roosma, *President*,
Ioannis Ktistakis,
Lətif Hüseyinov,
Diana Kovatcheva,
Úna Ní Raifeartaigh,
Mateja Đurović,
Canòlic Mingorance Cairat, *judges*,

and Milan Blaško, *Section Registrar*,

Having regard to the above application lodged on 24 July 2023,

Having regard to the observations submitted by the Greek Government (“the Government”) and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr Nikolaos Manavidis, is a Greek national who was born in 1959 and is currently serving a prison term. He was represented before the Court by Ms X. Moysidou, a lawyer practising in Thessaloniki.

2. The Greek Government (“the Government”) were represented by their Agent, Ms N. Marioli, President of the State Legal Council, who was succeeded by Mr K. Georgiadis, and their Agent’s delegates, Ms Z. Hatzipavlou and Ms A. Karagianni, respectively Senior Advisor and Legal Representative at the State Legal Council.

The circumstances of the case

3. The facts of the case, as submitted by the parties, may be summarised as follows.

4. By judgment nos. 142-143, 215, 274-282/2023 of the Thessaloniki Mixed Jury Court of 8 May 2023, the applicant was sentenced to eleven years and two months of imprisonment.

5. The applicant was being held in pre-trial detention in Diavata Prison in Thessaloniki from 17 June 2022 and remained there after his conviction.

6. At the relevant time Diavata Prison had a capacity of 358 detainees. Official tables indicating the prison population in the State's correctional facilities over six-month periods show that, during the period from June 2022 to December 2023, based on population counts carried out on the 1st and 15th day of each month, the prison population at Diavata ranged from 337 to 442 detainees, with a median population of 400 detainees.

7. Diavata Prison comprised a three-storey building, with each floor measuring 1,000 square metres. On the ground floor there were twenty-two cells: sixteen cells had a capacity of ten beds each and six cells had a capacity of four beds each. On the first floor there were twenty-one cells. Nineteen of them had a capacity of ten beds each and two cells had a capacity of four beds each. On the second floor there were twenty cells. Eighteen cells had a capacity of ten beds each and two cells had a capacity of four beds each.

8. Each ten-bed cell had a surface area of 24 sq. m (4.10 m × 5.85 m), including a separate toilet and bathroom area measuring 2 sq. m. Each four-bed cell had a surface area of 10 sq. m including a separate toilet and bathroom area measuring 1 sq. m. The surface area of a ten-bed cell less the toilet and bathroom area was thus 22 sq. m and that of a four-bed cell-9 sq. m.

1. The applicant's submissions concerning the conditions of detention

9. The applicant submitted that he had been confronted with detention conditions that were incompatible with respect for his human dignity. He argued that the conditions were extremely distressing and detrimental to the detainees' mental health. In particular, he described severe overcrowding, submitting that ten detainees were accommodated in cells measuring approximately 23 sq. m that had only one squat-style toilet. According to the applicant, the personal space available to each detainee amounted to approximately 2.3 sq. m, including the area occupied by the toilet facilities and furniture.

10. The applicant further submitted that the outdoor exercise yard was merely a bare open area without vegetation, equipped only with four benches. Being uncovered, it could not be used during rain or periods of intense heat.

11. The applicant further submitted that his cell had insufficient natural light and ventilation, resulting in extremely poor air quality. The shower was not separated from the toilet by a door, preventing them from being used at

the same time. That compromised the privacy and dignity of the detainees and regularly caused tensions among them.

12. He submitted that the heating was inadequate in winter and that, in summer, detainees endured extreme heat without air conditioning. A small radiator operated for about one hour per day, while hot water was likewise available for only one hour and at low pressure. Owing to the poor condition of the plumbing and sanitary facilities, detainees had to wash using cups and buckets. In ten-person cells the result was that the detainees each had, in reality, less than six minutes' worth of hot water per day.

13. The applicant further maintained that the mattresses and bedding were old, foul-smelling and infested with bedbugs, fleas and lice, and that towels and bed linen were not provided. The cells contained only basic furniture, including backless stools and military-style bunk beds, and lacked adequate storage space. Detainees spent prolonged periods confined to their beds because time outside the cells was limited and often coincided with meals, visits or telephone calls.

14. The applicant alleged a complete lack of hygiene and cleanliness in the detention areas, demonstrated by dirt, foul odours and infestations of insects and rodents, while cleaning and disinfection measures were inadequate. He further submitted that conditions worsened in winter, when closed windows led to poor ventilation, second-hand smoke and increased dust from old mattresses and blankets. He contended that sick and healthy detainees, as well as drug users and non-users, were accommodated together, including persons with HIV and hepatitis, thereby facilitating the spread of illness.

15. As regards food and drink, the applicant submitted that the tap water was not safe to drink and that the meals were inadequate in quantity and quality. Detainees were not allowed to order food from outside the facility, except through visitors. He alleged that breakfast consisted only of milk or tea, lunch portions were small, fruit and fish were rarely provided, and dinner was very limited. He maintained that the diet failed to meet basic nutritional needs and that he had to spend approximately 300 euros (EUR) per month on bottled water, food, hygiene products and other essential items not adequately supplied by the prison.

16. The applicant further stated that prolonged confinement, monotonous routines and inactivity caused detainees significant psychological distress. Additional deficiencies intensified isolation from the outside world and restricted detainees' ability to develop their personalities and exercise their fundamental freedoms. Detainees without regular visits had no access to newspapers or magazines, while the library lacked books in relevant languages and the recreational and sporting facilities were inadequate.

17. The prison lacked adequate medical and pharmaceutical services. A general practitioner and a psychiatrist visited only once a week, and medical equipment was insufficient. Detainees had to submit written requests to the

prosecutor, the prison director or staff to obtain medical care, causing delays in treatment and medication. The applicant further maintained that the detention conditions had led to prolonged sleep deprivation, exhaustion and a deterioration in his physical and mental health, causing psychological suffering.

18. In his later submissions of 2024, the applicant stated that access to prison work and leave was not governed by transparent and objective criteria; that detainees had to eat their meals on their beds and that drug-dependent prisoners received no appropriate treatment. Lastly, he complained that prisoners were not separated according to their conduct or their offences.

2. The Government's submissions concerning the conditions of detention

19. The Government disputed the description of the detention conditions set out in the application and the applicant's allegations. They referred to document no. 8605 of 22 April 2024 issued by the director of Diavata Prison, which described the conditions of detention in the prison facility.

20. The Government submitted that there was no overcrowding in the facility during the relevant period. They stated that the prison's official capacity of 358 detainees had been calculated on the basis of 4 sq. m per detainee and referred to official occupancy data to contend that, after 2022, the prison population had fallen below 420 detainees and that, in 2023, it had fallen to 358 detainees or fewer. It could therefore be concluded that the net personal space available to each detainee exceeded 3 sq. m or was not significantly below that threshold. In any event, from January 2022 onwards the ten-bed cells had accommodated between six and eight detainees each. The Government noted that occupancy conditions in the prison had improved by the time the applicant had been detained, and that he had not been subjected to overcrowding.

21. Detainees followed a daily schedule that included roll-call, meals, exercise, work, education and free time. The cells remained open for most of the day, and inmates could remain on the landings until 8.30 p.m. in winter and 9.00 p.m. in summer, after which they were locked in their cells until the following morning. Separate yards were available on each floor, measuring between 772.80 and 1,453.50 sq. m. Detainees were entitled to at least one hour of daily exercise under staff supervision, either in the open areas or on the prison's sports courts.

22. Natural light and ventilation in cells were provided by large windows overlooking the courtyard. Heating was ensured by a central system consisting of three oil boilers and was turned on for more than eight hours on mild days and up to ten to twelve hours in colder weather, mainly while detainees were confined to their cells. The cells also had electric radiators and ceiling fans, with table fans provided in summer.

23. All detainees were provided with a mattress, towels and bed linen, which were regularly renewed; they could also use their own linen. Bed linen and clothing were washed weekly in industrial laundries.

24. Cleaning materials were provided by the prison and detainees carried out cleaning duties, which counted towards sentence reductions. Cells were cleaned by their occupants and common areas by designated detainees. Pest control, rodent control and disinfection were carried out regularly by private contractors, with additional daily disinfection measures introduced during the COVID-19 pandemic. Waste bins were available throughout the facility and detention areas were replastered and repainted at least annually.

25. Food plans were approved by the prison doctor and other competent officers, and meals were designed to provide adequate nutritional content. Medically prescribed and religious diets were available, while detainees could purchase extra food and other items at their own expense. Meals were consumed in the cells, where each detainee had a table and stool. Tap water was safe to drink and subjected to regular quality inspections.

26. As regards recreational and educational activities, detainees had daily access to television, radio, board games and sports, while cultural events, lectures and theatre performances were regularly organised. A lending library provided newspapers, pamphlets and books, and group sports programmes were offered in cooperation with the local physical-education authorities. The facility also ran educational and vocational programmes, including the Second Chance School, individualised reintegration initiatives and Greek-language courses. At the relevant time, eight detainees were enrolled in higher education.

27. Medical care was provided by general practitioners, specialists, nurses and laboratory staff, with emergency cases and specialised examinations referred to hospitals in Thessaloniki. Detainees with contagious diseases were isolated and, where necessary, transferred to hospital. Preventive measures included contact screening, isolation and replacement of bedding, as well as strict COVID-19 protocols.

3. The applicant's use of the remedy provided for in Article 6A of the Prisons Code

28. The applicant made use of the domestic remedy introduced by Article 8 of Law no. 4985/2022, namely an appeal under Article 6A of the Prisons Code (Law no. 2776/1999), which he lodged with the three member Thessaloniki Misdemeanours Court sitting as a sentence execution court under Article 86 of the Prisons Code (see paragraph 43 below). The applicant lodged two appeals under that provision.

(a) Decision no. 993/2023 of the Thessaloniki Sentence Execution Court

29. On 30 March 2023 the applicant, together with other individuals, lodged an appeal under Article 6A of the Prisons Code complaining of the conditions of his detention in Diavata Prison since he had been committed there on 17 June 2022. He sought compensation for non-pecuniary damage and a reduction in his sentence.

30. The prosecutor proposed that the appeal be dismissed. She noted that the prison had a capacity of 259 male detainees and that, during the applicant's detention, the total number of detainees had ranged between 390 and 410, thus exceeding that capacity. She further observed that the applicant had been detained in four-bed cells accommodating six or, exceptionally, up to eight persons. The surface area of a ten-bed cell, less the sanitary area, was 22 sq. m, and that of a four-bed cell – 9 sq. m. The sanitary facilities were properly equipped and sick detainees were not accommodated with healthy detainees.

31. The prosecutor stated that the prison provided adequate heating, cooling, ventilation, lighting and access to hot water. No detainee slept on the floor and detainees were provided with bedding and bed linen. Hygiene was ensured through regular cleaning, distribution of personal hygiene items, pest control, disinfection measures and weekly laundering of bed linen and clothing. Healthcare was of a high standard, with visiting doctors of various specialisations, nursing support and hospital transfers when necessary, alongside strict protocols for contagious diseases. She noted that meal plans were elaborated under medical supervision, with special diets available for medical and religious needs, and that detainees could purchase additional food. Drinking water was regularly tested. The prosecutor lastly noted that detainees had access to recreational, educational and vocational activities, including a library, the Second Chance School and Greek-language courses, with some detainees pursuing higher education. Detainees had daily outdoor exercise and access to organised sports, as well as work opportunities that could lead to sentence reductions.

32. The prosecutor proposed that, in the light of the foregoing considerations and detailed findings, the appeal be dismissed on the merits as unfounded. In her view, the conditions of detention in Diavata Prison did not amount to inhuman or degrading treatment and did not infringe human dignity. On the contrary, every effort had been made to ensure dignified conditions of detention and to provide detainees with educational and recreational opportunities. In particular, as regards overcrowding, the prosecutor considered that the applicant had been accommodated in cells measuring 22 sq. m, which had housed between six and nine detainees, and that the accommodation of six detainees in the cells, with up to eight detainees only in exceptional circumstances and not as a standard practice, did not amount to a violation of human dignity. She considered that the applicant had at least 3.6 sq. m of personal space at his disposal, thus exceeding the

minimum threshold of 3 sq. m referred to in the Court's case-law. She further considered that the other conditions of detention, including hygiene, medical care, security, ventilation, lighting, heating, cleaning, access to the courtyard, and cultural and recreational activities, were adequately provided.

33. On 29 June 2023 the Thessaloniki Sentence Execution Court, sitting as a judicial council, published decision no. 993/2023 dismissing on the merits the appeal as unfounded. It noted that the applicant had been notified of the prosecutor's proposal in accordance with Article 138 § 3 of the Code of Criminal Procedure (see paragraph 47 below) and had been invited to submit written observations (*υπόμνημα*) in accordance with Article 86 § 3 of the Prisons Code (see paragraph 39 below). It held that the facts established by the evidentiary material substantiated those set out in the prosecutor's proposal and referred to the latter's findings and reasoning, which it adopted in full in order to avoid repetition. The Sentence Execution Court found that, although overcrowding had been established, it was not so serious as, in itself, to constitute a failure to comply with the applicable detention standards.

(b) Decision no. 1538/2024 of the Thessaloniki Sentence Execution Court

34. On 2 May 2024 the applicant, together with other individuals, lodged another appeal with the Thessaloniki Sentence Execution Court. He alleged that the conditions of his detention were contrary to the rules governing daily life in prison laid down in Articles 21, 25, 27, 32 and 36 of the Greek Prisons Code and that they amounted to inhuman and degrading treatment contrary to Article 3 of the Convention. In particular, the appellants complained of overcrowding, stating that ten detainees were being accommodated in cells measuring 16 sq. m. They also complained about various aspects of their detention conditions, including hygiene, cleanliness, heating, access to hot water, natural light, ventilation and alleged failures to prevent the spread of diseases, alleging that those conditions were adversely affecting their physical and mental health. They requested that the appeal be upheld, that appropriate measures be ordered to remedy the situation and that compensation be awarded. The applicant sought compensation in respect of non-pecuniary damage at a rate of EUR 30 per day spent in those conditions, amounting to EUR 21,000 in total, and a reduction of his sentence by 61 days, proportional to the period during which he had been detained in Diavata Prison.

35. By proposal no. 1091 of 28 May 2024 the prosecutor proposed that the appeal be dismissed. He referred to the report prepared by the director of the prison describing the prison's capacity and the conditions of detention there. While acknowledging that the number of detainees had exceeded the prison's capacity during the applicant's detention, particular importance was attached to the fact that detainees were provided with individual bedding and bed linen. Further reference was made to the surface area of the cells and the number of detainees accommodated therein, as well as to the adequacy of the

sanitary facilities, heating, cooling, ventilation, lighting and access to hot water. The standards of cleanliness maintained in the facility, the provision of personal hygiene items, laundering services, healthcare, food, recreational and educational activities were described in detail. As regards prison work, the applicant had been employed as a cleaner during certain periods between 2022 and 2024. The prosecutor proposed that, in the light of those findings, the appeal be dismissed on the merits as unfounded, as the conditions of detention in Diavata Prison did not amount to inhuman or degrading treatment. In his view, every effort had been made to ensure dignified conditions of detention and to provide detainees with educational and recreational opportunities. He further observed that the applicant had not relied on any elements capable of rebutting those findings or corroborating his allegations.

36. On 25 June 2024 the Thessaloniki Sentence Execution Court, sitting as a judicial council, decided to grant the appeal in part. Its decision no. 1538/2024 was published on 11 July 2024. In particular, it referred to Article 3 of the Convention and the manner in which it has been interpreted in the Court's case-law concerning conditions of detention. It examined in detail the principles established in the Court's judgments against Greece and other States. It analysed the Court's approach to minimum personal space in detention and its interaction with other material conditions. In addition, the court referred to Article 4 of the Charter of Fundamental Rights of the European Union and to the relevant case-law of the Court of Justice of the European Union, in which references are made to the principles developed in the Court's jurisprudence under Article 3 of the Convention. It also referred to the domestic provisions governing detention conditions in line with these international standards (see paragraph 43 below).

37. The Sentence Execution Court noted that the applicant had been notified of the prosecutor's proposal and had been invited to submit written observations in accordance with Article 86 § 3 of the Prisons Code (see paragraph 39 below) but had not availed himself of that opportunity. It further noted that it resulted from the accompanying documents and the report prepared by the prison director that the applicant had entered Diavata Prison on 17 June 2022 and had remained detained there until the date of the decision. The report further indicated that the prison had a total capacity of 358 detainees, of which 259 places were for male detainees. During the applicant's detention, the prison population had varied between 340 and 420 detainees in 2022 and 2023 and between 350 and 440 detainees in 2024. At the time the report was issued, there were 426 detainees in the prison, of whom 52 were due to be transferred back to the prisons from which they had been temporarily moved. According to the report, between six and eight detainees were accommodated in each cell. It therefore followed that, during the applicant's detention, the number of detainees had exceeded the prison's designated capacity.

