

Greece Immigration Detention Profile

January 2018

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Greece is an important entry point to the European Union (EU) for migrants and asylum seekers. Since 2008, when [Spain](#) and [Italy](#) began effectively blocking routes into their countries, the numbers of arrivals in Greece have increased substantially.¹ With support—and pressure—from its EU partners, Greece has responded to this situation by adopting a passel of controversial immigration control measures, including ramping up its detention operations, leading to a growing human rights crisis in Greece and Europe.²

When the numbers of arrivals in the EU rose dramatically in 2015—prompted by the civil war in Syria as well as long-term instability in other countries—Greece received the largest proportion of arriving asylum seekers. Indeed, out of approximately one million people who arrived to the EU in 2015, over 850,000 entered via Greece.

Fearing a “refugee crisis,” the EU reached an agreement with Ankara to counter immigration pressures. Under the March 2016 [EU-Turkey deal](#), it was agreed that all migrants and asylum seekers who arrived on Greek islands after 20 March 2016 would be liable to return to [Turkey](#). For every migrant or asylum seeker returned to Turkey, the EU would resettle one Syrian from Turkey. Turkey was also promised 6 billion euros, the lifting of visa requirements for its nationals, and the resumption of Turkey's EU accession process. Yet while the EU justified the return of migrants and asylum seekers to Turkey in referring to the “safe third country” principle, it was immediately clear that

¹ Parliamentary Assembly of the Council of Europe, Committee on Migration, Refugees and Displaced Persons, “Migration and asylum: mounting tensions in the Eastern Mediterranean,” Doc. 13106, 2013, assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp.

² Between 2007 and 2009, most migrants reached Greece through Aegean islands. However, by early 2010, the main entry point had shifted to the Evros River on the border between Greece and Turkey. Responding to the migratory pressures in Evros, Greece dramatically increased deployments of police in the region, put in place a range of surveillance and interdiction methods, and completed a 12.5 kilometer-long fence along the border. Meanwhile, between November 2010 and February 2011, Frontex made its debut deployment of Rapid Border Intervention Teams (RABIT). As a result, migrants and asylum seekers shifted their focus back to the Aegean Islands.

Turkey would not fulfil the criteria to be considered safe for refugees.³ The EU-Turkey deal ultimately diverted the migration flow to Italy and in 2016 arrivals to Greece decreased to 170,000.⁴

To implement the EU agreement with Turkey, Greece converted reception centres on five Aegean Islands into closed (or “secure”) facilities and adopted a policy of “geographical restriction.” Pursuant to this measure, migrants and asylum seekers are today no longer transferred to the Greek mainland. Rather, they are obliged to remain on the island on which they are initially registered and undergo a fast-track border procedure to determine whether Turkey is a “safe country” for them. However, due to administrative delays, many migrants and asylum seekers find themselves stranded on the Aegean islands for months.⁵ Numerous reports have denounced appalling conditions in the centres, including severe overcrowding, insufficient food supply and medical care, and a lack of protection from violence.⁶

Greece’s immigration detention practices more generally raise several concerns, including: the country’s resistance to using alternatives to detention; its systematic detention of children; the issuing of detention orders that lack individual assessments; inadequate conditions of detention; and the use of police stations for immigration detention purposes. For these reasons, Greece’s detention system has attracted broad international condemnation—including from four UN Special Procedures⁷ and four UN human rights treaty bodies⁸—and have prompted more than 20 rulings by the European

³ Amnesty International, “The EU-Turkey deal: Europe’s year of shame,” March 2017, <https://www.amnesty.org/en/latest/news/2017/03/the-eu-turkey-deal-europes-year-of-shame/>; I. Majcher, “Border Securitization and Containment vs. Fundamental Rights: The European Union’s ‘Refugee Crisis’,” *Georgetown Journal of International Affairs*, March 2017, <https://www.georgetownjournalofinternationalaffairs.org/online-edition/border-securitization-and-containment-vs-fundamental-rights-the-european-unions-refugee-crisis>.

⁴ UNHCR, “Refugees and Migrants Sea Arrivals in Europe,” December 2016, <https://data2.unhcr.org/ar/documents/download/53447>.

⁵ Greek Council for Refugees, “Country report: Greece,” *Asylum Information Database (AIDA)*, “European Council on Refugees and Exiles (ECRE),” December 2016, <http://www.asylumineurope.org/reports/country/greece>.

