



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

Legal summary

October 2026

Manavidis v. Greece (dec.) - 28849/23

Decision 15.9.2026 [Section III]

Article 13

Effective remedy

Effectiveness of a preventive and compensatory remedy for inadequate conditions of detention: *inadmissible*

Facts – The applicant has been detained in a prison since June 2022 following his conviction. Making use of the domestic remedy introduced in October 2022 by Article 8 of Law no. 4985/2022, in March 2023 and May 2024 respectively, the applicant filed two appeals under Article 6A of the Prisons Code (Law no. 2776/1999). He complained about the conditions of his detention: severe overcrowding and a wide range of inadequate material conditions, including, insufficient light and ventilation, poor hygiene, inadequate heating and hot water, infestations, deficient food and medical care, and limited recreational and educational opportunities. He sought compensation for non-pecuniary damage and a reduction in his sentence.

In June 2023 the first appeal was dismissed on the merits as unfounded by the Sentence Execution Court. In June 2024 the second appeal was granted in part by the Sentence Execution Court which held that, although the general material conditions complied with the standards of dignified person living, the reduction of personal space below the 3 Sq. m minimum was not minor and had persisted over a prolonged period, exceeding therefore the threshold of severity required for the application of Article 3 of the Convention. In accordance with Article 6A § 3 of the Prisons Code, the court ordered the applicant's transfer to another cell where he would have a minimum of 3.14 sq. m of personal space or, alternatively, his priority transfer within one month of the delivery of the decision to another detention facility meeting the minimum living standards. The applicant had sought compensation in respect of non-pecuniary damage at a rate of EUR 30 per day spent in poor conditions of detention, 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 the prison. The court awarded compensation in the form of a sentence reduction credit of 74.5 days amounting to one day for every ten days the applicant had spent in conditions violating his rights under Article 3.

In 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. In September 2024 the applicant was transferred to a new prison. Furthermore, the prosecutor-supervisor of the previous prison applied the 74.5-day sentence reduction credit to the applicant's sentence.

Law – Article 13 in conjunction with Article 3:

The specific domestic remedy which had entered into force nearly four years ago with the insertion by Article 8 of Law no. 4985/2022 of Article 6A into the Prisons Code enabled detainees to complain of conditions of detention alleged to be contrary to Article 3 of the Convention. That 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. The present case constituted the Court's first assessment of this remedy following a long line of repetitive judgments finding violations of Articles 3 and 13 of the Convention over more than two decades.

(1) *Preventive remedy* – Under Article 6A §§ 1 and 3 of the Prisons Code a detainee might lodge an appeal with the sentence execution court where a failure to comply with domestic or international rules governing detention conditions infringed human dignity. If the appeal was upheld, the court might order any measure it considered appropriate to bring the appellant's living conditions into compliance with those standards, including relocation within the same detention facility. Where such measures were not feasible, it might 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 which were immediately enforceable. Having regard to the nature of the preventive remedy established by Article 6A of the Prisons Code, the broad powers conferred on the competent sentence execution courts to order any measure they considered 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 considered that it offered, *a priori*, reasonable prospects of appropriate relief for complaints concerning conditions of detention under Article 3.

The preventive remedy operated within a broader framework of measures aimed at addressing prison overcrowding and improving detention conditions. Those measures were capable, in principle, of supporting the effective operation of the preventive remedy, they were consistent with the types of wider measures which the Court had previously regarded as relevant when assessing the effectiveness of domestic remedies in a similar and – if effectively implemented – they could contribute to the long-term improvement of detention conditions.

(2) *Compensatory remedy* – Article 6A § 4 of the Prisons Code provided that, upon the request of an appellant, the sentence execution court might award monetary compensation for non-pecuniary damage and sentence reduction credit. Such a judicial decision was immediately enforceable.

The wording of the provision included both monetary compensation and a reduction of sentence. In decisions where appeals had been upheld the sentence execution courts, sitting as judicial councils, had generally awarded either one or the other and only in very limited cases both. Furthermore, the provision stated that an appeal might be lodged where a failure to comply with the rules governing living conditions infringed human dignity. From the domestic decisions submitted, the judicial councils appeared largely to have proceeded on the basis that an impairment of human dignity had been presumed where detention conditions had been 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. Likewise, compensation had not been made dependent on the appellant's ability to establish, by means of external evidence, that he or she had suffered non-pecuniary damage.

