

HELLENIC REPUBLIC
GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS

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<p>Recommendations for the Protection of the Rights of Mentally Disabled Persons Subject to Criminal Security Measures</p>

Taking into account the international and European developments in the area of protection of the above particularly vulnerable persons, the NCHR proposed to the Ministry of Justice a series of amendments to criminal law for the enhancement of the protection of these persons. In particular the NCHR submitted to the Greek State the following major proposals:

(a) Amendment of criminal law so that detention of the above persons is ordered solely by courts following open court sessions;

(b) The detention should be primarily conditioned on the existence of the relevant pathology and not on vague legal conditions such as “danger to public safety”;

(c) Amendment of legislation so that detention is subject to a complete judicial control as prescribed by contemporary international and European human rights standards;

(d) The entrenchment in Greek law of the right of the mentally disabled to be present in all relevant judicial proceedings.

19 June 2003