⁶ Human Rights Watch, “Greece: Asylum Seekers in Abysmal Conditions on Islands,” October 2017, <https://www.hrw.org/news/2017/10/23/greece-asylum-seekers-abysmal-conditions-islands>; UNHCR, “UNHCR urges action to ease conditions on Greek islands (Briefing Note),” 8 September 2017, <http://www.unhcr.org/news/briefing/2017/9/59b24a377/unhcr-urges-action-ease-conditions-greek-islands.html>.

⁷ Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, “Report submitted by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak: Mission to Greece,” A/HRC/16/52/Add.4, March 2011, www.ohchr.org/EN/countries/ENACARRegion/Pages/GRIndex.aspx;

Special Rapporteur on the sale of children, child prostitution and child pornography, “Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit: Addendum: MISSION TO GREECE (8-15 November 2005),” E/CN.4/2006/67/Add.3, March 2006,

www.ohchr.org/EN/countries/ENACARRegion/Pages/GRIndex.aspx; Working Group on Arbitrary Detention, “Report of the Working Group on Arbitrary Detention: Addendum: Mission to Greece,” A/HRC/27/48/Add.2, 30 June, <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/GRIndex.aspx>.

⁸ Human Rights Committee, “Concluding observations on the second periodic report of Greece,” CCPR/C/GRC/CO/2, 3 December 2015, <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/GRIndex.aspx>; Committee against Torture, “Consideration of reports submitted by States parties under article 19 of the Convention: Concluding observations of the Committee against Torture: Greece,” CAT/C/GRC/CO/5-6, 27 June 2012, <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/GRIndex.aspx>; Committee on the Rights of the Child, “Consideration of reports submitted by States parties under article 44 of the Convention: Concluding observations:

Court of Human Rights. In addition, a number of the Geneva-based treaty bodies criticized Greece's practices. In 2015, for example, the [UN Human Rights Committee](#) urged Greece to ensure that all detention decisions be based on the individual circumstances of the person and consider less invasive means to achieve the same end.⁹ Previously, in 2012, the Committee against Torture recommended that Greece ensure that administrative detention on the grounds of irregular entry not be applied to asylum seekers and that they should be detained only in exceptional circumstances or as a measure of last resort, on grounds specifically prescribed by law.¹⁰

LAWS, POLICIES, PRACTICES

Key norms. Immigration detention in Greece is regulated by three pieces of legislation:

(1) [Law 3386/2005 on the Entry, Residence and Social Integration of Third-Country Nationals on Greek Territory](#), adopted in 2005 and amended several times, provides Greece's principle legal framework governing the entry and departure of non-citizens, including detention.

(2) 2011's [Law 3907/2011 on the Establishment of an Asylum Service and a First Reception Service](#) transposed the [EU Returns Directive](#) in Greek legislation and sets out the framework for pre-removal detention. Like [Malta](#), Greece took advantage of the option offered in the directive not to apply it to persons apprehended or intercepted in connection with irregular border crossings, thereby preventing such individuals from accessing provisions in the directive—including alternatives to detention.

(3) [Law 4375/2015 on the organisation and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions](#) was adopted in 2016 to implement the EU-Turkey deal. This law transposed the [EU Asylum Procedures Directive](#), thoroughly changing the asylum institutional framework and regulating the detention of asylum seekers.

Grounds for detention. Greek law establishes three grounds warranting pre-removal detention. Non-citizens may be detained if they: (1) display a risk of absconding; (2) avoid or hamper the preparation of the return or removal process; or (3) present a threat to public order or national security (Law 3386/2005, article 76(3); Law 3907/2011, article 30(1)). While the first two grounds reflect the terms of the Returns Directive, detention on account of a threat to public order is not included in the Directive. In the [Kadzoev](#)

Greece," CRC/C/GRC/CO/2-3, 13 August 2012, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIndex.aspx>; Committee on the Elimination of Racial Discrimination, "Concluding observations on the twentieth to twenty-second periodic reports of Greece," CERD/C/GRC/CO/20-22, 3 October 2016, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIndex.aspx>.

⁹ Human Rights Committee, "Concluding observations on the second periodic report of Greece," CCPR/C/GRC/CO/2, 3 December 2015, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIndex.aspx>.

¹⁰ Committee against Torture, "Consideration of reports submitted by States parties under article 19 of the Convention: Concluding observations of the Committee against Torture: Greece," CAT/C/GRC/CO/5-6, 27 June 2012, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIndex.aspx>.

case, the [Court of Justice of the European Union](#) held that pre-removal detention cannot be justified solely on account of public order considerations. Thus, Greek legislation is not compatible with EU law.

