

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

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Excellency,

We have the honour to address you in our capacity as First Vice-Chair of the Working Group on Arbitrary Detention; Special Rapporteur on the rights of persons with disabilities; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 26/20, 24/6, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alarming living and care conditions of the internees at the Disability Branch of the Centre of Social Welfare of Western Greece, formerly known as the Children's Care Centre of Lechaina. Such conditions could seriously undermine the right of persons with disabilities to liberty and security, to physical and mental integrity, the right not to be subjected to cruel, inhuman or degrading treatment, to freedom from all forms of exploitation, violence and abuse, and to the highest attainable standard of physical and mental health.**

According to the information received:

Since 2009, several national and international organisations and institutions have repeatedly raised concerns about the alarming conditions and treatment of persons with disabilities living in the Disability Branch of the Centre of Social Welfare of Western Greece in Lechaina (hereinafter the Disability Branch), which is under the jurisdiction of the Secretary of Welfare of the Ministry of Labour, Social Security and Solidarity.

In 2011, the Greek Ombudsman published a report documenting serious human rights violations against persons with disabilities living in the above-mentioned institution. In 2012, the United Nations Committee on the Rights of the Child, in its concluding observations to Greece (CRC/C/GRC/CO/2-3), expressed its concern about the situation of children with disabilities living under inhuman and unacceptable conditions in this institution. Despite these denunciations, it appears that the current conditions at the Disability Branch of the Centre of Social Welfare of Western Greece remained mostly unchanged.

Recent information indicates that this State-run institution currently hosts approximately 55-60 internees with intellectual disabilities, including five children. Most internees have reportedly been abandoned by their families and thus depend entirely on the care and support provided by the institution. According to reports received, the internees continue to be deprived of adequate medical and other care and are exposed to deplorable living conditions due to institutional shortcomings, insufficient staff and unhygienic conditions. Most internees reportedly spend their days alone in beds, without personal belongings, and lack access to environmental stimulation, recreational activities and education. Since they do not receive assistance based on their age, gender, type of impairment or personal needs, they are prevented from attaining individual autonomy and independence. This situation severely undermines their right to physical and mental health, and well-being.

It is further reported that the institution lacks medical and health care professionals. It does not have a resident doctor and counts on only two trained nurses among its personnel. Consequently, the internees do not reportedly have access to regular and adequate medical or rehabilitation services. For instance, physiotherapy and occupational therapy are not provided.

Finally, it is reported that the severe forms of restraint and seclusion the internees are subjected to gravely affects their physical and mental integrity. Due to shortage of staff, most internees are sedated, spend their days in isolation and are confined in cage beds or cells with wooden bars up to the ceiling. Reportedly, several internees, including young children, have their limbs strapped to their beds, some in forced positions with their arms stretched in their backs while lying on their stomach, allegedly to prevent them from self-injury. The straps are removed only on rare occasions, while some people are restrained permanently. One teenager is allegedly strapped to a wheelchair on a regular basis even though he is not mobility impaired, while another child is locked behind a glass door in a room furnished only with mattresses for most of the day. Although two children are allowed to attend Lechaina special school a few times per week, most internees are reportedly not permitted to leave the Centre.

In November 2015, the Greek Secretary of Welfare ordered the transfer of the five children to a more appropriate facility in Athens. However, no action has reportedly been taken in this regard.

While we do not wish to prejudice the accuracy of these allegations, we express grave concern about the inhuman and degrading living conditions which could seriously undermine the physical and mental integrity of persons with disabilities that live in the Disability Branch of the Centre of Social Welfare of Western Greece. Serious concern is expressed regarding the denial of adequate care and appropriate health services to the internees which further contributes to the infringement of their right to the highest attainable standard of physical and mental health. Further serious concern is expressed at the use of physical restraints and seclusion, such as cage beds and straps, which have been considered to constitute cruel, inhuman or degrading treatment and which exacerbate the health of the internees.

In connection to the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

Without expressing at this stage an opinion on the facts of the case and on whether the deprivation of liberty of the internees at the Disability Branch of the Centre of Social Welfare of Western Greece is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 14 of International Covenant on Civil and Political Rights (ICCPR), which Greece ratified on 5 May 1997, and articles 9 and 10 of the Universal Declaration of Human Rights (UDHR).