38. The Sentence Execution Court referred to the report describing the prison's layout, noting that the surface area of four-bed cells, less the sanitary area, was 22 sq. m. and of two-bed cells – 9 sq. m. The report stated that the applicant was being held in various four-bed cells that were accommodating eight and, very rarely, ten detainees but that the prison authorities were taking care to ensure the personal health, hygiene, and security of detainees, and that the alleged shortcomings in hygiene, cleaning, food and bedding had not been proved to be true. It also described adequate standards of heating, cooling, ventilation, lighting, hot water, bedding, cleaning, hygiene, disinfection and medical and mental-health care. The Sentence Execution Court further referred to the parts of the report confirming satisfactory standards of food, activities, education, vocational training and prison work, noting in particular that the applicant had been employed as a cleaner.

39. The Sentence Execution Court, on the basis of the above-described facts, held that the detention of eight persons in four-bed cells constituted standard practice rather than an exceptional situation. That practice failed to comply with the requirement found in the Court's case-law of a minimum of 3 sq. m of personal space per detainee, as it left detainees only 2.75 sq. m of personal space each (not counting the sanitary areas). That gave rise to a strong presumption of a violation of Article 3 of the Convention, which, in the circumstances of the case, could not be rebutted by even a cumulative assessment of the remaining aspects of the detention conditions. In particular, even though the general material conditions complied with standards of dignified prison living, the reduction of personal space below the 3 sq. m minimum was not minor and had persisted over a prolonged period, and therefore exceeded the threshold of severity required for the application of Article 3.

40. Accordingly, the judicial council held that the appeal was well-founded. It ordered the applicant's transfer to a cell of 22 sq. m within the same prison accommodating no more than seven detainees, so as to ensure a minimum of 3.14 sq. m of personal space per detainee. Should such a measure prove impossible, it further ordered, as an alternative, the applicant's priority transfer within one month from the delivery of the decision to another detention facility meeting the minimum living standards. The court, taking into account (a) the degree to which the detention impaired the applicant's personhood; (b) the absence of treatment aimed at intimidating him; and (c) the fact that the applicant spent a significant part of each working day outside the cell, which mitigated the discomfort caused by the lack of personal space, awarded him a sentence reduction credit of 74.5 days in respect of the 745 days he had spent in detention in conditions violating his rights under Article 3 – the reduction was thus applied at the rate of one day for every ten days spent detained in such conditions. It considered that sufficient to compensate the non-pecuniary damage suffered by the applicant and to afford

full redress for the violation of Article 3 of the Convention, other rules of international law and the relevant provisions of domestic law.

41. On 12 July 2024 the prison director requested the priority transfer of the applicant to another facility, as during the period in question it had proved impossible to place him in another cell meeting the living-space requirements set out in the decision. On 25 September 2024, by a decision of the Central Transfer Committee, the applicant was transferred to a new prison in Drama. Furthermore, following a proposal by the prison labour council, the prosecutor-supervisor of Diavata Prison applied the 74.5-day sentence reduction credit to the applicant's sentence.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

A. Relevant domestic law

1. *Prisons Code (Law no. 2776/1999)*

42. Article 8 of Law no. 4985/2022 introduced Article 6A to the Prisons Code effective as of 27 October 2022, thereby establishing a new remedy concerning conditions of detention. Law no. 4985/2022 was accompanied by an Explanatory Report, which indicated that the introduction of the remedy was considered necessary in order to avoid future judgments of the Court finding violations of Articles 3 and 13 of the Convention and to terminate the supervision of Greece by the Committee of Ministers of the Council of Europe.

43. The relevant provisions of the Prisons Code, as applicable at the material time, read as follows:

Article 6A

Appeal by detainees concerning conditions of detention and just satisfaction

“1. A detainee may lodge an appeal with a sentence execution court, as referred to in Article 86, when there is a failure, infringing human dignity, to comply with the rules – as laid down in particular in Articles 21, 25, 27, 32 and Article 36 § 1 of the Prisons Code, in Article 3 of the European Convention on Human Rights and in other rules of international law concerning the treatment of detainees – governing the living conditions of detainees, whether they are remand prisoners or convicted prisoners [and whether they are] in correctional facilities or police detention facilities.

2. The appeal shall be lodged in writing with the secretariat of the sentence execution court or with the director of the correctional facility concerned or, where the detainee is held in police custody, with the head of the police facility. In the latter case, the head of the police facility shall immediately transmit the appeal to the director of the relevant police directorate or other equivalent authority. Where the appeal is lodged with the director of the correctional facility or the relevant police directorate (or equivalent authority), it shall be, within seven days, submitted to the sentence execution court together with written observations and any other relevant material. Where the appeal is lodged with the secretariat of the sentence execution court, the court clerk shall transmit it electronically or by any other appropriate means to the director of the correctional

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facility or, where it is lodged with the police facility, to the director of the competent police directorate (or equivalent authority), who shall submit written observations and any relevant material within seven days of becoming aware of the appeal. Upon request by the appellant and where special reasons exist and are specified in the decision, the sentence execution court may order the transfer and personal appearance of the appellant in order to present his or her views. The sentence execution court shall decide on the appeal no later than thirty days after it has been lodged. Its decision shall be immediately enforceable.

3. If the appeal is upheld, the sentence execution court shall order any measure it considers appropriate to ensure compliance, in the appellant's case, with the rules governing the living conditions within the relevant correctional facility or police detention facility, such as a change of accommodation. If such measures are not feasible, it shall order the appellant's transfer to the prison hospital or to another public hospital, or his or her transfer as a matter of priority to another detention facility ... The directors of correctional facilities, other detention facilities and public hospitals shall comply immediately with the decisions of the sentence execution court.

4. In all cases, the sentence execution court may, upon request by the appellant, award monetary compensation in respect of any non-pecuniary damage suffered, the monetary amount of which shall range from five to thirty euros for each day of the violation, depending on the seriousness of the infringement, and grant a reduction of sentence by means of a sentence reduction credit. One additional day shall be credited for every ten days spent in adverse conditions of detention. The same court shall also have jurisdiction to examine appeals lodged by former detainees, provided that they are brought within four months after their release. The decision on the appeal shall not be subject to further appeal and shall be immediately enforceable.

5. To cover the expenditure arising from compensation awarded under this Article, a specific budgetary allocation shall be entered annually in the State budget. Where such an allocation has not been entered in the budget, is insufficient or has been exhausted, the relevant statutory procedure for the allocation or transfer of budgetary appropriations shall apply.

6. Decisions delivered on appeals under this Article shall be communicated to the Greek Ombudsman through the Ministry of Citizen Protection."

Article 21 Accommodation of detainees

"1. Each correctional facility ... may be divided into several sections, with no possibility of communication between detainees accommodated in different sections. These sections shall comprise individual and, exceptionally, multi-occupant cells, the latter preferably accommodating no more than six persons.

4. Multi-occupant cells shall provide a minimum floor area of 6 sq. m per detainee; they shall be equipped with beds, wardrobes and a table of sufficient size or tables with an equal number of chairs.

...

5. Individual and multi-occupant cells shall have their own heating and sanitary facilities (washbasins and toilets). Each sanitary facility may serve no more than three detainees. Showers need not be installed in cells where there is a sufficient number of communal facilities, supplied with hot and cold water, to enable each detainee to maintain personal hygiene.

...”

Article 27 Healthcare

“1. The prison administration shall ensure that detainees receive medical and pharmaceutical care of a standard equivalent to that available to the general population.

2. Every detainee shall be examined by the prison doctor upon admission and, thereafter, every six months. A detainee may at any time request to be examined by the prison doctor or by a doctor of his or her own choosing. In the case of chronic illnesses, the detainee is entitled to request that his or her treating doctor monitor the condition in the presence of the prison doctor. The cost of a privately chosen doctor shall be borne by the detainee. In correctional facilities located in remote or inaccessible areas, medical monitoring and clinical assistance may be provided through telemedicine services ...

2A. Every correctional facility shall have a dental unit staffed by a permanent dentist or, where this is not possible, by a visiting dentist. Serious dental surgical procedures shall be carried out at the Special Health Centre for Detainees in Korydallos, following a written referral by the dentist of the relevant correctional facility.

3. Where a correctional facility does not employ permanent healthcare staff, medical needs shall be met on a twenty-four-hour basis by visiting doctors and nurses called by the prison director and remunerated on a fee-per-visit basis ...

4. Where no doctor can be appointed under the preceding provisions, the competent judicial authority, upon the proposal of the prison director, shall appoint a doctor of the appropriate speciality from the register of visiting doctors and nurses. The register shall include persons residing in the area where the correctional facility is located and, where possible, those employed in the public sector ...

5. Where the prison doctor disagrees with the diagnosis or treatment proposed by the detainee’s chosen doctor, the local forensic doctor or another doctor from the register referred to in the previous paragraph shall be appointed ...”

Article 86 Supervision by the sentence execution court

“1. The sentence execution court, which shall be a special division of the three member misdemeanours courts at the courts of first instance of Athens, Thessaloniki, Piraeus, Patras, Larissa and Heraklion, and, in all other judicial districts, shall be the competent three member misdemeanours court, shall sit as a judicial council, hear the public prosecutor and decide on any appeal lodged, in accordance with this Code, against a decision of: (a) the prison council; (b) the competent judge ... ; or (c) the leave and disciplinary council. The same court shall also decide on appeals lodged under Article 6A.

2. Each sentence execution court shall have territorial jurisdiction over cases concerning detainees held in correctional facilities situated within its judicial district. The sentence execution court initially having jurisdiction shall retain jurisdiction even if the detainee is transferred to another correctional facility.

3. Where an appeal has been lodged by a detainee, the appellant shall be notified by any appropriate means (including letter, telegram, fax or email) at least ten (10) days before the court hearing. The appellant may submit written observations (*υπόμνημα*), which shall be transmitted without delay to the court by the prison administration. The

court may also summon the appellant, by the same means, to appear in person or through a representative in order to present oral submissions ...

...

5. Where a detainee works outside the correctional facility, service of documents shall be effected on the director of the facility or his or her deputy, who shall ensure prompt service on the detainee. Where the detainee is absent on leave or has been conditionally released, service shall be effected at the address declared by the detainee as his or her place of residence ...”

44. The Court has referred to other pertinent Articles of the Greek Prisons Code – namely Article 25 on hygiene and cleanliness in correctional facilities, Article 32 on food provision to detainees and Article 36 on physical exercise and sports activities – in previous cases (see *Kanakis v. Greece (no. 2)*, no. 40146/11, § 63, 12 December 2013, and *Chatzivasiliadis v. Greece (dec.)* no. 51618/12, § 21, 26 November 2013).

2. Recent amendments to Article 6A of the Prisons Code

45. Article 120 of Law no. 5264/2025 (which entered into force on 19 December 2025) inserted paragraph 7 to Article 6A of the Prisons Code, which reads as follows:

“7. Claims for compensation awarded against the Greek State by the sentence execution court ... under this Article on account of infringements of detainees’ human dignity, as protected by Article 3 of the European Convention on Human Rights and other applicable rules of international law concerning the treatment of detainees, shall not be subject to automatic set-off.”

46. Article 69 of Law no. 5282/2026 (which entered into force on 27 February 2026) amended Article 6A § 4 of the Prisons Code and reads as follows:

“4. ... the court may also grant a reduction of sentence by means of a sentence reduction credit, whereby between three and seven days spent in conditions contrary to paragraph 1 shall count as one [extra] day of sentence served. Such reduction shall be deducted immediately from the remaining sentence to be served, irrespective of whether the conditions for conditional release are met, and shall not be subject to aggregation or any maximum time limit ...”

3. Code of Criminal Procedure

47. The relevant provisions of Article 138 of the Code of Criminal Procedure read as follows:

“1. ... Decisions of the judicial council ... shall be issued following submission of a written proposal by the public prosecutor ...

...

3. Upon request, the parties or their legal representatives may obtain a copy of the prosecutor’s proposal on interlocutory matters after having been notified, by email sent to the email address designated by the interested party or, where no such address has been provided, by telephone. ...”

B. Relevant domestic case-law in respect of the remedy laid down in Article 6A of the Prisons Code

1. Overview of decisions delivered under the remedy, as submitted by the Government

48. The Government submitted a consolidated table which, according to them, showed all decisions delivered under the new remedy following its entry into force on 27 October 2022, covering the period from 2023 to April 2026. The table set out, by year, the total number of decisions delivered and the number of appeals that were granted at least in part and those that were not upheld.

Year	Total number of delivered decisions	Appeals not upheld	Appeals upheld (at least in part)
2023	60	59	1
2024	94	71	23
2025	68	39	29
2026	15	7	8

2. Decisions submitted by the Government

49. The Government submitted a collection of decisions delivered by the sentence execution courts following appeals brought under Article 6A. The Court refers below only to those decisions whose text was sufficiently legible to enable it to identify the relevant reasoning and findings. Such material before the Court comprises 172 decisions, each of which may concern one or more appellants. They include 38 decisions delivered in 2023, 51 in 2024, 68 in 2025 and 15 between January and April 2026. The decisions were delivered by the sentence execution courts listed below and concern detainees held in 18 different correctional facilities.

(a) Decisions delivered in 2023

50. The Government submitted the texts of the following 37 decisions where the appeals were not upheld:

- decision no. 341/2023 of the Amfissa Sentence Execution Court (Malandrino Prison);
- decisions nos. 337/2023 and 427/2023 of the Chania Sentence Execution Court (Chania Prison);
- decisions nos. 111/2023, 136/2023, 137/2023, 138/2023 and 141/2023 of the Corfu Sentence Execution Court (Corfu Prison);

- decision no. 75/2023 of the Heraklion Sentence Execution Court (Alikarnassos Prison);
- decision no. 37/2023 of the Ioannina Sentence Execution Court (Ioannina Prison);
- decision no. 410/2023 of the Lamia Sentence Execution Court (Domokos Prison);
- decisions nos. 30/2023, 97/2023, 359/2023 and 537/2023 of the Larissa Sentence Execution Court (Larissa Prison);
- decisions nos. 270/2023, 340/2023, 451/2023, 452/2023 and 626/2023 of the Patra Sentence Execution Court (Patra Prison);
- decision no. 338/2023 of the Piraeus Sentence Execution Court (Korydallos Prison);
- decisions nos. 170/2023 and 171/2023 of the Rodopi Sentence Execution Court (Komotini Prison);
- decisions nos. 294/2023, 303/2023, 304/2023, 305/2023, 328/2023, 395/2023, 635/2023 and 648/2023 of the Serres Sentence Execution Court (Nigrita Prison);
- decisions nos. 606/2023 and 617/2023 of the Thessaloniki Sentence Execution Court (Diavata Prison);
- decisions nos. 524/2023, 301/2023, 279/2023 and 224/2023 of the Trikala Sentence Execution Court (Trikala Prison).

51. The Government also submitted one decision which upheld the appeal in part and awarded a sentence reduction, namely no. 532/2023 of the Larissa Sentence Execution Court (Larissa Prison).

(b) Decisions delivered in 2024

52. The Government submitted the texts of the following 28 decisions where the appeals were not upheld:

- decision no. 11/2024 of the Chios Sentence Execution Court (Chios Prison);
- decisions nos. 155/2024, 158/2024, 160/2024, 162/2024, 164/2024, 168/2024, 169/2024, 250/2024, 334/2024, 362/2024 and 441/2024 of the Grevena Sentence Execution Court (Grevena Prison);
- decisions nos. 109/2024, 132/2024, 329/2024 and 459/2024 of the Lamia Sentence Execution Court (Domokos Prison);
- decisions nos. 841/2024 and 872/2024 of the Larissa Sentence Execution Court (Larissa Prison);
- decision no. 171/2024 of the Piraeus Sentence Execution Court (Korydallos Prison);
- decision no. 263/2024 of the Serres Sentence Execution Court (Nigrita Prison);
- decisions nos. 415/2024, 654/2024, 732/2024, 1419/2024, 2041/2024 and 2249/2024 of the Thessaloniki Sentence Execution Court (Diavata Prison);

- decisions nos. 132/2024 and 605/2024 of the Trikala Sentence Execution Court (Trikala Prison).

53. The Government also submitted the following 23 decisions where the appeals were upheld at least in part:

- decision no. 618/2024 of the Amfissa Sentence Execution Court (Malandrino Prison);

- decision no. 291/2024 of the Heraklion Sentence Execution Court (Alikarnassos Prison);

- decisions nos. 132/2024, 137/2024, 184/2024 and 259/2024 of the Larissa Sentence Execution Court (Larissa Prison);

- decisions nos. 342/2024, 482/2024, 888/2024, 889/2024, 931/2024, 953/2024 and 984/2024 of the Piraeus Sentence Execution Court (Korydallos Prison);

- decisions nos. 539/2024, 545/2024, 546/2024, 560/2024, 562/2024, 563/2024 and 564/2024 of the Serres Sentence Execution Court (Nigrita Prison);

- decisions nos. 1538/2024, 1587/2024 and 1588/2024 of the Thessaloniki Sentence Execution Court (Diavata Prison).