Law 4375 provides that non-citizens must not be detained purely because they submitted an application for international protection, entered the country or stayed without documentation (article 46(1)). Yet, Greek legislation does allow for the detention of asylum seekers who apply for asylum while already detained under Law 3386 or Law 3907. Reflecting the [EU Reception Conditions Directive](#), article 46(2) of Law 4375 provides five grounds justifying the detention of asylum seekers: **(1)** when there is a need to determine the person's identity or nationality; **(2)** when authorities need to determine those elements of the asylum application which could not be otherwise obtained, in particular when there is a risk of absconding; **(3)** when, on the basis of objective criteria, it is ascertained that there are reasonable grounds to believe that the individual applied for international protection purely in order to delay or hinder the enforcement of a return decision; **(4)** when the person constitutes a danger to national security or public order; or **(5)** when there is a serious risk of the applicant absconding, in order to ensure the enforcement of a transfer according to the [EU Dublin III Regulation](#). The [Greek Council for Refugees](#) (GCR), however, observed that detention decisions often lack individual assessment and asylum seekers are frequently detained.¹¹

The risk of absconding, justifying both pre-removal and asylum detention is addressed in Law 3908. Article 18 provides a list of criteria which may indicate such a risk. These are not exhaustively enumerated and include such criteria as non-compliance with a voluntary departure obligation; an explicit expression of intent to avoid removal; possession of false documents; providing false information to authorities; convictions for criminal offences, a pending prosecution or serious indications that the person concerned has committed or is about to commit a criminal offense; a lack of travel documents or identity documents; prior absconding; and non-compliance with an existing entry ban.

According to the GCR and [AITIMA](#), the justification of pre-removal and asylum detention on public order grounds is excessively and unjustifiably relied on by the authorities and served as a basis for the June 2016 police circular ordering that non-citizens who commit "law-breaking conduct" on Greek islands be transferred to pre-removal detention centres on the mainland. In 2016, approximately 1,600 persons were transferred to pre-removal detention centres on this basis.¹²

¹¹ Greek Council for Refugees, "Country report: Greece," *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), December 2016, <http://www.asylumineurope.org/reports/country/greece>.

¹² Greek Council for Refugees, "Country report: Greece," *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), December 2016, <http://www.asylumineurope.org/reports/country/greece>; AITIMA, "FORGOTTEN: Administratively detained irregular migrants and asylum seekers," October 2016, <http://www.aitima.gr/index.php/en/news/324-10-october-2016-new-aitima-report-forgotten>.

In early 2012 Greece adopted Law 4075/2012, amending Law 3386/2005. The new law added health-related grounds for immigration detention. Accordingly, non-citizens may be detained if they constitute a danger to public health because of an infectious disease, belong to a group vulnerable to infectious diseases, or live in conditions that do not meet minimum standards of hygiene. The UN Special Rapporteur on the Human Rights of Migrants has argued that these measures are discriminatory and target the most vulnerable migrants, and that the majority of medical problems suffered in immigration detention are directly linked to detention conditions in the country.¹³ The GCR has pushed for a revocation of this legislation on the grounds of its incompatibility with international law, while the [UN Committee against Torture](#) has urged the country to replace it with appropriate medical measures.¹⁴ As of October 2017, this provision is still in force, yet it is not used in practice.¹⁵

Children. Greek legislation does not prohibit the detention of migrant or asylum-seeking children. The provisions of Law 3907/2011 addressing detention within pre-removal procedures (article 32) are modeled upon the Returns Directive. Accordingly, unaccompanied minors and families with minors are only to be detained as a measure of last resort—when no other adequate and less coercive measure can be used for the same purpose—and for the shortest period of time possible. Law 4375/2016, regulating detention within asylum procedures, provides that as a rule, unaccompanied children should not be detained (article 46(10)(b)). Only in “very exceptional cases” should unaccompanied minors who apply for international protection while in detention remain in detention—and this should always be a last resort to ensure that they are safely referred to appropriate accommodation facilities for minors. This detention measure is exclusively limited to the necessary time to safely refer the minor to appropriate accommodation facilities and cannot exceed a period of twenty-five days, extendable for twenty days. In 2016, the [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#) (CPT) recommended that Greece amend Law 4375 and abolish immigration detention of children altogether.¹⁶

Despite these legislative restrictions on the detention of children, the CPT and GCR report that in practice, unaccompanied children are systematically detained because of a constant lack of space in reception centres and open shelters. For this reason, for example, 324 unaccompanied children were detained on 28 December 2016, and 321

¹³ Special Rapporteur on the human rights of migrants, “Report of the Special Rapporteur on the human rights of migrants on his mission to Greece,” A/HRC/23/46/Add.4, 17 April 2013, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>.