(a) *Reduction of sentence* – The Court had affirmed on numerous occasions that a reduction of a prison sentence offered adequate redress in respect of poor material conditions of detention, provided that the reduction was carried out in an express and measurable way. That form of redress had the undeniable advantage of helping to

address the problem of prison overcrowding by accelerating the release of persons in detention.

Article 69 of Law no. 5282/2026, which had entered into force in February 2026, had significantly enhanced the compensatory aspect of the remedy. Whereas the initial version of the provision had allowed the awarding of one day of sentence credit for every ten days spent in conditions contrary to Article 6A § 1 of the Prisons Code, the amended provision allowed 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 that connection, the Court reiterated that it had found effective sentence reductions between one and three days for every ten days (*Draniceru v. the Republic of Moldova* (dec.)), and of six days for every thirty days (*Dirjan and Ștefan v. Romania* (dec.)) spent in inadequate conditions of detention.

Sentence reduction was 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 had been removed.

(b) *Monetary compensation* – The amount of monetary compensation for non-pecuniary damage which might be awarded under Article 6A § 4 of the Prisons Code ranged from EUR 5 to EUR 30 per day depending on the gravity of the violation. Domestic decisions submitted showed that the large majority of the awards had been calculated at a rate of EUR 5 per day. However, in 2026 there had been decisions awarding higher amounts, namely EUR 15 or EUR 20 per day, when warranted by the circumstances. In the light of its case-law and the wider margin of appreciation left to the domestic authorities, the Court considered that the compensation assessment by the domestic courts had been 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 could not be regarded as unreasonable.

Moreover, the sentence execution courts 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 had worked or spent significant periods outside their cells, and whether access to out-of-cell activities had alleviated their distress.

As regards the promptness with which compensation awarded in such proceedings was paid, the Court did not consider that the described delays were capable, at this stage, of calling into question the effectiveness of the compensatory remedy.

Lastly, the compensation awarded was not subject to automatic set-off against debts owed by appellants to the Greek State.

(3) *Assessment in accordance with the Court's Article 3 standards* – The statistical material submitted revealed a significant evolution in the domestic case-law around Article 6A of the Prisons Code from 2023 to April 2026. The proportion of favourable decisions had increased markedly after the first year following the introduction of the remedy and the proportion of decisions displaying shortcomings in their reasoning appeared to have declined.

(4) *Procedural guarantees and reasonable time requirement* – An appeal under Article 6A of the Prisons Code could 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 was held. There were no court fees. Nor was a time-limit prescribed for bringing an appeal by persons who remained detained in a correctional facility while those who had been released from detention were required to lodge their appeal within a

mandatory time-limit of four months from the date of their release. The procedure was thus not complex, it provided detainees with several accessible channels for lodging an appeal and did not appear to impose any excessive procedural burden on them.

Appeals were examined by the sentence execution court which was independent of the authorities in charge of the prison system. The absence of a second instance review did not raise any issue under Article 13 based on the Court's case-law. Moreover, the burden of proof imposed on appellants did not appear, overall, to be excessive.

Article 6A of the Prisons Code treated the appellant's personal appearance before the sentence execution court as exceptional, albeit providing that the court might, 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. Article 86 § 3 of the Prisons Code required that the appellant be notified of the hearing and invited to submit written observations at least ten days before it took place. Provided that that guarantee was consistently applied and that appellants were afforded an opportunity to acquaint themselves with the observations submitted by the relevant prison administration and to comment on them, the procedure was capable of ensuring the appellants' effective participation in the proceedings, in accordance with the requirements of its case-law.

The Court considered 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 did not, at the present stage, suffice in themselves to call into question the effectiveness of the remedy under Article 13. The authorities, however, had to ensure that those delays were 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 remained in inadequate conditions of detention. Compensation claims did not require the same degree of promptness, as they served a different purpose.

(5) *Absence of negative consequences* – The material before the Court did not provide a sufficient basis for concluding that prisoners who made use of the Article 6A remedy were exposed in practice to punitive measures or to other adverse consequences capable of undermining its effectiveness.