In this regard, we would like to bring to the attention of your Excellency's Government the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings before a Court (A/HRC/30/37), in particular its principles 5, 17 and 20, as well as guidelines 5 and 20. In this connection, we would like to remind your Excellency's Government about its obligation to prohibit involuntary committal or internment on the grounds of disability and to adopt specific measures for persons with disabilities to guarantee their protection from arbitrary deprivation of liberty.

We would like to refer your Excellency's Government to articles 7, 14, 15, 16, 17 and 19 of the Convention on the Rights of Persons with Disabilities (CRPD), ratified by Greece on 31 May 2012, as well as the general principle of respect for the inherent dignity, individual autonomy and independence of persons with disabilities, as referred to in article 3 (a). Additionally, article 23 of the Convention on the Rights of the Child (CRC), which Greece ratified on 11 May 1993, obliges State parties to provide children with disabilities the opportunity to enjoy a fulfilling and decent life, "in conditions which

ensure dignity, promote self-reliance and facilitate the child's active participation in the community.” Furthermore, in its concluding observations to Greece (CRC/C/GRC/CO/2-3, paras. 50-51), while referring to the Disability Branch of the Centre of Social Welfare of Western Greece, the Committee on the Rights of the Child recommended to adopt, as a matter of priority, measures to ensure that no children with disabilities are placed under such inhumane conditions, and that placement in residential institutions should be the last resort, depending on the needs of the child.

We would also like to draw attention of your Excellency’s Government to the right to health contained in article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Greece on 16 May 1985; article 24 of the CRC; and article 25 of the CRPD. In this connection, we would like to remind your Excellency’s Government that the Committee on Economic, Social and Cultural Rights has emphasized that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. This includes access to medical, social and rehabilitation services that enable them to become independent and support their social integration (General Comment 5, para. 34).

We would like to bring to the attention of your Excellency’s Government the reports of the Special Rapporteur on torture and other cruel, inhumane or degrading treatment or punishment that “the prolonged use of restraints and seclusion may also amount to torture or ill-treatment due to the negative effects on the physical and mental health of persons with disabilities (A/63/175 para. 55-56). Thus, it is essential that an absolute ban on all coercive and non-consensual measures, including restraint and solitary confinement of people with psychological or intellectual disabilities, should apply in all places of deprivation of liberty, including in psychiatric and social care institutions (A/HRC/22/53A para. 63). Further, poor living conditions in homes for persons with disabilities may constitute torture and ill-treatment (A/63/175 para. 52).

Finally, while we acknowledge the financial and resource constraints your Excellency's Government currently faces, we would like to recall that article 2(1) of the ICESCR obliges States to ensure the immediate satisfaction of, the very least, minimum essential levels of all economic, social and cultural rights. According to the Committee on Economic, Social and Cultural Rights this obligation, inter alia, requires States "to ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups" (General Comment 14, para 43 (b)). Such core obligations are not dispensed with during times of crisis and recovery (General Comment 3, para. 11-13).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of persons with

disabilities residing in the Disability Branch of the Centre of Social Welfare of Western Greece in compliance with international human rights instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and comment which you may have on the above mentioned allegations.
2. Please provide detailed information on the legal grounds for the deprivation of liberty of the internees at the Disability Branch of the Centre of Social Welfare of Western Greece, in particular please explain how these measures are compatible with international human rights norms and standards, in particular with articles 9 and 14 of the ICCPR, and principles 5, 17 and 20, as well as guidelines 5 and 20 of the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings before a Court (A/HRC/30/37).
3. Please provide detailed information concerning any measures taken to immediately stop all practices that violate the fundamental rights of persons with disabilities living in the Disability Branch of the Centre of Social Welfare of Western Greece, including the use of cage beds and tying internees to their beds.
4. Please provide information on whether such practices are found in other care institutions in Greece in which persons with disabilities, including children with disabilities, are interned.
5. Please explain the measures taken to protect the physical and mental integrity of persons with disabilities, especially children, living in the Disability Branch of the Centre of Social Welfare of Western Greece and in other similar care institutions.
6. Please provide information about any plans or measures taken to relocate the internees of the institution to community-based care facilities, so as to facilitate their inclusion in society and independent living.
7. Please provide full details on the measures taken to implement the recommendations issued by the Greek Ombudsman of 2011, by the UN Committee on the Rights of the Child in 2012, and by the Greek Secretary of Welfare in November 2015 relating to the Disability Branch of the Centre of Social Welfare of Western Greece.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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