¹⁴ International Commission of Jurists (ICJ) and European Council on Refugees and Exiles (ECRE), “Second Joint Submission of the International Commission of Jurists (ICJ) and of the European Council on Refugees and Exiles (ECRE) to the Committee of Ministers of the Council of Europe in the case of *M.S.S. v. Belgium and Greece* (Application no. 30696/09) and related cases,” February 2013, <http://www.refworld.org/docid/54f5cd00a.html>; Committee against Torture, “Consideration of reports submitted by States parties under article 19 of the Convention: Concluding observations of the Committee against Torture: Greece,” CAT/C/GRC/CO/5-6, 27 June 2012, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIndex.aspx>.

¹⁵ Greek Council for Refugees, Email correspondence with Izabella Majcher (Global Detention Project), October 2017.

¹⁶ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 18 April and 19 to 25 July 2016,” CPT/Inf (2017) 25, September 2017, <https://www.coe.int/en/web/cpt/greece>.

on 27 January 2017.¹⁷ The [Special Rapporteur on the human rights of migrants](#) also noted that asylum-seeking children are frequently detained for more than 45 days.¹⁸ Furthermore, unaccompanied children in Greece also end up in detention due to inaccurate age assessment procedures. As observed by the GCR, police authorities systematically rely on X-ray examinations, decisions do not refer to an exact medical diagnosis and there is no possibility to challenge these.¹⁹ The CPT urged Greece to establish adequate age assessment procedures which also provide for appeal channels,²⁰ and the Special Rapporteur on the human rights of migrants recommended that the country “strictly” refrain from detaining children, both unaccompanied and with families, in conformity with the principles of the best interests of the child and of family unity.²¹

In terms of conditions of detention, under Law 3907/2011, whenever possible, unaccompanied minors are to be accommodated in institutions that have specialist personnel and facilities whilst families must be provided with separate accommodation guaranteeing adequate privacy. Detained minors must have the opportunity to engage in leisure activities, including games and recreational activities appropriate for their age, and have access to education if they are confined for long periods of time (Law 3907/2011, article 32). In turn, pursuant to Law 4375/2016, unaccompanied children in asylum detention must be detained separately from adult detainees.

In practice, however, unaccompanied children are detained in unsuitable and inadequate conditions including pre-removal detention centres, police stations, and Reception and Identification Centres (RICs). During his 2016 visit to Greece, the UN Special Rapporteur on the human rights of migrants expressed concern at the inadequate conditions and lack of protection faced by those in Lesvos centre and police stations. As he noted, the conditions of detention were “deplorable, leaving children at heightened risk of abuse, neglect, violence and exploitation.” Unaccompanied minors

¹⁷ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 18 April and 19 to 25 July 2016,” CPT/Inf (2017) 25, September 2017, <https://www.coe.int/en/web/cpt/greece>; Greek Council for Refugees, “Country report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), December 2016, <http://www.asylumineurope.org/reports/country/greece>.

¹⁸ Special Rapporteur on the human rights of migrants, “Report of the Special Rapporteur on the human rights of migrants on his mission to Greece,” A/HRC/35/25/Add.2, 24 April 2017, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>.

¹⁹ Greek Council for Refugees, “Country report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), December 2016, <http://www.asylumineurope.org/reports/country/greece>; AITIMA, “FORGOTTEN: Administratively detained irregular migrants and asylum seekers,” October 2016, <http://www.aitima.gr/index.php/en/news/324-10-october-2016-new-aitima-report-forgotten>; Amnesty International, “Greece: Enter at your peril: Lives put at risk at the gate of Europe,” 2013, www.amnesty.org/en/library/info/EUR25/007/2013/en.

²⁰ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 18 April and 19 to 25 July 2016,” CPT/Inf (2017) 25, September 2017, <https://www.coe.int/en/web/cpt/greece>.