(c) Decisions delivered in 2025

54. The Government submitted the texts of the following 39 decisions where the appeals were not upheld:

- decision no. 122/2025 of the Corfu Sentence Execution Court (Corfu Prison);

- decisions nos. 231/2025, 232/2025, 233/2025, 321/2025, 383/2025, 446/2025 and 461/2025 of the Lamia Sentence Execution Court (Domokos Prison);

- decisions nos. 53/2025, 97/2025, 122/2025, 215/2025, 241/2025, 269/2025, 321/2025, 370/2025, 372/2025, 385/2025, 386/2025, 396/2025, 421/2025, 516/2025, 517/2025, 518/2025, 520/2025, 521/2025, 633/2025, 688/2025 and 691/2025 of the Larissa Sentence Execution Court (Larissa Prison);

- decision no. 33/2025 of the Nafplio Sentence Execution Court (Nafplio Prison);

- decisions nos. 718/2025 and 873/2025 of the Piraeus Sentence Execution Court (Korydallos Prison);

- decisions nos. 619/2025, 659/2025, 1112/2025, 1449/2025 and 1522/2025 of the Thessaloniki Sentence Execution Court (Diavata Prison);

- decision no. 134/2025 of the Trikala Sentence Execution Court (Trikala Prison);

- decision no. 99/2025 of the Volos Sentence Execution Court (Volos Prison).

55. The Government also submitted the following 29 decisions where the appeals were upheld at least in part:

- decision no. 7/2025 of the Heraklion Sentence Execution Court (Alikarnassos Prison);
- decisions nos. 8/2025, 10/2025, 11/2025, 27/2025, 51/2025, 78/2025, 87/2025, 90/2025, 125/2025, 126/2025, 317/2025 and 829/2025 of the Piraeus Sentence Execution Court (Korydallos Prison);
- decisions nos. 3/2025, 7/2025, 168/2025, 231/2025, 286/2025, 288/2025, 292/2025, 293/2025, 294/2025, 301/2025, 394/2025 and 395/2025 of the Serres Sentence Execution Court (Nigrita Prison);
- decision no. 1461/2025 of the Thessaloniki Sentence Execution Court (Diavata Prison);
- decisions nos. 54/2025 and 272/2025 of the Trikala Sentence Execution Court (Trikala Prison);
- decision no. 91/2025 of the Tripoli Sentence Execution Court (Tripoli Prison).

(d) Decisions delivered in 2026

56. The Government submitted the texts of the following seven decisions where the appeals were not upheld:

- decision no. 31/2026 of the Grevena Sentence Execution Court (Grevena Prison);
- decision no. 40/2026 of the Corfu Sentence Execution Court (Corfu Prison);
- decisions nos. 36/2026, 74/2026 and 75/2026 of the Patra Sentence Execution Court (Patra Prison);
- decision no. 113/2026 of the Thessaloniki Sentence Execution Court (Diavata Prison);
- decision no. 22/2026 of the Trikala Sentence Execution Court (Trikala Prison).

57. The Government also submitted the following eight decisions where the appeals were upheld at least in part:

- decision no. 74/2026 of the Heraklion Sentence Execution Court (Alikarnassos Prison);
- decisions nos. 40/2026, 41/2026, 42/2026 and 110/2026 of the Piraeus Sentence Execution Court (Korydallos Prison);
- decision no. 372/2026 of the Thessaloniki Sentence Execution Court (Diavata Prison);
- decision no. 52/2026 of the Trikala Sentence Execution Court (Trikala Prison);
- decision no. 24/2026 of the Tripoli Sentence Execution Court (Tripoli Prison).

3. *Decision no. 1514/2024 of the Court of Cassation*

58. In decision no. 1514/2024, the Court of Cassation, sitting as a judicial council, determined a negative conflict of jurisdiction between sentence execution courts concerning an appeal under Article 6A of the Prisons Code. The appellant, who had been detained in several prisons, had complained about his conditions of detention. Parts of his appeal had accordingly been transmitted to the judicial councils having territorial jurisdiction over the respective prisons. However, the Thessaloniki judicial council declined jurisdiction in respect of the period spent in Thessaloniki Prison, considering that the appeal as a whole should be examined by the Sentence Execution Court of the place where the appellant was detained when he lodged it. The latter likewise declined jurisdiction in respect of the period of detention in Thessaloniki. The Court of Cassation held that the competent Sentence Execution Court was that within whose territorial jurisdiction the prison in which the impugned conditions had occurred was situated and that it retained jurisdiction notwithstanding the detainee's subsequent transfer to another prison. It accordingly held that the Thessaloniki Sentence Execution Court was competent to examine the part of the appeal concerning the conditions of the appellant's detention in Thessaloniki Prison.

C. Special yearly report of the Greek Ombudsman, 2024

59. In the special yearly report of the Greek Ombudsman for 2024, it was observed that recent amendments introduced to the Criminal Code, introducing, among other things, an extensive increase in statutory maximum penalties and stricter rules governing the execution and suspension of sentences, were likely to have an immediate impact on the already overcrowded prison system. Referring to its previous Annual Report 2022-2023, the Ombudsman further considered that making prisoners' rights, such as prison leave or transfer to agricultural prisons, dependent on the nature of the offence for which they had been convicted was contrary to the principle of non-discrimination laid down in Article 3 of the Prisons Code, unless such differentiation operated in favour of the prisoner and addressed individual needs. It also noted that the amendments extended the range of offences that could be punished by imprisonment to include less serious offences than previously.

60. As regards Article 6A of the Prisons Code, the Ombudsman stated that its introduction had initially been regarded as a promising development, intended both to provide an effective domestic remedy capable of preventing further adverse judgments by the Court and to promote substantive improvements in detention conditions, not only for the individual appellants concerned but also more generally within the prison system. On the basis of the material available when writing the report, however, the Ombudsman considered that it was not yet in a position to conclude that the new remedy

had proved successful. Noting the high number of dismissals, it considered that that could partly be explained by procedural issues arising during the initial period of implementation, such as questions of admissibility and territorial jurisdiction, which might gradually be resolved through judicial guidance and greater consistency in the domestic case-law.

61. More significant concerns arose in relation to the assessment of the merits of such appeals. In particular, the Ombudsman identified numerous decisions in which inadequate detention conditions had been identified yet in cases where they had lasted only a short time that was being taken into account against the appellants, although such a criterion was not provided for by the legislation. It further observed that the judicial councils often relied predominantly on numerical criteria, such as the size of the cells, without carrying out a comprehensive assessment of other factors considered relevant under the Court's case-law, including the time spent outside the cell, hygiene, participation in educational programmes and access to healthcare. The Ombudsman also stressed that a similarly broad understanding of the concept of prison capacity, recognising that the adequacy of cell space ultimately depends on a combination of factors rather than on floor area alone, also appeared to be reflected in international approaches to prison overcrowding. It referred to recent work of the European National Preventive Mechanisms Forum (NPM), which emphasised that the construction of new prison facilities alone did not constitute a sustainable solution to prison overcrowding. The Ombudsman further referred to a public statement by the Deputy Minister of Citizen Protection, who stressed that improving prison conditions required not only infrastructure projects and increased prison capacity but also important interventions with a clear human-centred approach, forming part of a strategic vision for a new, modern and European prison system.

D. Institutional Guidance on the application of the remedy laid down in Article 6A

62. By circular no. 3/2023 of 16 January 2023, the deputy prosecutor at the Court of Cassation issued general guidance to prosecutorial authorities concerning the application of the recently introduced remedy under Article 6A of the Prisons Code. The circular explained that the provision had been enacted to address the absence of an effective domestic remedy that had been identified in the Court's case-law under Article 3 of the Convention. It further instructed prosecutors to pay particular attention to the application of Article 6A and to ensure that appeals lodged under the new remedy were examined in accordance with the principles and standards established in the Court's case-law. It reiterated that the domestic courts were required to assess complaints in a manner consistent with Convention standards, particularly the State's positive obligation to ensure detention conditions compatible with

respect for human dignity. To facilitate the uniform application of those principles, the circular was accompanied by an annex summarising the Court's case-law on inadequate conditions of detention that had been prepared by the Agent of the Greek Government before the Court. Finally, the heads of the prosecutorial authorities were requested to supervise compliance with the guidance, particularly in prosecution offices responsible for prisons.

63. A circular of 8 March 2024, issued by the General Secretariat for Anti-Crime Policy at the Ministry of Citizen Protection, to prison directors, provided detailed guidance on the preparation of prison administrations' observations in proceedings under Article 6A. It stressed that the burden of establishing the relevant facts did not rest solely on detainees, who were required only to describe their conditions of detention. The relevant authorities were expected to provide the courts with sufficiently detailed and reliable material enabling them to assess the compatibility of those conditions with the Convention. This included precise information on the appellant's detention periods and accommodation, the usable surface area and occupancy of each cell (whether individual or shared), lighting, ventilation, heating, hygiene, access to outdoor exercise, activities and medical care. Where the detainee had been held in several locations, the conditions in each had to be described separately. The circular further instructed prison administrations to take account of the Court's evidentiary standards on overcrowding, including the 3 sq. m threshold and the need to assess the duration of any inadequate conditions. It also required them to use and cross-check sources such as official occupancy statistics, reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Court's case-law and reports of the Greek Ombudsman. The stated aim was to assist the sentence execution courts in reaching findings consistent with the Court's case-law, and prison administrations were requested to comply strictly with those instructions.

64. In circular no. 8/2024 of 2 May 2024, the deputy prosecutor at the Court of Cassation issued further guidance to prosecutorial authorities and through them to the relevant judges on the application of Article 6A in the light of the Court's case-law. It reiterated the absolute nature of the prohibition of inhuman or degrading treatment and the State's positive obligation to ensure detention conditions compatible with respect for human dignity. It emphasised that Article 6A had been introduced in response to the Court's findings concerning the lack of an effective domestic remedy in respect of conditions of detention and with the aim of reducing the number of applications and judgments against Greece. The remedy had to be applied in accordance with the principles developed in the Court's case-law and domestic courts had to assess complaints with reference to all relevant factors identified in that case-law and to all other material conditions of detention. The circular also stated that findings of detention conditions contrary to

Article 3 of the Convention shall give rise to a presumption of an impairment of human dignity without requiring proof of fault on the part of the authorities. It further emphasised the importance of thorough fact-finding. Prosecutors were instructed to collect all relevant evidence, including prison records, official statistics and reports of national and international bodies, including reports of the CPT, rather than relying solely on reports prepared by the prison administration. It also emphasised that the judicial council could, at the appellant's request and for stated special reasons, order his or her personal appearance before it. Otherwise, the appellant had to be invited to submit additional written observations and any further evidence. The circular noted that the systematic hearing of appellants in person constituted an important indicator of the effectiveness of the remedy. Lastly, the circular reminded prosecutors and judges that their role was not to "defend" the prison administration but to assist the domestic courts in reaching an independent, impartial and Convention-compliant assessment of the complaints. It warned that a systematic rejection of appeals lodged under Article 6A would undermine the effectiveness of the new remedy.

65. The President and the prosecutor of the Court of Cassation issued joint statement no. 2495-7751 of 4 November 2024 addressed to judicial and prosecutorial officers concerning the application of the Court's settled case-law as regards remedies on conditions of detention. They reiterated that usable personal space equal to or below 3 sq. m gave rise to a strong presumption of a violation of Article 3. They called on the relevant prosecutors to refer without delay all pending Article 6A appeals to the judicial councils for adjudication and to ensure that each case file contained a certificate from the prison director specifying both the surface area of the appellant's cell and the number of detainees accommodated there. The judicial councils were called upon to examine both new appeals and pending appeals promptly and to deliver decisions without delay. The document further stated that, where personal space was below 3 sq. m and compensation had been requested, the competent court should award compensation for non-pecuniary damage in addition to the sentence reduction credit, while preserving judicial discretion as to the amount. It noted that monetary compensation and the sentence reduction credits were cumulative, rather than mutually exclusive, forms of redress.

E. Judicial training relating to the domestic remedy

66. Among the initiatives undertaken to support the effective implementation of the remedy, on 27 November 2023 the roundtable "The introduction and application of a national remedy for detention conditions in Greek prisons" was organised by the Ministry of Justice in co-operation with the Council of Europe. It was held with the participation of members of the Council of Europe, the judge elected to the Court in respect of Greece, the

Council of Europe Department for the Execution of Judgments of the European Court of Human Rights, the General Secretariat, the Deputy Minister of Justice, the Secretary General of the Ministry of Citizen Protection and the Secretary General of the Ministry of Justice and other representatives of both ministries, the Greek Ambassador to the Council of Europe, representatives of the State Legal Council and the Greek Ombudsman's office, and judges and prosecutors of the Greek Judiciary. On 27 May 2024 a seminar for the judiciary on the new remedy on conditions of detention was organised at the Hellenic National School for the Judiciary in Thessaloniki with the participation of the judge elected to the Court in respect of Greece and the State Legal Council. On 22 September 2025 the Council of Europe organised a roundtable in Athens bringing together Greek authorities, Council of Europe representatives and experts, national human-rights bodies and academics to address prison overcrowding and detention conditions in Greece. It focused on alternatives to imprisonment, effective remedies for inadequate detention conditions and long-term structural reforms, including the 2025–2030 Strategic Plan for prison reform.

67. Furthermore, in cooperation with the Registry of the Court and the Council of Europe Department for the Execution of Judgments of the European Court of Human Rights, the Council of Europe Human Rights Education for Legal Professionals Programme (HELP) developed a new course designed to equip judges and prosecutors with extensive knowledge on Council of Europe standards which they could apply when assessing relevant complaints. On 13 March 2026 a launch event was organised by the HELP Programme jointly with the cooperation project “Support to efficient domestic capacity for the execution of ECtHR judgments (Phase 2)” funded by the Human Rights Trust Fund. This thematic seminar, hosted by the Hellenic National School for the Judiciary in Thessaloniki, brought together several Greek judges and prosecutors. Out of the 51 participants who subsequently enrolled on the HELP course platform, 40 successfully completed the course, corresponding to a success rate of 78.4%.

F. Action Plan 2025-2030 of the General Secretariat for Anti-Crime Policy

68. The General Secretariat for Anti-Crime Policy at the Ministry of Citizen Protection developed an Action Plan for 2025-2030, under the coordination and oversight of the Office of the Prime Minister, aimed at improving detention conditions, security and the operational functioning of correctional facilities. The Action Plan identified overcrowding as one of the main challenges facing the prison system and set out a timeline of actions, estimated costs and projected funding flows. Its first intervention area provided for the construction of new correctional facilities and the use of alternative sentencing measures. In particular, the construction programme,

with a total budget of EUR 268 million, provided for the construction of eight new correctional facilities and additional infrastructure within two existing facilities, with a view to increasing total capacity from 10,760 to 14,700 places. It also foresaw the closure of several facilities, including Korydallos, Alikarnassos, Neapoli, Chalkida and Ioannina. The programme relied on prefabricated construction to reduce time and costs and facilitate future expansion. It also provided for the implementation of alternative sentencing measures and for electronic surveillance and community service.

69. Another intervention area concerned the improvement of living conditions, security and the operational functioning of correctional facilities. It provided for the maintenance, repair and upgrading of facilities and infrastructure, the procurement of logistical and technical equipment, and for measures to combat informal hierarchies through dynamic security. The Action Plan noted that approximately 65% of correctional facilities had buildings and infrastructure that were more than 50 years old and that many facilities faced shortages of materials and outdated technical equipment. Following a needs assessment, funding was secured and programmes were launched for maintenance, repair and modernisation works, as well as for the procurement of equipment. Those programmes included, among other measures, infrastructure works, the replacement of obsolete equipment, energy upgrades, provision of bedding materials and measures aimed at improving living conditions, safety and operational efficiency. Further national and European funding proposals for the period 2026-2030 have also been submitted.

G. Committee of Ministers

70. The Committee of Ministers has held eight meetings in the context of supervision of execution of Court's judgments in the *Nisiotis* group of cases concerning poor conditions of detention in Greece and the lack of an effective domestic remedy. At its 1537th meeting, (15-17 September 2025) it adopted Decision CM/Del/Dec(2025)1537/H46-14 of 17 September 2025. As regards general measures, it reiterated that the structural problem of prison overcrowding had remained under supervision for fourteen years and stressed the continuing need for a comprehensive long-term strategy. It expressed grave concern that the prison population significantly exceeded the available capacity, with overcrowding affecting 23 of the country's 35 correctional facilities, and urged the Greek authorities to take urgent measures to address the situation, including by assessing the impact of criminal policy on prison overcrowding and providing a concrete timetable for the reduction of overcrowding in the Ioannina, Korydallos and Thessaloniki prisons.

