



9.7.2021

## NOTICE TO MEMBERS

**Subject: Petition No 1475/2020 by O. A. (Greek) on COVID protection measures in Greek prisons**

### 1. Summary of petition

The petitioner complains that four people have already died of COVID in Greek prisons because the Greek government had failed to take protective measures and is therefore responsible for their death.

### 2. Admissibility

Declared admissible on 31 March 2021. Information requested from Commission under Rule 227(6).

### 3. Commission reply, received on 9 July 2021

#### 'The petition

The petitioner complains that four people have already died of COVID-19 in Greek prisons because the Greek government had failed to take protective measures and is therefore responsible for their death.

According to the petitioner, the Greek government has not taken any serious action to protect the lives of these people who are older than 70 years and have a low risk profile. The petitioner alleges that, contrary to most of the European Union countries who have let older people serve their sentence from home, the Greek state does not protect the human rights of its citizens in prison and more deaths are yet to follow.

### The Commission's observations

Detention issues fall within the competence of the Member States. The rules on early and conditional release, as well as the use of electronic bracelets or home detention, are a matter for national law.

As things stand, there are no EU rules in place in relation to these matters. Member States have however agreed to respect the applicable Council of Europe Recommendations in this field, such as Recommendation Rec(2003)22 of the Committee of Ministers to Member States on conditional release (parole)<sup>1</sup>.

However, the European Commission stands ready to support Member States prison authorities in their response to the COVID-19 crisis, notably by facilitating exchange of information and best practices.

Shortly after the outbreak of the COVID-19 pandemic, organisations such as EuroPris<sup>2</sup> and the EU network of prison monitoring bodies - both co-funded under the Commission's Justice programme - started sharing information on national measures and monitoring practices.

The exchanged data covered issues such as equipment of medical facilities, visit arrangements, or early release schemes<sup>3</sup>.

Commissioner Reynders also discussed this issue at the informal videoconference of Justice Ministers in April 2020, where Member States were encouraged to resort as much as possible to non-custodial measures, such as electronic bracelets, especially for pre-trial detainees and for inmates with low-risk profiles and with caring responsibilities.

### Conclusion

There are no EU rules in place on detention or early and conditional release. Although detention issues are within the competence of Member States, and the Commission cannot intervene in the management of prisons, the EU stands ready to support Member States prison authorities in their response to the COVID-19 crisis by facilitating the exchange of information and best practices.'

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<sup>1</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805df03f](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805df03f)

<sup>2</sup> <https://www.europpris.org/>

<sup>3</sup> <https://www.europpris.org/file/13548/>