²¹ Special Rapporteur on the human rights of migrants, “Report of the Special Rapporteur on the human rights of migrants on his mission to Greece,” A/HRC/35/25/Add.2, 24 April 2017, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>.

were locked in police station cells 24/7 without access to the outdoors for over two weeks and without any recreational or educational activity. Detained children lacked access to interpreters, legal assistance, and information presented in a child-friendly manner.²² The Special Rapporteur's observations concur with findings from the CPT's 2016 visit to Greece. As well as criticising the use of, and conditions in, the RICs and police stations, the Committee also highlighted the situation in detention centres. The CPT found that the conditions in detention centres were inadequate for children. Children in Petrou Ralli centre, for example, were locked in their rooms and offered just 30 minutes of daily outdoor exercise. They were also not provided with bed linen, sufficient personal hygiene products, activities or support. The Committee therefore recommended that authorities stop using Petrou Ralli centre for detaining children.²³

The UN human rights treaty bodies have also criticised Greece's detention of foreign children. In 2012, the [UN Committee on the Rights of the Child](#) urged the country's authorities to ensure that unaccompanied children are not detained or that only in exceptional circumstances—and for the shortest period of time—should they remain in detention.²⁴ In the same year, the UN Committee against Torture recommended that Greece promptly amend its legislation to prohibit the detention of unaccompanied children.²⁵

Length of detention. According to articles 30(5)-(6) of Law 3907, which mirror the Returns Directive, the initial period of detention is up to six months. This can be extended by up to 18 months if, despite all reasonable efforts employed by authorities, return proceedings last longer due to a lack of cooperation from the person concerned or delays in obtaining the necessary documents from destination countries. Before setting the current maximum length of detention, Greece had gradually extended this period: from three to six months in 2009, and up to 18 months in 2011, when transposing the Returns Directive.

In contrast, the maximum length for detaining asylum seekers was reduced in 2016. Currently, the maximum duration is set at three months (Law 4375, article 46(4)). Previously the maximum duration was 18 months and until 2012, asylum seekers could be detained for up to either three or six months, depending on whether the person applied for international protection after or prior to being arrested. Yet in practice, as the GCR noted, people applying for asylum whilst in detention are frequently held for longer than the time-limit due to delays in registering the asylum application—and these delays

²² Special Rapporteur on the human rights of migrants, "Report of the Special Rapporteur on the human rights of migrants on his mission to Greece," A/HRC/35/25/Add.2, 24 April 2017, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>.

²³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 18 April and 19 to 25 July 2016," CPT/Inf (2017) 25, September 2017, <https://www.coe.int/en/web/cpt/greece>.

²⁴ Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention: Concluding observations: Greece," CRC/C/GRC/CO/2-3, 13 August 2012, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIndex.aspx>.

²⁵ Committee against Torture, "Consideration of reports submitted by States parties under article 19 of the Convention: Concluding observations of the Committee against Torture: Greece," CAT/C/GRC/CO/5-6, 27 June 2012, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIndex.aspx>.

can last for several months.²⁶ Moreover, AITIMA also documented the practice of “re-detention”, whereby a person is detained more than once for the period exceeding the maximum permissible period of detention.²⁷

Following a visit in January 2013, the UN Working Group on Arbitrary Detention stressed that the detention of non-citizens for up to 18 months, in conditions that are sometimes even worse than in regular prisons, “could be considered as a punishment imposed on a person who has not committed any crime. This appears to be a serious violation of the principle of proportionality which may render the deprivation of liberty arbitrary.”²⁸ Both the UN Human Rights Committee and the UN Committee against Torture have thus urged Greece to ensure that immigration detention is ordered for the shortest time-period possible.²⁹

Law 4375 provides a shorter detention period for unaccompanied children, which is not to exceed 25 days. Detention may be prolonged for a further twenty days (article 46(10)(b)) due to exceptional circumstances. The Special Rapporteur on the human rights of migrants noted that asylum-seeking children are frequently detained for longer than 45 days.³⁰

Procedural guarantees. Detention orders are issued by the Police Director, although in cases falling within the geographical authority of the General Police Directorates of Attica or Thessaloniki, the Police Director for Aliens is responsible (Law 4275/2016, article 46(3)). Detention orders should be presented within three days following arrest, be issued in writing, and explain the reasons in law and fact (Law 3907/2011, article 30(2)).

The individual concerned must receive the information outlining the reasons for their detention in a language they can understand (3386/2005, article 76(3)) as well as information about their rights (Law 3907/2011, article 30(2)), and communication with their counsel must also be facilitated (3386/2005, article 76(3)). According to the UN Special Rapporteur on the human rights of migrants, however, detainees are often not provided with information in a language they can understand, have limited access to legal assistance, and receive little or no professional interpretation assistance.³¹

²⁶ Greek Council for Refugees, “Country report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), December 2016, <http://www.asylumineurope.org/reports/country/greece>.