71. As regards general measures, the Committee welcomed the adoption of the Government's Action Plan 2025-2030 and invited the authorities to ensure its prompt and effective implementation. The Committee also noted

with interest the ongoing efforts to expand alternatives to detention, including community service and electronic surveillance, and encouraged the authorities to strengthen and broaden those measures. As regards the new domestic remedy under Article 6A of the Prisons Code, the Committee reiterated the importance of ensuring Convention-compliant remedies, welcomed the authorities' efforts to raise judicial awareness and training, noted the increase in successful applications during 2025 and encouraged further measures to ensure the harmonisation of the domestic case-law. Lastly, it decided to close the supervision of another case concerning the Korydallos Prison Hospital, while continuing the supervision of the remaining issues under the *Nisiotis* group.

H. Reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

1. CPT report 28 March to 9 April 2019

72. In its report of 9 April 2020 the CPT, following its visit to Greece from 28 March to 9 April 2019, noted that in many areas of Diavata Prison the conditions were very poor and too many prisoners were held in conditions which represented an affront to their human dignity. The CPT stated that the prison was operating at over 140% capacity and that overcrowding should be progressively reduced. It noted that the prison had an official capacity of 359 but held 546 inmates of both sexes. Multi-occupant cells of 24 sq. m held 8-10 prisoners in cramped conditions, each with five bunk beds, a table, chairs, a TV and a fridge. Natural light and ventilation were adequate, but hygiene was problematic. In a number of the sanitary areas the taps were broken or leaking and mould was evident. Complaints were received about the lack of heating in winter and that clothes and hygiene products were not distributed in sufficient quantities. The CPT called for urgent steps to reduce occupancy so that each prisoner had at least 4 sq. m of living space, that maintenance should be ensured, that hygiene products and clothes be supplied and excess beds be removed to free up living space for the occupants. The CPT also noted that, of the total prison population, 199 detainees were working. As regards healthcare, it recommended that a half-time equivalent general practitioner and at least five additional qualified nurses should be recruited.

2. CPT report 20 to 31 January 2025

73. The executive summary of the report stated that, during the CPT January 2025 periodic visit to Greece, it had examined the treatment of detainees and the conditions of detention in Greek prisons and in places of detention run by the police. The delegation had visited nine prison establishments and several police establishments across various regions. The

visit aimed to assess progress on recommendations made following the CPT's previous visits in 2019 and 2021. Cooperation in terms of facilitating the visit had generally been excellent. Nevertheless, the CPT found that long-standing systemic and structural problems continued to undermine the effective functioning of the Greek prison system. The chronic issues of overcrowding and severe staff shortages persisted, compounded by other deficiencies in the prisons visited. While acknowledging some steps taken under the third Strategic Plan for prison policy (2024-2026), such as improvements to prison infrastructure, transfers to agricultural prisons, expanded use of electronic monitoring and community service, the introduction of a new judicial remedy, increased prison staffing and improvements to rehabilitation and healthcare services, those measures appeared to the CPT to be largely piecemeal and reactive. The reform and recovery of the Greek prison system required a much more strategic approach with decisive action and substantial investment, including a review of criminal policy and legislation and of sentencing practices.

74. Regarding overcrowding in particular, the report noted that, as of January 2025, Greece held 11,527 prisoners while having a capacity of 10,763 places, with 24 of 35 prison facilities overcrowded and 16 operating at or above 130% occupancy. By July 2025, the prison population had risen to 12,449 and was set to increase further. A coherent strategy was required to reduce occupancy rates, covering both admissions to and release from prison, to ensure that imprisonment really was a measure of last resort. Some measures to promote non-custodial sentences had been introduced by the reform of criminal legislation in 2019, but as of the time of writing of the report it appeared that such measures remained underused and that the Probation Service remained underdeveloped. The Greek authorities informed the CPT that, between May 2024 and June 2025, 742 sentenced prisoners had been assigned to community service positions and that a proposal to reintroduce community service into the Prisons Code was being examined at that time. In March 2025 Law no. 5187/2025 had introduced amendments to the Criminal Code and the Code of Criminal Procedure regarding electronically monitored house arrest and conditional release with electronic monitoring. Electronic monitoring was expected to be fully operational throughout Greece as of 1 January 2026. On the other hand, amendments had been introduced to the Criminal Code, effective as of May 2024, whereby the system of suspension of sentences underwent crucial changes. As a result it was far more likely for persons convicted of misdemeanours to actually serve time in prison, as sentences of more than two years could no longer be suspended. The latest published figures showed that, as of January 2023, 82% (6,495) of sentenced prisoners were serving very long prison sentences of over five years, compared to a Council of Europe median of 34.1%. The CPT called on the authorities to make greater use of non-custodial measures at all stages of the criminal process, including alternatives to pre-trial detention,

suspended sentences and conditional release. It also recommended reviewing the imposition of very long sentences and their impact on prison overcrowding. To ensure the effective use of alternatives to detention, it recommended that judges and prosecutors receive appropriate training and be supported by adequate institutional infrastructure, including a properly functioning probation service. The CPT reiterated its view that constructing new prisons was not likely, in itself, to provide a lasting solution to the problem of overcrowding.

75. The CPT held high-level talks at the Prime Ministers' Office on 19 June 2025, prior to the adoption of the report. During the meeting, the Greek authorities acknowledged the long-standing structural problems afflicting the prison system as identified by the CPT. Moreover, the Greek authorities presented a fully costed, multi-sector, five-year reform programme for the recovery of the prison system under the coordination and oversight of the Office of the Prime Minister (see paragraphs 68-69 above). In the CPT's view, that new Action Plan represented a significant and promising step forward in both cooperation and strategic planning to tackle the chronic crisis in prisons. Its effective implementation, alongside urgent measures to improve daily prison life, had to be vigorously pursued as a long-term national priority.

76. The report further indicated that the delegation was informed of obstacles faced by prisoners when considering whether to lodge appeals under the new Article 6A of the Prisons Code and, at times, even after having introduced it. Several prisoners had stated that they had been told by prison management that doing so would be detrimental to their requests for leave or conditional release, or that they might be transferred to another prison. By a letter of 10 April 2025, the Greek authorities informed the CPT that no such complaint had been received by them. On the contrary, clear instructions had been issued to the management of all prisons regarding the proper dissemination of information to all inmates, as well as the submission of specific documentation during the adjudication of the appeals. The CPT welcomed the response and trusted that the Greek authorities would ensure that no obstacles were placed in the way of prisoners wishing to lodge appeals under Article 6A. The Committee further stated that it would like to be informed about the number of complaints of poor conditions of detention submitted by prisoners under that provision in 2025 and of their outcomes.

COMPLAINTS

77. The applicant complained under Article 3 of the Convention that the conditions of his detention in Diavata Prison had been inhuman and degrading. He also complained under Article 13 of the Convention that he did not have an effective domestic remedy in respect of his complaint under Article 3. These provisions read as follows:

Article 3

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

Article 13

“Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”

THE LAW

Alleged violation of Article 3 alone and in conjunction with Article 13 of the Convention

1. The arguments of the parties

(a) Conditions of detention

(i) The Government

78. The Government referred to their detailed description of the conditions of detention as provided above (see the Government’s submissions on the conditions of detention summarised in paragraphs 18-27) and to decision no. 993/2023 of the Thessaloniki Sentence Execution Court (see paragraphs 29-33 above). They argued that the applicant had failed to specify how and to what extent he had been personally affected by the general deficiencies of the correctional facility, that he had relied instead on vague and general allegations and that the applicant’s descriptions could not suffice to establish the alleged violations. The Government submitted that the applicant’s conditions of detention, even if not entirely satisfactory, had not attained the required minimum level of severity and that the complaint under Article 3 was manifestly ill-founded.

(ii) The applicant

79. The applicant submitted that his conditions of detention amounted to inhuman and degrading treatment. He had provided a detailed account of the alleged overcrowding and the other aspects of his detention which he maintained were inadequate and fell short of the requirements of Article 3 of the Convention. His submissions on the conditions of detention are summed up in paragraphs 9-18 above. He also referred to the Court’s case-law and in particular to cases in which it had found a violation of Article 3 on account of the conditions of detention in Diavata Prison, such as the judgments *Bouros and Others v. Greece* (nos. 51653/12 and 4 others, 12 March 2015), *Patrikis and Others v. Greece* (no. 50622/13, 28 January 2016), *Adiele and Others v. Greece* (no. 29769/13, 25 February 2016) and *Papadakis and Others v. Greece* (no. 34083/13, 25 February 2016).

(b) The effectiveness of the remedy and the applicant's victim status

(i) The Government

80. The Government argued that the applicant had not established an arguable claim under Article 3 and that his Article 13 complaint was therefore inadmissible or in any event unfounded. They contended that the remedy of Article 6A of the Prisons Code, being primarily preventive but also providing for compensation, satisfied the Court's criteria for effectiveness and afforded full judicial protection to detainees. In the applicant's case, his appeal had been thoroughly examined by the competent judicial council.

81. The Government further argued that the developments in the domestic case-law, together with the other measures adopted, demonstrated the effectiveness of the remedy as judicial councils upheld the appeals where the relevant conditions had been established, such as in decisions nos. 532/2023 and 137/2024 of the Larissa Sentence Execution Court, which had awarded sentence reductions. They submitted that the introduction of Article 6A had established an easily accessible and free-to-use judicial remedy, available to current detainees and to former detainees for up to four months after their release. Appeals could be lodged with either the registry of the relevant court or the director of the detention facility and were examined by independent and impartial judges in adversarial proceedings, in which the appellants could request to appear in person. The judicial council was required to decide within 30 days; decisions were binding on the prison authorities, compensation awards were covered by a dedicated budgetary allocation and all decisions were notified to the Greek Ombudsman.

82. The Government further relied on two recent amendments to Article 6A which provided that compensation was tax-free and protected from attachment or seizure for debts owed to the State and that any sentence reduction was applied directly and was not subject to aggregation or any maximum limit (see paragraphs 45-46 above). They argued that that ensured that the reduction was granted specifically in respect of poor conditions of detention and had a measurable impact on the length of the sentence.

83. The Government also described steps taken by the authorities to familiarise the relevant stakeholders with the Court's case-law and submitted that the authorities were monitoring the progress of the implementation of the remedy. The Government referred, in particular, to the cooperation of their Agent with the General Secretariat for Anti-Crime Policy on relevant actions (see paragraphs 68-69 above). They further referred to circulars addressed to the prosecutor and the President of the Court of Cassation and disseminated to all prosecutors, to other documents addressed to judges and prison directors and to awareness raising measures taken in cooperation with the Council of Europe.

84. With regard to the domestic case-law, the Government submitted that the decisions delivered in the more than three years since the remedy's

introduction demonstrated that the remedy had become fully effective in both law and practice, enabling appellants to obtain the necessary improvements in their conditions of detention and adequate and sufficient redress. The proportion of decisions favourable to appellants had increased steadily between 2023 and 2026. In 2024, favourable decisions had been delivered in respect of some of the major prisons (Korydallos, Diavata and Nigrita), while in 2025 such decisions had been issued by a broader range of sentence execution courts concerning other prisons (such as Trikala, Tripoli and Domokos) and the number of favourable and unfavourable decisions had been balanced. According to the information available to the Government as of April 2026, eight favourable and seven unfavourable decisions had been given that year. In their view, those figures demonstrated a “significant shift in the case-law” and showed that the application and interpretation of Article 6A “[was] now achieving the legislature’s goals”.

85. The Government further argued that a qualitative review of recent decisions showed that they were largely consistent with the Court’s case-law. They acknowledged that, in 2023, the sentence execution courts had relied mainly on domestic evidentiary rules and had required time to familiarise themselves with Convention standards, but submitted that those initial shortcomings had since been remedied. More detailed prison reports and ongoing digitalisation allowed for a more accurate assessment of personal space and material conditions. Recent decisions had also examined minimum and maximum occupancy throughout the period complained of, rather than relying on isolated figures, thereby enabling an assessment of the extent and duration of any reduction in personal space.

86. The Government maintained that the effectiveness of the remedy was reflected in the evolution of the domestic case-law. As regards Korydallos, the country’s largest prison, the Piraeus Sentence Execution Court had dismissed the first appeal lodged concerning conditions there in 2023, whereas between 2024 and 2026 appeals lodged from detainees there had had the highest proportion of favourable decisions. A similar development could be observed in the case-law concerning Nigrita, Trikala and Tripoli prisons. Despite the limited number of decisions concerning those prisons, the reasoning in them was consistent with the Court’s case-law.

87. The Government further submitted that, where an appeal was upheld, judicial councils could order preventive measures such as relocation within the same prison or priority transfer to a hospital or another prison. The Transfer Committee met regularly and implemented such orders. Twice-monthly prison occupancy tables, maintained since 2017, indicating overcrowding or surplus places in a separate column, assisted the authorities in executing decisions so as to ensure compliance with the 3 sq. m requirement. In some *Nigrita* cases, preventive relief also included increased access to outdoor exercise, education, work and related activities.

88. They argued that, as for compensation for non-pecuniary damage, monetary compensation was the appropriate form of redress for persons who had already been released. Although awards generally remained close to the statutory minimum of EUR 5 per day spent in improper conditions, the adequacy of the awards had to be assessed in the light of the domestic legal system, traditions and standard of living. Where persons remained in detention, sentence execution courts had in many cases awarded both a sentence reduction and monetary compensation.

89. The Government noted that all funds had been allocated but actual payment was made in a limited number of cases because payment details required under domestic law had not been duly provided, despite requests to that effect; the authorities were working with the appellants' lawyers to resolve the issue. Applications were generally decided without undue delay, despite some "hold-ups" before certain sentence execution courts. The Government argued that across six sentence execution courts during 2025-26 the estimated shortest times before the individual courts for delivering a decision had ranged from one to three months while the estimated longest times ranged from three to five months. In particular, in 2026 in the Piraeus Sentence Execution Court the average time had been between six and six and a half months. The Government expected the new judicial map and other measures aimed at expediting proceedings to reduce those delays.

90. The Government submitted that dismissals were based on the Court's criteria, either because detainees had failed to establish a *prima facie* case by failing to provide sufficiently detailed information on their conditions of detention (omitting information on their cells, occupancy levels or periods of detention or by relying on data for other prisons) or because the conditions complained of did not attain the Article 3 threshold. They referred to the Grevena Sentence Execution Court, which had dismissed all eleven applications examined in 2024 on grounds that were compatible with the Court's case-law concerning comparable periods and conditions in that prison.

91. The Government lastly argued that, as the appeal mechanism had been interpreted and applied in the applicant's case, it had constituted an effective remedy. They objected that the applicant no longer had victim status. They argued that he had been transferred to another prison and that the reduction to his sentence had already been credited. As regards the fact that he had not been awarded monetary compensation, that was in compliance with the Court's case-law as the sentence execution court, exercising its discretion and having regard to the particular circumstances of the case, had found that the relevant proportional sentence reduction was sufficient to afford full redress. The sentence reduction was explicitly granted to remedy the violation of Article 3 of the Convention and provided a measurable compensation for it. They further noted that 74.5 days were awarded, which was more than the 61 days that had been requested by the applicant. The Government submitted

that, although the applicant had been informed, through his lawyer, that it would be possible for him to see the prosecutor's proposal on his appeal and that he could file written observations on it (under Article 86 § 3 of the Prisons Code in paragraph 43 above), he had not exercised that right.

(ii) The applicant

92. The applicant maintained that the remedy was unsuitable and ineffective as it had failed to address the structural deficiencies of Greek prisons, since, although it could lead to the award of compensation, it was incapable of putting an end to inhuman or degrading treatment and it could have no preventive effect in respect of present or future violations of Article 3 of the Convention. The applicant further argued that, according to the Court's settled case-law, a complaint under Article 572 of the Code of Criminal Procedure, under which the competent public prosecutor supervises the treatment of detainees, could not be considered an effective remedy either.

93. The applicant argued that the domestic case-law showed that the new remedy was ineffective in practice, as appeals were systematically dismissed. He further submitted that the sentence execution courts relied on prison directors' reports and prosecutorial submissions, shifted the burden of proof onto detainees, and failed to verify the evidence against international reports, the Court's case-law or on-site inspections. He also claimed that the statutory thirty-day time-limit for the sentence execution courts to give a decision was not observed, while appellants, on the other hand, were required to comply strictly with all procedural deadlines, contrary to the principle of equality of arms.

94. The applicant further argued that, following a transfer, the sentence execution court with jurisdiction over the detainee's new place of detention was competent under Article 6A to examine complaints concerning previous facilities. Although the Government had endorsed that interpretation in similar cases, he maintained that no domestic court had accepted such jurisdiction in practice, thereby depriving detainees of an effective opportunity to complain of former conditions of detention.

95. Lastly, the applicant referred to cases in which detainees had allegedly been required to declare that they had voluntarily agreed to be accommodated in cells where the personal space available was below 3 sq. m per detainee. He argued, however, that no waiver of rights could relieve the State of its positive obligations under the Convention.