(6) *Whether the remedy was effective for the applicant* – As regards the applicant's complaint that the Sentence Execution Court had not granted his request to be awarded monetary for the non-pecuniary damage suffered and his allegation that that had been contrary to Article 6A of the Prisons Code, the Court referred to its analysis as regards its case-law in respect of sentence reductions. It further observed that the Sentence Execution Court, sitting as a judicial council, had considered that the sentence reduction calculated on the basis of the total duration of his detention in poor conditions had been sufficient to adequately compensate the non-pecuniary damage suffered and to afford full redress for the violation of Article 3, having regard to the particular circumstances of the applicant's detention such as the impact on his personhood and the fact that he had 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 considered that the redress afforded to the applicant, who had been still detained, had been appropriate and sufficient for the purposes of the Convention. Accordingly, the fact that the judicial council had not awarded monetary compensation did not, in itself, lead to the conclusion that the remedy had not been effective for the applicant. Nor could the Court accept that the sentence credit had been theoretical and had not guaranteed his earlier release. The fact that such a reduction had not entailed his immediate release, given also that he had been sentenced to more than eleven years' imprisonment, did not show that it had no practical effect.

Furthermore, the decision had been immediately enforceable, and the director of the correctional facility had been required to comply with it immediately, pursuant to

Article 6A §§ 3 and 4 of the Prisons Code. The Sentence Execution Court had ordered his transfer and the prison director had requested it the very next day. The authorities had explained that no suitable place had been immediately available and the transfer had been thus implemented two and a half months later. That implementation timespan was not sufficient to deprive the remedy of its effectiveness, particularly if the authorities had been genuinely attempting to find accommodation compatible with Article 3.

(7) *Conclusion* –The Court noted that very shortly after the introduction of the remedy, institutional and capacity-building measures had been initiated which had continued throughout the subsequent years to support its effective implementation. Having regard to the characteristics of the provisions establishing the remedy and the substantial body of domestic practice which had been developed during the last years, and in the light of all its findings, the Court concluded that the domestic remedy, both as regards its preventive and compensatory limb, had been effective, in law and in practice, from 2024 onwards for challenging poor conditions of detention in prisons. It had been shown that Article 6A of the Prisons Code combined preventive and compensatory forms of redress, which operated in a complementary manner. The remedy was therefore capable of effectively dealing with the substance of prisoners' complaints and the courts could take cognisance of the merits of a complaint, make findings of fact and order redress that was tailored to the nature and gravity of the violation. The procedure was accessible and not unduly complex and, subject to the procedural guarantees being observed in practice, enabled detainees to participate effectively in the determination of their complaints. Furthermore, decisions were binding and immediately enforceable.

The Court did not overlook the fact that certain shortcomings remained apparent in individual decisions, and that some disparities persisted in the processing times before different sentence execution courts. Nonetheless, the remedy, viewed as a whole and as it operated in practice, offered reasonable prospects of bringing conditions contrary to Article 3 to an end and of obtaining appropriate redress for violations which had already occurred.

That conclusion did not, however, dispense the respondent State from its obligation to address the structural causes underlying inadequate conditions of detention, in particular prison overcrowding – a problem in Greece that had not yet been eradicated. The Court's finding as to the effectiveness of the remedy had to moreover be understood in the light of the need for its preventive limb to produce, in practice, the required improvement in detention conditions. Nor did that 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. In particular, the effectiveness of the preventive limb necessarily depended on the domestic authorities' continuing capacity to secure, in practice, conditions of detention compatible with Article 3.

In the applicant's individual case, the remedy had been effective; he had availed himself of the remedy, which had enabled him to obtain adequate and sufficient redress for the inadequate conditions of his detention.

Conclusion: inadmissible (manifestly ill-founded).

Lastly, the Court found the complaint under Article 3 inadmissible as being incompatible *ratione personae*. In its decision given in June 2024, the Sentence Execution Court had clearly and unequivocally acknowledged that the conditions of the applicant's detention had constituted inhuman and degrading treatment in violation of Article 3. It had also afforded appropriate and sufficient redress, in the circumstances of the case, as the applicant had been transferred to another prison and the sentence reduction had been

expressly granted to remedy the Article 3 violation and its impact on the length of the applicant's sentence had been measurable. Therefore, the applicant could no longer claim to be victim of the facts complained of, namely the poor conditions of his detention in the prison in question.

(See *Mironovas and Others v. Lithuania*, 40828/12 et al., 8 December 2015, [Legal Summary](#); *Draniceru v. the Republic of Moldova* (dec.), 31975/15, 12 February 2019, [Legal Summary](#); *Dîrjan and Ștefan v. Romania* (dec.), 14224/15 and 50977/15, 15 April 2020, [Legal Summary](#))

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