²⁷ AITIMA, “FORGOTTEN: Administratively detained irregular migrants and asylum seekers,” October 2016, <http://www.aitima.gr/index.php/en/news/324-10-october-2016-new-aitima-report-forgotten>.

²⁸ Working Group on Arbitrary Detention, “Report of the Working Group on Arbitrary Detention: Addendum: Mission to Greece,” A/HRC/27/48/Add.2, 30 June, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIndex.aspx>.

²⁹ Human Rights Committee, “Concluding observations on the second periodic report of Greece,” CCPR/C/GRC/CO/2, 3 December 2015, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIndex.aspx>; Committee against Torture, “Consideration of reports submitted by States parties under article 19 of the Convention: Concluding observations of the Committee against Torture: Greece,” CAT/C/GRC/CO/5-6, 27 June 2012, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIndex.aspx>.

³⁰ Special Rapporteur on the human rights of migrants, “Report of the Special Rapporteur on the human rights of migrants on his mission to Greece,” A/HRC/35/25/Add.2, 24 April 2017, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>.

³¹ Special Rapporteur on the human rights of migrants, “Report of the Special Rapporteur on the human rights of migrants on his mission to Greece,” A/HRC/23/46/Add.4, 17 April 2013,

Domestic legislation establishes automatic review of the legality of pre-removal and asylum detention. Under Law 3907/2011 (article 30(3)), reviews of pre-removal detention are to be carried out every three months by the police director who issued the order or, in the case of detention extension, by an administrative court. In turn, pursuant to Law 4375/2016 (article 46(5)), reviews of asylum detention are to be carried out by judicial authorities. In 2013, however, the UN Special Rapporteur on the human rights of migrants raised concerns that in practice, reviews are conducted without taking into account the specific features of individual cases.³²

The law also allows detainees to appeal an initial detention order or its extension before an administrative court (Law 3386/2005, article 76(3); Law 3907/2011, article 30(2); Law 4375/2016, article 46(6)). However, in 2013 the Special Rapporteur on the human rights of migrants observed that appealing detention orders was “virtually impossible,” in part because they were written in Greek and appeals must be submitted in writing and in Greek, while access to an interpreter and lawyer was not guaranteed.³³ Since 2016, asylum seekers have been entitled to free legal assistance and representation to challenge their detention (Law 4375/2016, article 46(7)). Yet, as observed by the GCR, no free legal aid system for challenging asylum detention has been established.³⁴ During its 2015 visit, the Special Rapporteur also noted that cell phones are confiscated and access to a phone is not guaranteed for those who lack resources to pay for calls themselves. This prevents detainees from obtaining information or evidence to substantiate their claims.³⁵

Trends and statistics. According to official statistics, 14,864 non-citizens were detained in pre-removal detention centres in 2016, of whom 4,072 were asylum seekers. The number of asylum applications submitted from detention was 2,829 in 2016 and 2,543 in 2015.³⁶

Alternatives to detention. Non-custodial “alternatives” to pre-removal detention were introduced following the transposition of the Returns Directive. Under article 30(1) of Law 3907, non-nationals may be placed in pre-removal detention only if no other

<http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>. The lack of legal and linguistic assistance was also highlighted by the AITIMA, see: “FORGOTTEN: Administratively detained irregular migrants and asylum seekers,” October 2016, <http://www.aitima.gr/index.php/en/news/324-10-october-2016-new-aitima-report-forgotten>.

³² Special Rapporteur on the human rights of migrants, “Report of the Special Rapporteur on the human rights of migrants on his mission to Greece,” A/HRC/23/46/Add.4, 17 April 2013, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>.

³³ Special Rapporteur on the human rights of migrants, “Report of the Special Rapporteur on the human rights of migrants on his mission to Greece,” A/HRC/23/46/Add.4, 17 April 2013, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>.

³⁴ Greek Council for Refugees, “Country report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), December 2016, <http://www.asylumineurope.org/reports/country/greece>.

³⁵ Special Rapporteur on the human rights of migrants, “Report of the Special Rapporteur on the human rights of migrants on his mission to Greece,” A/HRC/35/25/Add.2, 24 April 2017, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>.

³⁶ Greek Council for Refugees, “Country report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), December 2016, <http://www.asylumineurope.org/reports/country/greece>.

sufficient—but less coercive—measures can be applied effectively. Article 46(2) of Law 4375 provides for the analogous guarantee for people applying for international protection while in detention. It provides that detention should be exceptional and its necessity be based on individual assessment. Less coercive measures include regular reporting to the authorities, the deposit of an adequate financial guarantee, the submission of documents, or the obligation to stay at a certain place (Law 3907/2011, article 22(3)).