96. The applicant relied on and submitted a letter dated 16 June 2023 signed by several Greek lawyers, including his representative, which referred to numerous pending applications before the Court. The accompanying memorandum set out arguments, similar to the applicant's own, to the effect that the new remedy was ineffective in law and in practice, and referring to appeals lodged after its introduction in October 2022 and to decisions delivered during the first months of its operation. It highlighted alleged

shortcomings in the relevant legislative framework, delays in the examination of appeals and the systematic dismissal thereof.

97. The applicant argued that decision no. 1538/2024 of the Thessaloniki Sentence Execution Court (see paragraphs 34-40 above) proved that the remedy was not effective and was incompatible with Article 13 of the Convention and the guarantees of Article 6. Nor did it offer the proper protection against treatment proscribed under Article 3. Both the prosecutor's proposal and the Sentence Execution Court's decision had been based on the director's report and had not relied on the relevant CPT reports or the Court's case-law. The basis of the remedy was abstract and general and there was a likelihood that it would become an impediment to applications being lodged with the Court so that the supervision of the Committee of Ministers would end. The sentence execution courts contented themselves with the efforts made by the authorities and did not give enough weight to the actual results of such efforts. The Thessaloniki Sentence Execution Court had started regularly delivering decisions ordering a reduction in sentences but not awarding compensation for non-pecuniary damage. Additionally, the applicant had not been given the possibility of appearing at the proceedings in his case and there was no right of appeal. Thus, although the Thessaloniki Sentence Execution Court had found that his detention had amounted to inhuman and degrading treatment, it had not awarded him monetary compensation for non-pecuniary damage, contrary to the provisions governing the new remedy.

98. The applicant further submitted that prisoners had been threatened with the loss of existing benefits if they applied to the Court and that, in some cases, detainees had been transferred to prisons with less favourable conditions in order to deter others from lodging applications. In particular, he stated that a detainee who had been in possession of an application form for lodging an application with the Court had been punished for the disciplinary offence of possession of forbidden goods without permission. As a result the prison director had forbidden him from accessing work or education privileges for six months. The applicant submitted in that connection decision no. 452/2021 of the Thessaloniki Sentence Execution Court published on 9 March 2021.

99. The applicant further argued that the sentence reductions handed down under Article 6A did not have a practical significance as conditional release remained subject to statutory minimum periods of actual imprisonment and to the discretionary assessment of the competent judicial council, while recent legislative amendments had further restricted its availability. Consequently, the sentence credit awarded to him remained purely theoretical and did not guarantee his earlier release.

100. Regarding his transfer to Drama prison, where he stated that he had remained until 22 May 2026, the applicant contended that that had not constituted effective preventive relief as the prison population was purported

– in official data – as being below the official capacity of 600 detainees from September 2024 to mid-2025, whereas during the second half of 2025 and in 2026 even the official data showed that the prison population had exceeded the prison’s capacity. He adduced press and other material which he considered supported his argument that the prison had suffered from overcrowding and poor material conditions. The applicant argued that after the transfer and throughout his whole detention in Drama he had continued to be detained in conditions of severe overcrowding. In his view, the transfer had failed to prevent further violations but had rather resulted in a deterioration of the conditions of his detention.

101. The applicant submitted that the effectiveness of Article 6A could not be assessed in isolation from the structural problem of prison overcrowding and regard had to be had to the broader measures adopted by the State and their practical results, including alternatives to detention, sentence reductions, the construction and allocation of prison capacity, transfers, conditional release and other measures capable of reducing the prison population. He further maintained that, despite those, recent legislative reforms in criminal law had increased the prison population and undermined the practical operation of both the compensatory and preventive aspects of the remedy.

102. The applicant maintained that he had not lost his victim status. He argued that the domestic decision had concerned only part of his overall period of detention, that neither the sentence reduction nor the transfer had afforded him practical and sufficient redress, and that he had therefore continued to be subjected to conditions contrary to Article 3 after the domestic proceedings leading to decision no. 1538/2024 of the Thessaloniki Sentence Execution Court.

2. *The Court’s assessment*

(a) **The general principles**

103. Article 13 of the Convention guarantees the availability at national level of a remedy to enforce the substance of the Convention rights and freedoms in whatever form they may happen to be secured in the legal order of the High Contracting Party concerned. The effect of that Article is thus to require the provision of a domestic remedy to deal with the substance of an arguable complaint under the Convention and grant appropriate relief. This remedy must be effective in practice as well as in law, it being understood that such effectiveness does not depend on the certainty of a favourable outcome for the person concerned (see *M.S.S. v. Belgium and Greece* [GC], no. 30696/09, §§ 288-89, ECHR 2011, and, in the context of remedies against conditions of detention, *Nikitin and Others v. Estonia*, nos. 23226/16 and 6 others, § 206, 29 January 2019).

104. The general principles on effective remedies in the context of conditions of detention have been outlined in the judgment of *Neshkov and Others v. Bulgaria* (nos. 36925/10 and 5 others, 27 January 2015 with further references), the relevant part of which reads as follows:

“181. The scope of the obligation under Article 13 depends on the nature of the aggrieved person’s complaint under the Convention. With respect to complaints under Article 3 of inhuman or degrading conditions of detention, two types of relief are possible: improvement in these conditions and compensation for any damage sustained as a result of them. Therefore, for a person held in such conditions, a remedy capable of rapidly bringing the ongoing violation to an end is of the greatest value and, indeed, indispensable in view of the special importance attached to the right under Article 3. However, once the impugned situation has come to an end because this person has been released or placed in conditions that meet the requirements of Article 3, he or she should have an enforceable right to compensation for any breach that has already taken place. In other words, in this domain preventive and compensatory remedies have to be complementary to be considered effective ...

...

183. For instance, for a preventive remedy with respect to conditions of detention before an ... authority to be effective, this authority must (a) be independent of the authorities in charge of the penitentiary system, (b) secure the inmates’ effective participation in the examination of their grievances, (c) ensure the speedy and diligent handling of the inmates’ complaints, (d) have at its disposal a wide range of legal tools for eradicating the problems that underlie these complaints, and (e) be capable of rendering binding and enforceable decisions ... Any such remedy must also be capable of providing relief in reasonably short time-limits ...

184. As regards compensatory remedies in respect of conditions of detention, whether judicial or administrative, the burden of proof imposed on the claimant should not be excessive. While inmates may be required to make a *prima facie* case and produce such evidence as is readily accessible, such as a detailed description of the impugned conditions, [witness] statements, or complaints to and replies from the prison authorities or supervisory bodies, it then falls to the authorities to refute the allegations. In addition, the procedural rules governing the examination of claims for compensation must conform to the principle of fairness enshrined in Article 6 § 1 of the Convention, including the reasonable-time requirement, and the rules governing costs must not place an excessive burden on the inmate where his or her claim is justified ...

...

187. Thus, for a domestic remedy in respect of conditions of detention to be effective, the authority or court in charge of the case must deal with it in accordance with the relevant principles laid down in the Court’s case-law under Article 3 of the Convention ... Since what matters is the reality of the situation rather than appearances, a mere reference to this Article in the domestic decisions is not sufficient; the case must have in fact been examined consistently with the standards flowing from the Court’s case-law.

188. If the domestic authority or court dealing with the case finds, whether in substance or expressly, that there has been a breach of Article 3 of the Convention in relation to the conditions in which the person concerned has been or is being held, it must grant appropriate relief.

189. In the context of preventive remedies, this relief may, depending on the nature of the underlying problem, consist either in measures that only affect the inmate concerned or – for instance where overcrowding is concerned – wider measures that are capable of resolving situations of massive and concurrent violations of prisoners’ rights resulting from the inadequate conditions in a given correctional facility ...

190. In the context of compensatory remedies, monetary compensation should be accessible to any current or former inmate who has been held in inhuman or degrading conditions and has made an application to this effect. A finding that the conditions fell short of the requirements of Article 3 of the Convention gives rise to a strong presumption that they have caused non-pecuniary damage to the aggrieved person. The domestic rules and practice governing the operation of the remedy must reflect the existence of this presumption rather than make the award of compensation conditional on the claimant’s ability to prove, through extrinsic evidence, the existence of non-pecuniary damage in the form of emotional distress ...

191. Lastly, prisoners must be able to avail themselves of remedies without having to fear that they will incur punishment or negative consequences for doing so ...”

105. The Court has constantly reaffirmed that for a system of protection of prisoners’ rights as guaranteed under Article 3 to be effective, preventive and compensatory remedies have to co-exist in a complementary manner. The preventive remedy must be capable of preventing the continuation of the alleged situation or of bringing about an improvement in the material conditions of detention. Once the situation complained of has ceased, it must be open to the individual to bring a compensatory claim (see *Yasak v. Türkiye* [GC], no. 17389/20, § 230, 5 May 2026, and *Ulemek v. Croatia* no. 21613/16, §§ 71-74, 31 October 2019).

106. The Court has held on a number of occasions that where a State has taken a significant step by introducing a compensatory remedy, under the subsidiarity principle, a wider margin of appreciation should be left to the domestic authorities in assessing the amount of compensation to be paid. Such an assessment should be carried out in a manner consistent with the State’s own legal system and traditions and take into account the standard of living in the country concerned, even if that results in awards of amounts that are lower than those fixed by the Court in similar cases (see, for instance, *Cocchiarella v. Italy* [GC], no. 64886/01, § 80, ECHR 2006-V; *Anastasov and Others v. Slovenia* (dec.), no. 65020/13, § 71, 18 October 2016; and *Polgar v. Romania*, no. 39412/19, § 56, 20 July 2021).

107. The Court has also reiterated that the manner in which the national courts deal with the cases, the extent to which the national authorities comply with the measures ordered, and the promptness with which any awards of compensation they make in such proceedings are paid by the authorities, may affect the Court’s conclusion on the assessment of whether the domestic remedy is effective (see *Shmelev and Others v. Russia* (dec.), nos. 41743/17 and 16 others, §§ 85-104, 17 March 2020, with further references).

108. Furthermore, the Court is mindful of the objective difficulties experienced by applicants in collecting evidence to substantiate their claims

about the conditions of their detention. An applicant must provide an elaborate and consistent account of the conditions of his or her detention mentioning the specific elements, such as for instance the dates of his or her transfer between facilities, which would enable the Court to determine that the complaint is not manifestly ill-founded or inadmissible on any other grounds. Only a credible and reasonably detailed description of the allegedly degrading conditions of detention constitutes a *prima facie* case of ill-treatment and serves as a basis for giving notice of the complaint to the respondent Government. The Court has held on many occasions that cases concerning allegations of inadequate conditions of detention do not lend themselves to a rigorous application of the principle *affirmanti incumbit probatio* (he who alleges something must prove that allegation) because in such instances the respondent Government alone have access to information capable of corroborating or refuting such allegations. It follows that, after the Court has given notice of the applicant's complaint to the Government, the burden is on the latter to collect and produce relevant documents. A failure on their part to submit convincing evidence on material conditions of detention may give rise to the drawing of inferences as to the well-foundedness of the applicant's allegations (see *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, §§ 121-23, 10 January 2012, and *Kaganovskyy v. Ukraine*, no. 2809/18, § 121, 15 September 2022).

109. Lastly, the Court reiterates that it is in the first place for the national authorities to redress an alleged violation of the Convention. In this regard, the question whether an applicant can claim to be a victim of the alleged breach arises at all stages of the proceedings under the Convention (see *Kurić and Others v. Slovenia* [GC], no. 26828/06, § 259, ECHR 2012 (extracts), and *Burdov v. Russia*, no. 59498/00, § 30, ECHR 2002-III).

110. As the Court has repeatedly found, a decision or measure favourable to the applicant is, in principle, insufficient to deprive him or her of victim status unless the national authorities have acknowledged, either expressly or in substance, and then afforded appropriate and sufficient redress for, the breach of the Convention (see, for example, *Centro Europa 7 S.r.l. and Di Stefano v. Italy* [GC], no. 38433/09, §§ 80-81, ECHR 2012; *Scordino v. Italy (no. 1)* [GC], no. 36813/97, §§ 178-93, ECHR 2006-V; and *Murray v. the Netherlands* [GC], no. 10511/10, § 83, 26 April 2016). It is only when these two conditions are satisfied that the subsidiary nature of the Convention's protective mechanism precludes an examination of the application (see *Albayrak v. Turkey*, no. 38406/97, § 32, 31 January 2008).

(b) Application of the above principles in the present case

(i) Preliminary observations

111. The Court observes that the parties link the applicant's victim status to the effectiveness of the domestic remedy and that the Government's

objection concerning his victim status is closely connected with his complaint under Article 13 concerning the effectiveness of the remedy provided by Article 6A of the Prisons Code (see for a similar situation as regards Articles 6 and 13 of the Convention, *Cocchiarella*, cited above, § 73). Therefore, the Court considers it appropriate to examine first whether that remedy afforded the applicant effective redress in accordance with Article 13 of the Convention.

112. Having regard to all the relevant arguments and material available concerning the applicant's conditions of detention, as well as to the acknowledgment in the domestic decision of the degrading conditions of detention endured by him (see paragraphs 34-40 and above), the Court considers that the applicant's complaint under Article 3 of the Convention concerning the conditions of detention in Diavata Prison is "arguable" for the purposes of Article 13 and that he was entitled to a domestic remedy whereby he could have obtained appropriate relief (see, *mutatis mutandis*, *J.M.B. and Others v. France*, nos. 9671/15 and 31 others, § 175 *in fine*, 30 January 2020).

(ii) *Complaint under Article 13*

113. The Court first found a violation of Article 3 against Greece on account of conditions of detention in prison in 2001, in its judgment *Peers v. Greece* (no. 28524/95, ECHR 2001-III). The Committee of Ministers, at its 1072th meeting on 3 December 2009, closed the supervision of the execution of that case by Final Resolution CM/ResDH(2009)127 after concluding that the individual and general measures required for the execution of that judgment had been adopted. However, in the following period the Court continued to find violations disclosing deficiencies in prison conditions, leading to a new group of cases, headed by judgment *Nisiotis v. Greece* (no. 34704/08, 10 February 2011). In that case the Court found a violation of Article 3 and dismissed a non-exhaustion of domestic remedies objection raised by the Government. That case remains under enhanced supervision of the Committee of Ministers.

114. Thereafter the Court delivered a long series of judgments finding a violation of Article 3 concerning conditions of detention in prisons alone and in conjunction with Article 13. Also, in a significant number of cases, although it found no violation of Article 3 of the Convention taken alone, it nevertheless found a violation of Article 13 taken in conjunction with Article 3 of the Convention. It has held for instance that a complaint to the prison council and a request to be heard by the supervising prison prosecutor were ineffective where applicants alleged that they were personally affected by the general conditions of detention prevailing in the prison (see, among many others, *Papakonstantinou v. Greece*, no. 50765/11, § 51, 13 November 2014; *Kagia v. Greece*, no. 26442/15, § 55, 30 June 2016; *Singh and Others v. Greece*, no. 60041/13, §§ 62-64, 19 January 2017; and *Pilalis and Others v. Greece*, no. 5574/16, §§ 64-65, 17 May 2018). Additionally, as regards the

compensatory remedy of an action for damages against the State under Article 105 of the Introductory Law to the Civil Code, the Court has held that it constituted an effective remedy only when brought after the applicant's release from detention and not while he or she remained detained, since it lacked the preventive character required by the Court's case-law (see, among many other authorities, *Konstantinopoulos and Others v. Greece*, no. 69781/13, §§ 57-59, 28 January 2016; *Papadakis and Others*, cited above, § 40; *Koureas and Others v. Greece*, no. 30030/15, §§ 58-60, 18 January 2018; and *Zabelos and Others v. Greece*, no. 1167/15, §§ 50 and 54-55, 17 May 2018).

115. On 27 October 2022 an important legislative development took place, as, for the first time, a specific domestic remedy entered into force in Greek law enabling detainees to complain of conditions of detention alleged to be contrary to Article 3 of the Convention. Article 8 of Law no. 4985/2022 inserted Article 6A into the Prisons Code, establishing a dedicated judicial remedy in respect of detention conditions. This marked a significant departure from the previous legal framework, which the Court had consistently found to lack an effective remedy for complaints concerning general conditions of detention.

