



Ref: CommHR/NM/sf 037-2016

Mr Andreas XANTHOS
Minister of Health of Greece

Ms Theanou FOTIOU
Alternate Minister of Social
Solidarity of Greece

Strasbourg, 17 August 2016

Dear Ministers,

Further to the interesting discussions we had during my visit to Greece from 3 to 8 July, I should like to take the opportunity to follow up on certain issues concerning the human rights of persons with intellectual and psychosocial disabilities and their de-institutionalisation.

I have noted with interest the efforts made by Greece since the mid-1980s in order to promote de-institutionalisation and to develop, *inter alia*, community mental health services. The relevant "Psychargos programme" between 1997 and 2010 has led to the closure of four mental health hospitals and the decrease of patients with chronic illness. The ratification by Greece in 2012 of the UN Convention on the Rights of Persons with Disabilities (CRPD) and of its optional protocol, has also been a step in the right direction. Whilst I welcome these developments, I remain very worried by expert reports indicating a series of deficiencies that persist in the state mental health care system, which require more proactivity and coordination by the state, more rigorous planning and a stronger and more effective monitoring system.

In this context, I have noted and been gravely concerned about the six deaths of patients in the Psychiatric Hospital of Attica (PHA), in Dafni, which occurred in 2014 and 2015. The Greek Ombudsman, in his OPCAT-NPM report covering the year 2015, noted that he has received repetitive complaints about human rights violations of inmates in PHA, a very large institution hosting more than 1 000 patients. The Ombudsman has stressed that measures taken so far have been inadequate and that he would intervene in order for the Ministries of Health and Justice to take immediate action. I would appreciate receiving more information on the follow up given by the authorities to the Ombudsman's recommendations and on the outcome of the investigations into the above-mentioned deaths in PHA.

During my visit to PHA on 5 July I was informed by the hospital's administration and staff members of the particularly strenuous conditions in which they work, especially since the start of the financial crisis. Indeed, the very high increase of health care demand in Greece, which reportedly reached 120% during 2011-2013, has been accompanied by a sharp decrease of health care expenditure and of specialised staff, due to the austerity measures that the successive governments have been obliged to adopt. When in PHA I was in fact informed that the number of nurses there has been reduced by one third. Such situations lead inadvertently to an increased burnout of healthcare professionals and precipitate their departure from the country (reportedly around 17 000 physicians have emigrated).

This has also led to an extensive use of medical restraints and sedatives, as well as to instances of patients' ill-treatment in the remaining psychiatric institutions. In his aforementioned 2015 report, the Greek Ombudsman noted that one of the deaths in PHA concerned a restrained patient while in another mental health facility in Lechaina, a town in NW Peloponnese, which was visited by the Ombudsman, a number of inmates had been constantly restrained and kept inside cages.

Of particular concern to me has also been the high rate of involuntary commitments. According to a study on the impact of the crisis upon mental health, which Minister Xanthos handed to me, 36.7% of the psychiatric hospitalisations are compulsory in Greece, the European average being 13.6%. In this regard, it is recalled that the European Court of Human Rights in two judgments delivered in 2011 (*Venios* and *Karamanof*), found that Greece had violated the European Convention on Human Rights due to the applicants' psychiatric confinement without consent that was not in accordance with the procedure prescribed by national law. The supervision of execution by Greece of these judgments is still pending before the Council of Europe Committee of Ministers. I would appreciate receiving further information and updated data on involuntary commitments and other measures taken or envisaged in order to fully execute the above judgments of the Strasbourg Court.

I have noted with interest that a draft law concerning psychiatric reform is about to be submitted to the parliament, aiming to devolve mental health care to the regions and to better organise the representation and consultation with psychiatry staff members, patients and families. I look forward to receiving more information on the content of this draft law and on the resources foreseen for its implementation.

I acknowledge that Greece is under dire financial constraints and that its margin of manoeuvre is thus rather limited. However, given the seriousness of the human rights issues that arise, I urge you, as well as Greece's international lenders, to spare health care, in particular psychiatry, from further budgetary cuts while negotiating and designing austerity measures.

I also encourage the Greek government to make all necessary efforts to achieve the deinstitutionalisation objectives set in the successive psychiatric reforms and to reduce, with a view to eliminating, involuntary placements, forced treatment and the use of physical restraints in psychiatry. The enclosed Issue Paper on the right of people with disabilities to live independently and be included in the community, which was published by my Office in 2012, may provide useful guidance. I draw your particular attention to the recommendations contained therein concerning: sufficient and adequate community-based services and support; the setting-up of independent mechanisms in charge of promoting, protecting and monitoring the implementation of the CRPD; and the involvement of persons with disabilities and their representative organisations in planning and carrying out the implementation of deinstitutionalisation.

I look forward to receiving your reply and continuing a constructive dialogue with you and the Greek government.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nils Muižnieks', followed by a horizontal line extending to the right.

Nils Muižnieks