However, during his 2016 visit, the Special Rapporteur on the human rights of migrants noted that alternatives are often not considered by the authorities and an individual assessment of necessity and proportionality (in accordance with Law 3907) is not consistently applied. The Special Rapporteur urged Greece to “urgently” consider alternatives to detention and only order detention in exceptional circumstances.³⁷

UN human rights treaty bodies have also expressed concern over the lack of application of alternatives to detention. The UN Human Rights Committee recommended in 2015 that Greece ensure that detention is proportionate and that alternatives to detention are available in law and implemented in practice. In particular, detention decisions should be based on individual circumstances and take into account less invasive means of achieving the same end.³⁸ The UN Committee against Torture also urged Greece to ensure that detention is used only in exceptional circumstances or as a measure of last resort. To this end, alternatives to detention should be duly examined and exhausted.³⁹

Criminalisation. Under articles 82-83 of Law 3386/2005, a non-national who attempts to enter or exit Greece without authorisation can be sentenced to prison for at least three months and fined 1,500 euros or more.⁴⁰ A person on the country’s list of “undesirable foreigners” who re-enters Greece without authorisation is subject to a fine of 3,000-10,000 euros and at least a one-year prison sentence. However, the public prosecutor can decide to abstain from pursuing these cases and instead submit the offender to administrative expulsion.

Privatisation. Greece has taken steps to allow private security companies to provide guards for immigration detention centres. According to news reports, in 2012 legislation was adopted allowing relevant authorities to transfer the responsibility for guarding centres from the Greek police to private security firms. Then in September 2013, the

³⁷ Special Rapporteur on the human rights of migrants, “Report of the Special Rapporteur on the human rights of migrants on his mission to Greece,” A/HRC/35/25/Add.2, 24 April 2017, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>. See also: Greek Council for Refugees, “Implementing Alternatives to Administrative Detention in Greece,” 2015, <http://www.gcr.gr/index.php/en/news/press-releases-announcements/item/536-efarmozontas-ta-enallaktika-metra-tis-dioikitikis-kratisis-stin-ellada>.

³⁸ Human Rights Committee, “Concluding observations on the second periodic report of Greece,” CCPR/C/GRC/CO/2, 3 December 2015, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIndex.aspx>.

³⁹ Committee against Torture, “Consideration of reports submitted by States parties under article 19 of the Convention: Concluding observations of the Committee against Torture: Greece,” CAT/C/GRC/CO/5-6, 27 June 2012, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIndex.aspx>.

⁴⁰ European Union Agency for Fundamental Rights (FRA), “Criminalisation of migrants in an irregular situation and of persons engaging with them,” 2014, <http://fra.europa.eu/en/publication/2014/criminalisation-migrants-irregular-situation-and-persons-engaging-them>.

Greek Ministry of Public Order said they would issue tenders, directed at private security companies, to manage some of the country's detention centres.⁴¹ Ultimately, the public tenders were arranged for the provision of security to three detention centres (Fylakio, Corinth and Drama) for 14 million euros per year.⁴² Yet, as of October 2017, private companies were reportedly not involved in the guarding of such centres.⁴³

Regulation of detention conditions. Mirroring the language of the Returns Directive, article 31(1) of Law 3907/2011 provides that detention should take place as a rule in specialised detention facilities (Law 4375/2016, article 46(9)). Non-citizens in detention must be kept separated from ordinary prisoners. Under article 81 of Law 3386/2006, "special premises" where non-citizens are detained are to be established by the Ministers of Interior, Public Administration and Decentralisation, Economy and Finance, Health and Social Solidarity and Public Order. The Hellenic Police is to be responsible for guarding such premises.