116. The Court considers it important to emphasise the particular context of the present case. Unlike cases where the Court assessed remedies adopted following earlier pilot judgments identifying the structural deficiencies and indicating the characteristics of an effective domestic remedy (see, for instance, *Stella and Others v. Italy* (dec.), nos. 49169/09 and 10 others, 16 September 2014, following *Torreggiani and Others v. Italy*, nos. 43517/09 and 6 others, 8 January 2013; *Atanasov and Apostolov v. Bulgaria* (dec.), nos. 65540/16 and 22368/17, 27 June 2017, and *Dimitar Angelov v. Bulgaria*, no. 58400/16, 21 July 2020, following *Neshkov and Others* (cited above); *Domján v. Hungary* (dec.), no. 5433/17, 14 November 2017, following *Varga and Others v. Hungary*, nos. 14097/12 and 5 others, 10 March 2015; and *Shmelev and Others* (cited above) following *Ananyev and Others* (cited above)), the present case constitutes the Court's first assessment of a remedy introduced by the Greek legislature following a long line of repetitive judgments finding violations of Articles 3 and 13 of the Convention over more than two decades. The Court must therefore determine, for the first time, whether Article 6A, as interpreted and applied by the domestic courts, affords a real and practical opportunity to obtain appropriate and sufficient redress for conditions of detention incompatible with the Convention.

117. Nearly four years have elapsed since the entry into force of Article 6A. The Court is therefore in a position to assess both the statutory framework governing the remedy and its operation in practice. It will examine whether, in the light of the domestic decisions relied on by the Government to illustrate the interpretation and application of the remedy and concerning

its operation up to April 2026, Article 6A satisfies the requirements of Articles 13 and 3 of the Convention, as developed in the Court's case-law, and whether it afforded the applicant effective redress in the circumstances of the present case.

(α) Preventive remedy

118. A detainee may lodge an appeal with the sentence execution court where a failure to comply with domestic or international rules governing detention conditions infringes human dignity. If the appeal is upheld, the court may order any measure it considers appropriate to bring the appellant's living conditions into compliance with those standards, including relocation within the same detention facility. Where such measures are not feasible, it may order the appellant's priority transfer to another appropriate institution. The directors of correctional facilities, other detention facilities and public hospitals must comply immediately with the decisions of the sentence execution court (see Article 6A § 3 of the Prisons Code, cited in paragraph 43 above) which are immediately enforceable (see Article 6A § 2 of the Prisons Code). As regards the extent and promptness of the national authorities' compliance with preventive measures ordered under Article 6A of the Prisons Code, the Court does not dispose of sufficient information to reliably assess the position and it does not find it appropriate to decide this issue *in abstracto* at the present stage. The Court is ready to re-examine the situation should subsequent applications and material reveal any persistent failure on the authorities' part to honour the domestic judgments for considerable periods of time (see, *mutatis mutandis*, *Gerasimov and Others v. Russia*, nos. 29920/05 and 10 others, § 152, 1 July 2014).

119. The Court notes that Article 6A confers broad discretion on the competent sentence execution courts to order any appropriate measure within the correctional or detention facility. The domestic decisions submitted indicate that, when upholding appeals, the sentence execution courts frequently ordered the transfer of detainees to other accommodation within the facility complying with the applicable standards or, where that was not feasible, the appellants' priority transfer to another facility. The Court further notes that, in one case, the Heraklion Sentence Execution Court made the transfer conditional on its not disrupting the detainee's participation in a drug rehabilitation or educational programme, thereby seeking not only to improve the appellant's material conditions of detention, but also to preserve access to other measures relevant to his welfare and rehabilitation.

120. It is also significant that, in at least fifteen decisions delivered in 2024 and 2025, the Serres Sentence Execution Court ordered, where immediate relocation or transfer was not possible, that detainees be granted additional time for outdoor exercise, physical activity, educational programmes, work or comparable out-of-cell activities. In those cases the domestic courts gave priority to measures capable of bringing about a prompt

and practical improvement in the detainees' living conditions (see, in respect of access to outdoor exercise, *Yasak*, cited above, § 234, with further references).

121. The Court nevertheless observes that the problem of prison overcrowding in Greece, repeatedly identified in its case-law, has not yet been eradicated. The CPT's latest report on Greece states that in January 2025 the prison population stood at 11,527 relative to an official capacity of 10,763 places, with 24 of the country's 35 correctional facilities operating above their official capacity. The CPT further noted that the prison population had increased to 12,449 by July 2025 and was expected to continue rising (see paragraph 74 above).

122. Against that background, the Court considers that, in a prison system where overcrowding remains widespread, the effectiveness of preventive measures based on the transfer of detainees necessarily depends on the authorities' ability to identify and transfer them to facilities where detention conditions comply with the requirements of Article 3. In this connection, the Court takes note of the Government's submission that the relevant Transfer Committee meets regularly and implements the relevant judicial decisions on the basis of the official data concerning the capacity, occupancy and available places in correctional facilities (see paragraph 87 above). Such a practice appears capable, in principle, of facilitating a more balanced distribution of detainees among correctional facilities.

123. The Court further notes that the Action Plan for 2025-2030 adopted by the General Secretariat for Anti-Crime Policy of the Ministry of Citizen Protection aims at improving detention conditions and the operation of correctional facilities. It expressly identifies prison overcrowding as one of the principal challenges facing the prison system and sets out a programme of measures intended to address it. These include the construction of eight new correctional facilities and additional infrastructure, resulting in a substantial increase in prison capacity, the closure of obsolete establishments, the improvement and modernisation of existing prison infrastructure, and the wider use of alternatives to detention, including electronic monitoring and community service (see paragraph 65 above). The Court observes that both the CPT and the Greek Ombudsman emphasised that overcrowding could not be resolved through new prison construction alone. The Ombudsman referred to international standards recognising that the adequacy of detention conditions depends on a combination of factors extending beyond floor space and noted the Government's stated vision for a modern, human-centred prison system (see paragraph 61 above). The CPT regarded that Action Plan as a significant and promising step towards addressing the chronic problems affecting the prison system, while emphasising that its effective implementation should remain a long-term national priority (see paragraph 75 above).

124. The Court is particularly mindful of the applicant's argument that recent reforms of criminal legislation had contributed to an increase in the prison population. The material before the Court indicates that the Greek authorities have taken steps to expand alternatives to imprisonment, notably through the wider use of community service and the introduction of electronic monitoring, expected to become fully operational nationwide as of 1 January 2026. However, the CPT observed that alternatives to custodial sentences remained underused and that the probation service remained insufficiently developed. It further noted that amendments to the Criminal Code applicable from May 2024 made it more likely that persons convicted of misdemeanours would serve custodial sentences, while a high proportion of sentenced prisoners served very long prison terms: in January 2023, 82% of sentenced prisoners were serving terms exceeding five years, approximately 2.4 times the Council of Europe median of 34.1%. The CPT therefore considered that further reforms of criminal policy and sentencing were necessary, including greater use of non-custodial measures at all stages of the criminal process and a review of the policy on very long prison sentences (see paragraphs 73-74 above). The Greek Ombudsman also expressed concern that recent criminal-law reforms, including increased maximum penalties, stricter rules on the execution and suspension of sentences and the extension of imprisonment to less serious offences were likely to exacerbate existing prison overcrowding (see paragraph 58 above).

125. Having regard to the nature of the preventive remedy established by Article 6A, the broad powers conferred on the competent sentence execution courts to order any measure they consider appropriate to remedy inadequate conditions of detention, the binding nature of their decisions on the authorities and the implementation in practice of the preventive limb of the remedy, the Court considers that it offers, *a priori*, reasonable prospects of appropriate relief for complaints concerning conditions of detention under Article 3 of the Convention (see, *mutatis mutandis*, *Draniceru v. the Republic of Moldova* (dec.), no. 31975/15, §§ 32-34, 12 February 2019).

126. The Court further notes that the preventive remedy operates within a broader framework of measures aimed at addressing prison overcrowding and improving detention conditions, including the implementation of the Action Plan for 2025-2030 and the expansion of alternatives to imprisonment. Those measures are capable, in principle, of supporting the effective operation of the preventive remedy, they are consistent with the types of wider measures which the Court has previously regarded as relevant when assessing the effectiveness of domestic remedies in a similar context (see, *mutatis mutandis*, the above-cited cases of *Stella and Others*, § 48; *Atanasov and Apostolov*, § 55; and *Domján*, § 23), and – provided that they are effectively implemented – they can contribute to the long-term improvement of detention conditions.

127. The Court acknowledges the broader context, including the respondent State's obligation under Article 46 of the Convention to address the underlying structural problems (see *Gerasimov and Others*, cited above, §§ 214-15 and 219-20). The supervision of compliance with that obligation, including the assessment of criminal-policy and other measures and the overall implementation of the Action Plan, falls primarily within the competence of the Committee of Ministers and must remain an important aspect of the supervision under Article 46 of the Convention, given its relevance to the practical effectiveness of the preventive remedy. Furthermore, having regard to the general obligation of Contracting States to address the problems underlying violations of the Convention, the Court's conclusion may be subject to review in the future in the light of the effectiveness of the broader measures adopted by the authorities in improving conditions of detention and in addressing the underlying causes of prison overcrowding, which are both issues it cannot assess at this stage.

(β) Compensatory remedy

128. Article 6A § 4 (cited in paragraph 43 above) provides that, upon the request of an appellant, the sentence execution court may award monetary compensation for non-pecuniary damage and sentence reduction credit. Such a judicial decision is immediately enforceable.

129. The Court notes that the wording of the provision includes both monetary compensation and a reduction of sentence. In decisions where appeals were upheld the sentence execution courts, sitting as judicial councils, have generally awarded either one or the other and only in very limited cases both. It appears from the examples of domestic decisions that the judicial councils based their interpretation of Article 6A on its underlying purpose, a combined reading of paragraphs 3 and 4, and the priority to be given to remedying the detainee's conditions of detention. Proceeding on that basis, they considered that monetary compensation and the sentence reduction credit could be awarded by way of redress when requested by an appellant, and indeed that they retained discretion to award either or both forms of redress irrespective of which was sought by the applicant. They further held that the preventive and compensatory limbs of the remedy operated in a complementary manner and that the power conferred by Article 6A § 3 to order "any appropriate measure" also extended to the compensatory remedial measures provided for in paragraph 4 of that Article (in that respect see also the guidance provided by the President and the prosecutor of the Court of Cassation in their joint statement of November 2024 addressed to judicial and prosecutorial officers, which is summarised in paragraph 65 above).

130. The wording of the provision states that an appeal may be lodged where a failure to comply with the rules governing living conditions infringes human dignity. The Court further observes that its examination of the

domestic decisions submitted does not disclose any systematic practice of dismissing appeals on the ground that the appellants had failed to prove an impairment of their human dignity or the existence of non-pecuniary damage. On the contrary, the domestic judicial councils appear largely to have proceeded on the basis that an impairment of human dignity was presumed where detention conditions were found to be contrary to Article 3, without requiring proof of fault on the part of the authorities or characterisation of their conduct as unlawful under domestic law (see the same approach reflected in circular no. 8/2024 in paragraph 64 above, compare and contrast with the domestic courts' practice in *Neshkov and Others*, cited above, § 203). Likewise, compensation was not made dependent on the appellant's ability to establish, by means of external evidence, that he or she had suffered non-pecuniary damage (see *Ananyev and Others*, cited above, § 229; and *Iovchev v. Bulgaria*, no. 41211/98, § 146, 2 February 2006).

– *Reduction of sentence*

131. The Court has affirmed on numerous occasions that a reduction of a prison sentence offers adequate redress in respect of poor material conditions of detention, provided that the reduction is carried out in an express and measurable way (see the above-cited cases of *Neshkov and Others*, § 287, and *Varga and Others*, § 109). In particular, in the case of *Stella and Others* (cited above) the Court examined whether a reduction in the sentences of individuals who were still in detention in the proportion of one day for every ten days spent in poor conditions could be considered adequate redress. On the basis that it had been expressly granted to remedy the Article 3 violation and that its impact on the length of each prisoner's sentence was measurable the Court considered that the reduction did constitute adequate redress. It has highlighted that this form of redress has the undeniable advantage of helping to address the problem of prison overcrowding by accelerating the release of persons in detention (see *Stella and Others*, cited above, §§ 59-60, with further case-law references therein).

132. The Court notes that Article 69 of Law no. 5282/2026 (which entered into force on 27 February 2026) has significantly enhanced the compensatory aspect of the remedy (see paragraph 46 above). Whereas the initial version of the provision allowed the awarding of one day of sentence credit for every ten days spent in conditions contrary to Article 6A § 1, the amended provision allows for the awarding of one day of sentence credit for every three to seven days spent in such conditions, depending on the severity thereof. In this connection, the Court reiterates that in *Draniceru* (cited above, §§ 35 and 38) it considered a scheme providing for between one and three days of sentence reduction for every ten days spent in inadequate conditions to afford adequate redress and in *Dirjan and Ștefan v. Romania* ((dec.), nos. 14224/15 and 50977/15, § 28, 15 April 2020) a compensatory mechanism providing for a

reduction of six days for every thirty days spent in inadequate conditions of detention was considered effective.

133. Furthermore, the Court dismisses the applicant's arguments to the effect that sentence reductions did not have a practical significance as conditional release remained subject to statutory minimum periods of actual imprisonment and to discretionary assessments by the competent judicial councils. Following the aforesaid amendment the reduction is applied immediately to the remaining sentence, irrespective of eligibility for conditional release, and previous restrictions relating to aggregation of sentence credits and maximum reduction limits have been removed.

– *Monetary compensation*

134. As to the amounts of financial awards, the Court reiterates that in the case of *Domján* (cited above, § 28, with further references) it found that in the context of prison overcrowding an award comprised of between EUR 4 and EUR 5.30 per day spent in unsuitable conditions of detention did not appear to be unreasonable or disproportionate. In the case of *Draniceru* (cited above, § 40) and in the context of a new law setting a maximum award of EUR 5.10 per day spent in improper conditions but no minimum award, the Court emphasised that, in order to be considered effective, the new law would have to be implemented in a manner consistent with the Convention standards. It found no reason, however, to assume that the domestic courts would fail to apply the new provisions fully and consistently. In *Stella and Others* (cited above, § 62) where the level of compensation available domestically was EUR 8 per day of detention, the Court found that that should not be deemed unreasonable. Further, in the case of *Bizjak v. Slovenia* ((dec.), no. 25516/12, §§ 37-43, 8 July 2014), the Court took a stance in favour of the effectiveness of the domestic remedy in the context of prison overcrowding, where the compensation awarded by the authorities represented approximately 30% of the award made by the Court in the relevant pilot judgment. In the case of *Atanasov and Apostolov* (cited above, §§ 55-56) the Bulgarian compensatory remedy did not prescribe a scale for non-pecuniary awards, providing instead that they were to be determined equitably under general tort law. The Court nevertheless declined to assume that the domestic courts would fail to develop coherent Convention-compliant practice, while stressing that the new provisions had to be applied consistently with the Convention and its case-law.

135. Turning to the remedy set out in Greek law, the amount of monetary compensation for non-pecuniary damage which may be awarded under Article 6A § 4 ranges from EUR 5 to EUR 30 per day depending on the gravity of the violation. A detailed examination of the specific amounts awarded in the domestic decisions submitted shows that the large majority of the awards were calculated at a rate of EUR 5 per day. However, the Court notes that in 2026 there were decisions delivered by the sentence execution

courts of Heraklion and Thessaloniki which awarded higher amounts, namely EUR 15 or EUR 20 per day, when warranted by the circumstances. In one case the Tripoli sentence execution court awarded compensation at a rate of EUR 15 per day for the first 100 days of detention in inadequate conditions and EUR 10 per day for the subsequent period, expressly relying on the Court's case-law stating that the initial period of exposure to inadequate conditions of detention entails a heavier physical and moral burden on the detainee and may therefore justify a higher level of compensation (see, *mutatis mutandis*, *Barbotin v. France*, no. 25338/16, § 47, 19 November 2020; see also, in particular, the levels of compensation awarded by the Court in *Fraggopoulos and Others v. Greece* [Committee], no. 550/17, 23 January 2025).

136. An extensive analysis and comparative evaluation of the individual awards of compensation made in the decisions upholding appeals in 2024 further shows that the median level of compensation, representing the central tendency of the domestic awards, corresponded to approximately 31% of the amount that the Court would have awarded in comparable circumstances. For the purposes of this analysis, each award to an appellant was treated as a separate observation, since there were cases where several awards were made in the same decision (including one in which compensation was awarded to forty-one individuals). The corresponding median was approximately 43% in 2025 and 39% in 2026. From the analysis of the values of all the awards granted in the domestic decisions examined delivered from 2024 to April 2026, the Court observes that the median level of compensation corresponded to approximately 41% of the amount that the Court would have awarded in comparable circumstances. In the light of its case-law and the wider margin of appreciation left to the domestic authorities, the Court considers that the compensation assessment was made in a manner consistent with the domestic legal system and traditions, taking into account the standard of living in the country, and that the awarded amounts cannot be regarded as unreasonable (contrast with *Mironovas and Others v. Lithuania*, nos. 40828/12 and 6 others, § 99, 8 December 2015, and *Nikitin and Others*, cited above, §§ 199-200).

137. Moreover, it appears from the examples submitted that the sentence execution courts did not apply the statutory amounts mechanically but assessed compensation in the light of the particular circumstances of each case. When determining awards in respect of non-pecuniary damage, those courts, sitting as judicial councils, considered the principles enshrined in this Court's case-law and took into account the particular circumstances of each case, such as the time spent in inadequate conditions and the severity of those conditions, the extent to which the detention had affected the appellants' personhood and dignity, whether they worked or spent significant periods outside their cells, and whether access to out-of-cell activities had alleviated their distress.

138. As regards the promptness with which compensation awarded in such proceedings was paid, the Court notes the Government's submission that all necessary funds had been allocated, but that payment had not been completed in most cases because the required payment details of the beneficiaries had not been provided, despite requests to that effect. The Court does not have at its disposal any material suggesting that those delays resulted from any persistent inactivity or delay attributable to the authorities or from any reluctance on their part to honour the awards. The authorities submitted that they were in contact with the appellants' representatives with a view to overcoming those practical obstacles. In those circumstances, the Court does not consider that the described delays are capable, at this stage, of calling into question the effectiveness of the compensatory remedy (see *Shtolts and Others v. Russia* (dec.), nos.77056/14 and 2 others, §§ 49, 109-114, 30 January 2018).

139. Lastly, the Court notes that Article 120 of Law no. 5264/2025, which entered into force on 19 December 2025, strengthened the effectiveness of the compensatory remedy by providing that compensation awarded under Article 6A may not be subject to automatic set-off against debts owed by appellants to the Greek State (see paragraph 45 above). In the Court's view, that amendment ensures that compensation awarded in respect of violations of Article 3 retains its practical and effective character (compare with *Selmouni v. France* [GC], no. 25803/94, § 133, ECHR 1999-V, where the Court considered that compensation for non-pecuniary damage awarded under Article 41 in respect of, *inter alia*, treatment contrary to Article 3 should in principle be exempt from attachment by the State).

(γ) Assessment in accordance with the Court's Article 3 standards

140. The Government have provided the total numbers of appeals brought at domestic level and the numbers of those upheld by year, from 2023 to April 2026 (see paragraph 48 above). For the purposes of the present analysis, each numbered judicial decision is treated as a single unit of analysis, irrespective of the number of appellants concerned. The Court observes that the statistical material submitted reveals a significant evolution in the domestic case-law around Article 6A of the Prisons Code over that time. In 2023, the first year following the introduction of the remedy, only one out of sixty appeals was upheld, reflecting an almost universal rejection of appeals. However, the proportion of favourable decisions increased markedly thereafter. In 2024, 23 appeals were upheld and 71 not upheld, while in 2025 that positive trend became more pronounced when 29 appeals were upheld and 39 not upheld. It also continued during the first months of 2026, when favourable decisions constituted a slight majority, with 8 appeals upheld against 7 not upheld. These figures disclose a gradual but discernible development in the domestic judicial practice. While the remedy was applied in a highly restrictive manner

during its initial period of operation, the proportion of successful appeals has subsequently increased.

141. The Court will next consider the degree to which the reasoning contained in the 172 decisions given under Article 6A of the Prisons Code that have been submitted by the Government corresponded to the Court's Article 3 standards in each of the relevant years.

– 2023

142. As regards the analysis of the case-law from 2023, it results that in approximately two thirds of the examples reviewed by the Court the reasoning of the sentence execution courts was not in compliance with the Court's case-law.

143. The Court identifies a number of recurring shortcomings in the reasoning adopted by the sentence execution courts. First, as regards the assessment of personal living space, in a significant number of decisions, this did not comply with the methodology established in the Court's case-law. In particular, in some cases, the domestic courts referred only to the official capacity and overall occupancy of the prison without determining the personal space available to the individual appellant or the actual number of detainees sharing his or her cell.

144. The Court at this point reiterates that domestic law provides for a considerably higher standard of 6 sq. m of personal space per detainee in multi-occupant cells (see paragraph 43 above). This may inform the Court's decision but cannot be considered a decisive argument for its assessment under Article 3. This is particularly true as the domestic courts assess in principle appeals by reference to the Court's minimum threshold of 3 sq. m, (see *Muršić v. Croatia* [GC], no. 7334/13, § 170, 20 October 2016), even if some domestic decisions expressly referred to the statutory standard. However, the Court notes that in several decisions, although the available personal space was found to be below 3 sq. m, the domestic courts rounded the figure up and treated it as meeting the minimum threshold. Such an approach is difficult to reconcile with the Court's case-law. In the case of *Muršić* (cited above, §§ 136-41), the Grand Chamber established a clear quantitative threshold of 3 sq. m of personal space in multi-occupant cells, below which a strong presumption of a violation of Article 3 arises. That threshold cannot be shifted by rounding the available personal space up to 3 sq. m, as that would artificially transform a situation failing to meet the threshold into one satisfying it. Where the available personal space falls below that threshold, the presumption may be rebutted only if the cumulative conditions identified in *Muršić* are met. That is the case where the reductions in the required minimum personal space are short, occasional and minor; they are accompanied by sufficient freedom of movement outside the cell and adequate out-of-cell activities; and the applicant is confined in what is, when viewed generally and having regard to the general aspects of detention

identified in the Court's case-law, an appropriate detention facility, with no other aggravating aspects arising from the conditions of detention (see *Muršić*, cited above, §§ 116-38).

145. Secondly, in some cases the courts attached decisive importance to the fact that it could not be determined whether any excess in the number of detainees accommodated in the cell had occurred for a prolonged or only a short period. Thirdly, in certain decisions the detainees' failure to have previously complained to the prison authorities about their conditions of detention was treated as a factor weighing against them. Lastly, in other cases, the sentence execution courts relied on findings that the detainees themselves had chosen to remain in cells accommodating a number of prisoners which exceeded the capacity. The Court reiterates however that Article 3 of the Convention enshrines one of the most fundamental values of democratic societies. It prohibits in absolute terms torture and inhuman or degrading treatment or punishment, irrespective of the circumstances of the case or the conduct of the victim (see *Muršić*, cited above, § 96). Accordingly, the conduct of the victim, including any purported waiver or consent, cannot in any circumstances undermine the absolute nature of the right guaranteed by Article 3 of the Convention. This is all the more so where the applicant is involuntarily subject to a relationship of authority and control, as is the case with a detainee.

146. The Court considers that the very high proportion of unsuccessful appeals in 2023, combined with its analysis of the submitted examples of decisions delivered in 2023, discloses that, during this initial period following the introduction of Article 6A, the domestic judicial practice had not aligned itself with the Convention standards governing complaints concerning conditions of detention. Without prejudice to the Court's well-established case-law that the effectiveness of a remedy does not depend on the certainty of a favourable outcome, it finds that during the first year of its operation the remedy was not capable of effectively bringing to an end the conditions of detention contrary to Article 3 of the Convention.

– 2024

147. Having reviewed the examples of decisions delivered in 2024, the Court has identified that in the majority (just over two thirds) of the submitted decisions, the examination of the complaints was carried out in accordance with the Court's case-law. In those cases, the sentence execution courts expressly relied on the Court's Article 3 case-law and the criteria established therein. Some even referred to the guidance contained in the circulars issued by the Court of Cassation (see paragraph 62 above) and they often referred to the findings of the CPT concerning prison overcrowding. In certain cases the sentence execution courts found that the appellants had had insufficient personal space even though the prison information system had not recorded the number of detainees accommodated in each cell on a daily basis or when

the exact distribution of the appellants among individual cells throughout the relevant period could not be established with precision. They accepted the appellants' allegations, relying on a global assessment of all the available evidence, including information provided by the prison administration, the overall occupancy levels of the establishment and the CPT's findings, and awarded redress. The Court notes that this approach is consistent with its own case-law, according to which the absence or incompleteness of prison records cannot, in itself, operate to the detriment of the applicant or relieve the authorities of their obligation to substantiate their factual submissions, and according to which the assessment of detention conditions must be based on a global evaluation of all the available evidence (see *Ananyev and Others*, cited above, §§ 125 and 130, and *Aleksandr Leonidovich Ivanov v. Russia*, no. 33929/03, § 34, 23 September 2010).

148. In certain decisions delivered that year, sentence execution courts adopted the view that detainees' declarations consenting to share a cell with other prisoners were insufficient to alter their assessment, since those declarations had been made while the detainees were, by the very nature of imprisonment, involuntarily within the control of the prison authorities (this position having first been expressed in the only decision upholding an appeal in 2023). They therefore found that such declarations gave rise to a strong presumption that they did not reflect the detainees' genuine and informed wishes or a proper understanding of their legal consequences. That development is consistent with the Court's case-law, according to which statements of that kind cannot be treated as evidence that detainees voluntarily exposed themselves to overcrowded conditions or assumed responsibility for the consequences thereof (see *Pocasovschi and Mihaila v. the Republic of Moldova and Russia*, no. 1089/09, § 61, 29 May 2018).

149. In 2024, however, certain discordant examples persisted in slightly fewer than one third of the decisions. The shortcomings identified principally took the following forms: the appellants' allegations were rejected as general and unsubstantiated without the sentence execution courts making any effort to determine the personal space available to them; reliance was placed on the establishment's overall capacity without identifying the actual number of detainees sharing the appellant's accommodation; or the available personal space was calculated incorrectly, for reasons such as a calculation based on fewer detainees than the appellant claimed had been accommodated or because the sentence execution court had simply accepted prosecutors' submissions which had omitted to deduct the sanitary facilities from the total cell area.

150. The Court's examination of the examples submitted to it further shows, on the basis of an analysis of the reasoning of the decisions and the nature and extent of the redress awarded, that in the substantial majority of them prisoners' claims for compensation were duly examined. The sentence execution courts carried out a detailed assessment of each appellant's specific

conditions of detention, they took cognisance of the merits of the complaints and ordered redress that was tailored to the gravity of the violation.

– 2025

151. As regards 2025, the Court observes that the balance between decisions upholding and dismissing appeals became considerably more even, with favourable judicial decisions representing a substantial proportion (approximately 43%) of the decisions delivered. The domestic courts allowed many appeals seeking to put an end to situations in breach of the appellants' rights, ordering relocation, additional opportunities for outdoor exercise and other meaningful out-of-cell activities (see paragraph 119 above) and awarding compensation or reductions of sentences. Furthermore, it is reiterated that these figures concern decisions rather than individual appellants, since a single decision may relate to several persons. In one case, for example, a sentence execution court awarded compensation to forty-one appellants.

152. A more structured application of the Court's Article 3 criteria is apparent in approximately two thirds of the case-law submitted. In certain cases, a violation was found by considering the time that the poor conditions had lasted in the context of their level of severity or notwithstanding that several periods of reduced personal space had been of short duration. A number of appeals were also upheld where the personal space fell below 3 sq. m even where the other conditions were examined in detail and were found to have been good. A number of decisions expressly relied on the criteria and case-law of the Court, and also on materials of the Charter of Fundamental Rights of the European Union, the Court of Justice of the European Union and the European Union Agency for Fundamental Rights. The Court further notes positively that, in at least two cases, the sentence execution courts considered that dismissing an appeal solely because it had been lodged with an authority lacking jurisdiction would have amounted to excessive formalism; they therefore examined the appeals on the merits and upheld them. Also, certain appeals were dismissed where the appellants had had more than 3 sq. m of personal space not on that basis alone but after carrying out an assessment under Article 3 of other aspects of physical conditions which were found to have been adequate (see *Muršić*, cited above, § 139).

153. The Court also stresses that certain sentence execution courts expressly adopted the Court's approach to the allocation of the burden of proof in cases concerning conditions of detention. They recognised the practical difficulties faced by detainees in obtaining evidence and held that an appellant is only required to provide a sufficiently detailed and credible account of the alleged shortcomings. Once such a *prima facie* case has been established, the burden shifts to the prison authorities, who are in possession of the relevant information, to confirm or refute the appellant's allegations by

producing the necessary evidence (see, *inter alia*, *Ananyev and Others*, cited above, §§ 122-23; for illustrative purposes see also, as regards in particular complaints concerning a lack of personal space and the requirement that the applicant provide a sufficiently detailed account of the conditions of detention, including the cell occupied and the number of detainees with whom it was shared during the different periods of detention, *Goia v. Greece* [Committee] (dec.), no. 48106/13, § 58, 15 May 2018).

154. Despite the important overall improvement observed in 2025, the Court cannot but note certain discordant examples in approximately one third of the submitted decisions. These shortcomings primarily concerned failures to establish the actual number of detainees sharing the appellants' cells, reliance on the prosecutors' submissions without carrying out distinct assessments, findings that the duration of overcrowding could not be established with sufficient precision, and errors in calculating the appellants' personal living space.

– *Initial months of 2026*

155. In the first months of 2026, the balance became still more even, with favourable decisions slightly outnumbering unfavourable ones. In approximately three quarters of the examples submitted, the sentence execution courts examined the appellants' allegations in detail and applied the requirements developed in the Court's case-law. Among those examples are specific decisions which demonstrate that they have firmly embedded the methodology and criteria developed in the Court's case-law concerning conditions of detention. There were cases which referred, where relevant, to specific Council of Europe data concerning the very high prisoner-to-custodial-staff ratio in Greece, to CPT reports, to the uneven distribution of prisoners among correctional facilities and even to the findings of the National Preventive Mechanism. They also placed the appellants' individual complaints in the broader context of the excessive occupancy levels of the relevant prison establishments. They further expressly identified the complete absence of pest-control measures and negligence on the part of various prison administrations.

156. The Court also notes with approval that some of those decisions upheld the appeals and awarded compensation closely approaching the amounts that the Court itself would have granted, ranging from approximately 77% to 98% of the Court's awards in similar circumstances. In doing so, the sentence execution courts awarded sums exceeding the statutory minimum of EUR 5 per day, thereby demonstrating a genuine effort to tailor the redress to the circumstances and gravity of the individual case (see paragraph 135 above).

157. Alongside this overall positive development, the proportion of decisions displaying shortcomings in their reasoning appears to have declined to approximately one quarter of the examples examined. The remaining

difficulties mainly concerned incorrect calculations of the appellants' personal space; findings that periods where an appellant's personal space had fallen below 3 sq. m. had been exceptional or brief without their duration being identified; and conclusions that periods of overcrowding could not be identified, without the sentence execution courts themselves determining from the available material whether such periods had occurred and, if so, for how long.

(δ) Procedural guarantees and reasonable time requirement

158. As regards the procedural rules governing the examination of the appeals, an appeal under Article 6A can be lodged in writing either directly with the sentence execution court or through the administration of the correctional or police facility in which the detainee is held. In the latter case, the competent authority must transmit it to the court, together with its observations and any relevant material, within seven days. Where the appeal is lodged directly with the court, the prison or police administration is likewise required to submit its observations and supporting material within the same period. The Court notes that there were examples where an appeal had been lodged with an authority which was not competent to receive it, such as a prosecutor, and the domestic courts declined to declare it inadmissible considering that such an approach would amount to excessive formalism impede the examination on the merits and be detrimental to the rights of the appellants. The Court further notes that no time-limit is prescribed for bringing an appeal by persons who remain detained in a correctional facility while those who have been released from detention are required to lodge their appeal within a mandatory time-limit of four months from the date of their release. The procedure is thus not complex, it provides detainees with several accessible channels for lodging an appeal and does not appear to impose any excessive procedural burden on them, the remedy also not being subject to court fees. As regards the applicant's argument concerning jurisdiction following a transfer, the Court notes that the Court of Cassation clarified that the sentence execution court in whose territorial jurisdiction the impugned conditions of detention had occurred was competent to examine the appeal (see paragraphs 58 and 94 above).

159. There is also no doubt that appeals are examined by an authority which is independent of the authorities in charge of the prison system, namely the sentence execution court. At certain courts it operates as a special division of the relevant three-member misdemeanours court; in the other judicial districts, its functions are exercised by the competent three-member misdemeanours court sitting as a judicial council, after hearing the public prosecutor (see Article 86 § 1 of the Prisons Code as cited in paragraph 43 above). The Court notes that the absence of a second instance review does not raise any issue under Article 13 based on its case-law (see, for instance, *Said v. the Netherlands* (dec), no. 2345/02, 17 September 2002, and *Csepyová*

v. Slovakia (dec.), no. 67199/01, 14 May 2002). It further finds that, on the basis of the information available in the case file and having regard to the examples of domestic case-law and the findings of the domestic courts, the burden of proof imposed on appellants does not appear, overall, to be excessive (see paragraph 153 above; see also, *Polgar*, cited above, § 82).

160. In so far as the participation of the appellants in the examination of their complaints is concerned, the Court notes that Article 6A of the Prisons Code treats the appellant's personal appearance before the sentence execution court as exceptional, albeit providing that the court may, at the appellant's request and where specific reasons so justify, order his or her transfer and personal attendance in order to present his or her observations. The systematic hearing of detainees in person may constitute a significant safeguard in ensuring the effectiveness of the remedy guaranteed by Article 13 of the Convention. However, the Court considers that the effectiveness of the proceedings may equally be secured through other procedural guarantees enabling the appellant to participate effectively in the examination of his or her complaint. In this connection, Article 86 § 3 of the Prisons Code requires that the appellant be notified of the hearing and invited to submit written observations at least ten days before it takes place. Provided that this guarantee is consistently applied and that appellants are afforded an opportunity to acquaint themselves with the observations submitted by the relevant prison administration and to comment on them, the Court considers that such a procedure is capable of ensuring the appellants' effective participation in the proceedings, in accordance with the requirements of its case-law (see, *mutatis mutandis*, *Ananyev and Others*, cited above, § 216). The Court notes that in a limited number of cases appellants were invited to be physically present and, in particular, an example from 2024 where the appellant was invited to participate via Skype.

161. The Court next turns to the period of time taken for appeals to be adjudicated and, relying on the case-law examples submitted by the Government, it will consider whether the reasonable-time requirement has been met. The length of proceedings is calculated based on the date of publication of the decision and not on the date of its adoption, which is usually earlier than the former. The material for 2024 shows that the overall median processing time of appeals was one month and 21 days. However, the Court notes in particular the case of the Piraeus Sentence Execution Court, which issues decisions on appeals concerning the largest prison of the country. The processing times for Article 6A appeals was consistently and substantially longer there than before any other court, with a median time of approximately one year seven months and 14 days.

162. As regards 2025, the overall median processing time was approximately two months and eight days. A marked disparity nevertheless persisted in respect of the Piraeus decisions, for which the median processing time was approximately six months and nine days. Thus, although the

particularly lengthy delays before the Piraeus Sentence Execution Court were substantially reduced in 2025, they remained considerably longer than the overall median and than the processing times observed before the other sentence execution courts. Furthermore, based on an examination of the available examples until April 2026, which comprised fewer decisions from a narrower range of courts and, for some courts, only a single decision, no broader conclusions can be drawn as to overall processing times. The material nevertheless indicates that substantial disparities persisted, with particularly lengthy proceedings continuing before the Piraeus Sentence Execution Court and also being observed before certain other courts. The Court observes that the overall median processing time was five months and three days. The median processing time before the Piraeus Sentence Execution Court was five months and 20 days, compared with three months and 23 days before the other courts when the Piraeus Sentence Execution Court was excluded.

163. The Court notes that the processing times exceeded the statutory thirty-day time-limit in many instances. At the same time, it observes that the median processing time before the Piraeus Sentence Execution Court, where particularly lengthy proceedings had been identified, decreased substantially. The Court considers that the length of proceedings before the domestic courts must be assessed in the light of the operation of the remedy as a whole and that the delays observed above do not, at the present stage, suffice in themselves to call into question the effectiveness of the remedy under Article 13 (compare *Polgar*, cited above, § 83). The authorities must, however, ensure that those delays are further reduced, particularly having regard to the preventive nature of the remedy and the need for it to be capable of providing prompt relief to persons who remain in inadequate conditions of detention (see *Neshkov and Others*, cited above, §§ 181, 183 and 281), while claims for compensation do not require the same degree of promptness, as they serve a different purpose (see *Nikitin and others*, cited above, § 221).

(ε) Absence of negative consequences

164. As regards the applicant's argument that prisoners who sought to complain of detention conditions had been subjected to retaliatory measures or threats of loss of benefits, disciplinary sanctions and transfers to less favourable detention facilities (see paragraph 98 above), the Court notes that it results from decision no. 452/2021 of the Thessaloniki Sentence Execution Court, adduced by the applicant, that the relevant prison disciplinary council imposed a disciplinary sanction on a person detained at that time for having forbidden goods without permission. He was found in possession of an application form to the Court bearing the name of another prisoner. The Sentence Execution Court overturned the sanction, finding that having the said application form, which was necessary to the exercise of a legal right, did not constitute the disciplinary offence at issue.

165. It further notes that the CPT reported following its last visit that several prisoners had described obstacles and possible reprisals linked to the use of the Article 6A remedy, including warnings that an appeal could adversely affect requests for prison leave or conditional release, or result in transfer to another prison (see paragraph 76 above).

166. The Court observes that the domestic decision relied on by the applicant was delivered prior to the adoption of the remedy. It concerned another detainee and his application before the Court, and subsequent judicial review prevented the alleged adverse consequence from taking effect. The judicial council safeguarded, rather than restricted, the exercise of the right to challenge conditions of detention (compare and contrast, in the context of a complaint raised under Article 10, with *Marin Kostov v. Bulgaria*, no. 13801/07, § 47-49, 24 July 2012). The Court further notes that, in their reply to the CPT, the Greek authorities stated that no obstacles to or reprisals for use of the domestic remedy had been reported and that prison management had been instructed to ensure that inmates were properly informed and that the necessary documentation was provided to appellants during the proceedings (see paragraph 76 above).

167. In those circumstances, the material before the Court does not provide a sufficient basis for concluding that prisoners who make use of the Article 6A remedy are exposed in practice to punitive measures or to other adverse consequences capable of undermining its effectiveness. The Court emphasises that its present conclusion does not prejudice any future assessment of the effectiveness of the remedy should subsequent applications, supported by sufficient evidence, disclose that prisoners making use of the remedy are in practice exposed to retaliatory measures, reprisals or other adverse consequences capable of impairing its effective exercise. The Court retains its ultimate supervisory jurisdiction in respect of complaints brought by applicants who have exhausted the available domestic remedies.

(στ) Whether the remedy was effective for the applicant

168. The Court notes that on 30 March 2023 the applicant lodged an appeal complaining of the conditions of his detention which, on 29 June 2023, was dismissed on the merits as unfounded by decision no. 993/2023 of the Thessaloniki Sentence Execution Court. Subsequently, on 2 May 2024, the applicant lodged another appeal reiterating his complaints. He sought compensation in respect of non-pecuniary damage at a rate of EUR 30 per day spent in such conditions, amounting to EUR 21,000 in total, and a reduction of his sentence by 61 days, proportional to the period during which he had been detained in Diavata Prison (see paragraph 34 above). The applicant had also been notified of the prosecutor's proposal and invited to submit written observations, but had not availed himself of that opportunity (see paragraph 37 above).

169. The Sentence Execution Court upheld his appeal and, in accordance with Article 6A § 3 of the Prisons Code, ordered the applicant's transfer to another cell where he would have more than 3.14 sq. m of personal space or, alternatively, his priority transfer within one month to another detention facility that did comply with the minimum living standards. It further found that the conditions of detention which were falling short of the requirements of Article 3 of the Convention had caused the applicant non-pecuniary damage and it awarded compensation in the form of a sentence reduction amounting to one day for every ten days he had been held in such conditions (in accordance with Article 6A § 4 of the Prisons Code, as applicable at the material time). It found that the applicant's entire period of detention, amounting to 745 days, had been spent in conditions contrary to Article 3 and thus granted him a sentence reduction credit of 74.5 days (see paragraph 38 above). The judicial council's reasoning closely followed the approach laid down in *Muršić* in so far as, once it had established that the reduction below the 3 sq. m threshold had been neither minor nor of short duration, but had constituted a prolonged and standard practice, it concluded that that was sufficient to preclude the rebuttal of the strong presumption of a violation notwithstanding the generally adequate material conditions of detention (see *Muršić*, cited above, §§ 116-38).

170. As regards the applicant's complaint that the Sentence Execution Court had not granted his request to be awarded monetary compensation in respect of the non-pecuniary damage suffered and his allegation that that was contrary to Article 6A of the Prisons Code, the Court refers to its analysis above as regards its case-law in respect of sentence reductions (see paragraphs 131-132 above). It further observes that the Sentence Execution Court, sitting as a judicial council, considered that the sentence reduction calculated on the basis of the total duration of his detention in poor conditions was sufficient to adequately compensate the non-pecuniary damage suffered and to afford full redress for the violation of Article 3 of the Convention, having regard to the particular circumstances of the applicant's detention such as the impact on his personhood and the fact that he spent a significant part of each working day outside the cell. Having regard to the measurable impact of the reduction of the length of the applicant's sentence, the Court considers that the redress afforded to the applicant, who was still detained, was appropriate and sufficient for the purposes of the Convention. Accordingly, the fact that the judicial council did not award monetary compensation does not, in itself, lead to the conclusion that the remedy was not effective for the applicant. Nor can the Court accept the applicant's argument that the sentence credit was theoretical and did not guarantee his earlier release. The fact that such a reduction did not entail his immediate release, given also that he had been sentenced to more than eleven years' imprisonment, does not show that it had no practical effect. Nor did the applicant submit that the amended provision, under which sentence credit was applied immediately to the

remaining sentence irrespective of eligibility for conditional release and the previous restrictions on aggregation and maximum limits were removed, was inapplicable to him or otherwise identify any legal obstacle preventing him from benefiting from it (see paragraphs 132-133 above).

171. Furthermore, the decision was immediately enforceable, and the director of the correctional facility was required to comply with it immediately (pursuant to Article 6A §§ 3 and 4). The Sentence Execution Court ordered his transfer and the prison director requested it the very next day. The authorities explained that no suitable place was immediately available and the transfer was thus implemented two and a half months later. This implementation timespan is not sufficient to deprive the remedy of its effectiveness, particularly if the authorities were genuinely attempting to find accommodation compatible with Article 3 of the Convention.

172. The applicant further submitted that there was also overcrowding in Drama Prison, where he was subsequently transferred, and that the conditions of his detention there were equally bad (see paragraph 100 above). The Court notes that the applicant's allegations that the detention conditions were poor after his transfer were not corroborated by any specific elements, while it results from the available official data that when he was transferred on 25 September 2024 and for a period of at least nine months until July 2025, the number of detainees being held there was far below the prison's official capacity. Even if the Court accepts that the conditions of detention in Drama Prison subsequently deteriorated, those allegations concern developments occurring several months after the applicant's transfer to another correctional facility and therefore relate to a distinct factual situation. They cannot affect the Court's assessment of whether the domestic proceedings concerning the applicant's detention in Diavata Prison afforded him an effective remedy to complain of his detention conditions there and the adequacy of the redress afforded in respect of the original violation. If the conditions in Drama Prison subsequently became incompatible with Article 3 of the Convention, it was open to him to avail himself anew of the remedy provided by Article 6A.

(ζ) Conclusion

173. The Court reiterates the particular context of its present assessment. Article 6A was introduced following more than two decades of repetitive judgments concerning inadequate conditions of detention in Greek prisons and the absence of an effective domestic remedy, and constitutes the first specific judicial remedy established in Greek law for complaints of that nature. The Court notes positively in this regard that, very shortly after its introduction, institutional and capacity-building measures were initiated and continued throughout the subsequent years to support its effective implementation. Detailed guidance was provided on a continuing basis by the Court of Cassation and other competent authorities, on the application of Convention standards and measures were taken aimed at promoting a more

uniform and Convention-compliant judicial practice. Seminars and targeted judicial training were provided to strengthen awareness of the Court's case-law and the practical application of the remedy. Those measures accompanied a significant evolution in domestic judicial practice.

174. Having regard to the characteristics of the provisions establishing the remedy and the substantial body of domestic practice which has been developed during the last years, and in the light of all the above findings, the Court concludes that the domestic remedy, both as regards its preventive and compensatory limb, has been effective, in law and in practice, from 2024 onwards for challenging poor conditions of detention in Greek prisons. It has been shown that Article 6A combines preventive and compensatory forms of redress, which operate in a complementary manner. As regards its preventive limb, appeals are determined by independent, competent domestic courts, with broad powers to order measures capable of bringing inadequate conditions of detention to an end and securing an improvement in the conditions of detention. As regards its compensatory limb, the domestic courts may grant sentence reductions or monetary compensation, and the material before the Court shows that both forms of redress have been granted in practice. Subsequent legislative amendments have, moreover, strengthened the practical effect of that redress. The remedy is therefore capable of effectively dealing with the substance of prisoners' complaints and the courts can take cognisance of the merits of a complaint, make findings of fact and order redress that is tailored to the nature and gravity of the violation.

175. The Court has also found that the procedure itself is accessible and not unduly complex and, subject to the procedural guarantees identified above being observed in practice, enables detainees to participate effectively in the determination of their complaints. Although in certain instances the processing times exceed the statutory thirty-day period allowed, they cannot overall be regarded as such as to deprive the remedy of its effectiveness. Furthermore, decisions are binding and immediately enforceable. The Court does not overlook the fact that certain shortcomings remain apparent in individual decisions, and that some disparities persist in the processing times before different sentence execution courts. Nonetheless, the remedy, viewed as a whole and as it operates in practice, offers reasonable prospects of bringing conditions contrary to Article 3 to an end and of obtaining appropriate redress for violations which have already occurred.

176. That conclusion does not, however, dispense the respondent State from its obligation to address the structural causes underlying inadequate conditions of detention, in particular prison overcrowding. The Court's finding as to the effectiveness of the remedy must moreover be understood in the light of the need for its preventive limb to produce, in practice, the required improvement in detention conditions. This will also depend on the implementation of the broader measures envisaged by the authorities to address overcrowding and improve detention conditions. Nor does the instant

finding prejudice the Court's power to review its assessment in the future should subsequent applications and material disclose persistent deficiencies in the operation of the remedy, including failures to implement preventive measures promptly, systemic departures from the standards of the Court's case-law under Article 3, excessive procedural delays or negative consequences for detainees making use of the remedy (see the above-cited cases of *Stella and Others*, §§ 63 and 68, with further references, and *Draniceru*, § 46). In particular, the effectiveness of the preventive limb necessarily depends on the Greek authorities' continuing capacity to secure, in practice, conditions of detention compatible with Article 3.

177. Turning to the circumstances of the present case, the Court observes that the remedy was found to be effective in the applicant's individual case. The applicant availed himself of the remedy, which enabled him to obtain adequate and sufficient redress. It follows that his complaint concerning the lack of an effective remedy to complain of the inadequate conditions of his detention must be rejected as manifestly ill-founded pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

(iii) Complaint under Article 3

178. In order to determine whether the applicant was able to still claim to be a victim of a violation of Article 3 of the Convention, the Court must first ascertain whether there has been an acknowledgment, express or in substance, of that violation. By its decision no. 1538/2024, the Sentence Execution Court granted, in part, his appeal as well-founded. It examined whether the rules governing detainees' living conditions in domestic law (such as accommodation and living conditions, hygiene and cleanliness, food provision, physical exercise and sports activities) and the requirements stemming from the case-law under Article 3 of the Convention and other relevant international standards, had been complied with and whether there had been any breach infringing human dignity. The applicant's case was assessed on the basis of the criteria developed under Article 3 of the Convention and with extensive reference to the Court's case-law on conditions of detention and to the requirements relating to minimum personal space and to other material conditions of detention (see paragraphs 38-39 above). The domestic court found that the treatment endured by the applicant had attained the threshold of severity required by Article 3 and that he had suffered non-pecuniary damage. It expressly acknowledged that there had been a violation of Article 3 of the Convention, and that acknowledgment concerned a period of detention extending beyond that complained of by the applicant in his appeal and up to the time when the decision was adopted (see paragraph 40 above).

179. The findings of the Sentence Execution Court in decision no. 1538/2024, making extensive reference to the principles established by the Court in relation to conditions of detention, contained a clear and

unequivocal acknowledgment that the conditions of the applicant's detention constituted inhuman and degrading treatment and that they were, accordingly, in violation of Article 3 of the Convention, which is also the subject matter of the applicant's application before this Court (see, *mutatis mutandis*, *Jurasz v. Poland*, no. 48327/09, § 39, 22 November 2018, and *Shipovikj v. North Macedonia* (dec.), nos. 77805/14 and 77807/14, § 51, 9 March 2021).

180. The Court must next ascertain whether appropriate and sufficient redress was afforded to the applicant for the breach of the Convention. The Court has in previous cases considered this to be dependent on all the circumstances of the case, having regard, in particular, to the nature of the Convention violation at stake (see *Gäfgen v. Germany* [GC], no. 22978/05, § 116, ECHR 2010). The Court has also previously held that various types of remedy may redress the violation appropriately (see *Scordino*, cited above, § 186).

181. As regards the redress awarded by the Sentence Execution Court, the Court refers to its analysis above (see paragraphs 168-172). The decision afforded appropriate and sufficient redress, in the circumstances of the case, as the applicant was transferred to another prison and the sentence reduction was expressly granted to remedy the Article 3 violation and its impact on the length of the applicant's sentence was measurable (compare and contrast with *Shishanov v. the Republic of Moldova*, no. 11353/06, §§ 136-37, 15 September 2015). Therefore, the applicant can no longer claim to be victim of the facts complained of, namely the poor conditions of his detention in Diavata Prison (see *Dirjan and Ştefan*, cited above, §§ 22 and 33).

182. It follows that the complaint is incompatible *ratione personae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must therefore be rejected pursuant to Article 35 § 4.

For these reasons, the Court, by a majority,

Declares the application inadmissible.

Done in English and notified in writing on 8 October 2026.

Milan Blaško
Registrar

Peeter Roosma
President