Article 31 of Law 3907/2011 spells out several further guarantees. Accordingly, immigration detainees should be allowed to establish contact with their legal representatives, family members, and consular authorities on request. Detainees should have access to emergency health care and "particular attention" should be given to the situation of vulnerable persons. Relevant national, international and non-governmental organisations should be able to visit detention centres, although these visits may be subject to authorisation from the authorities. Law 4375/2016, regulating asylum detention, provides that men and women should be detained in separate areas and families should be afforded adequate privacy (article 46(10)(a)). Following his 2016 visit, the UN Special Rapporteur on the human rights of migrants urged the authorities to ensure full access to all detention facilities for lawyers and civil society organisations, the possibility for detainees to promptly contact their family and have medical and linguistic assistance, and for there to be a system of systematic, independent monitoring of detention centres.⁴⁴

DETENTION INFRASTRUCTURE

Greece's immigration detention estate regularly fluctuates as deficient facilities are closed, new centres established, and older sites refurbished and reopened.⁴⁵ The country uses both dedicated immigration detention facilities and police and border guard stations for detaining migrants. In addition to these, the Global Detention Project also

⁴¹ Nikolaj Nielson, "Private security firms cash in on guarding EU borders," EU Observer, 25 September 2013, euobserver.com/priv-immigration/121454.

⁴² Nikolaj Nielsen, "Private security firms bid on Greek asylum centres," EU Observer, 2 April 2014, <https://euobserver.com/justice/123711>.

⁴³ Greek Council for Refugees, Email correspondence with Izabella Majcher (Global Detention Project), October 2017.

⁴⁴ Special Rapporteur on the human rights of migrants, "Report of the Special Rapporteur on the human rights of migrants on his mission to Greece," A/HRC/35/25/Add.2, 24 April 2017, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>.

⁴⁵ For more detailed information on the Greek immigration detention estate as of 2014, see the Global Detention Project's 2014 Immigration Detention Profile of Greece, <https://www.globaldetentionproject.org/immigration-detention-in-greece>.

classifies a number of reception centres, most of which operate as “hotspots” on the Aegean Islands, as secure centres. The Hellenic Police, falling under the authority of the Ministry of Public Order and Citizen Protection, is in charge of implementing immigration detention.⁴⁶

Pre-removal detention centres. Most dedicated centres are labeled “pre-removal detention centres,” which have been set up by ministerial decisions in the wave of reforms put in place by the 2012 Action Plan on Asylum and Migration Management. Following a 2015 visit to Greece, the CPT noted that “the concept for the operation of pre-departure centres is still based on a security approach with detainees treated in many respects as criminal suspects.” The committee reiterated its recommendation that irregular migrants be held in facilities specifically designed for that purpose, offering material conditions and a regime appropriate to their legal situation, and staffed by suitably qualified personnel.⁴⁷

According to the Greek Refugee Council, as of mid-2017, Greece operated eight pre-removal detention centres with a total capacity of 5,925 persons. The centres were located in **Amygdaleza** (Attica) **Corinth** (Peloponnese), **Drama Paranesti** (Thrace), **Fylakio Orestiada** (Thrace), **Kos** (Aegean), **Moria (Lesvos)** (Aegean), **Tavros (Petrou Ralli)** (Attica), and **Xanthi** (Thrace).⁴⁸

Of these centres, the Amygdaleza, Corinth, Drama Paranesti, and Xanthi facilities were established during the period between April and October 2012. The centres in Fylakio and Athens (Tavros), meanwhile, were previously used for detaining migrants, and both facilities attracted criticism for their detention conditions. Following a 2013 visit, the CPT stressed that these centres, with their “totally inappropriate” carceral design, should only be used for short periods.⁴⁹ Instead, however, these centres were later rebranded as pre-removal detention centres and continue operating today. The centres located in Kos and Lesvos only opened in 2017 within the context of the EU-Turkey deal.

⁴⁶ Special Rapporteur on the human rights of migrants, “Report of the Special Rapporteur on the human rights of migrants on his mission to Greece,” A/HRC/35/25/Add.2, 24 April 2017, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>.

⁴⁷ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 23 April 2015,” CPT/Inf (2016) 4, March 2016, <http://www.coe.int/en/web/cpt/greece>.

⁴⁸ Greek Council for Refugees, “Country report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), December 2016, <http://www.asylumineurope.org/reports/country/greece>; Greek Council for Refugees, Telephone conversation with Izabella Majcher (Global Detention Project), 24 August 2017; European Commission, “Report From the Commission to the European Parliament, the European Council and the Council Seventh Report on the Progress made in the implementation of the EU-Turkey Statement,” COM(2017) 470, September 2017, <http://bit.ly/2h2hev3>.

⁴⁹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013,” CPT/Inf (2014) 26, October 2014, <http://www.coe.int/en/web/cpt/greece>.

The **Amygdaleza** pre-removal detention centre (with a capacity of 2,000)⁵⁰ was established on the premises of the police academy in Athens. The centre is composed of camps in a series of fenced-in gravel compounds. In each compound there are three or four rows of pre-fabricated units. The 9 square metre rooms accommodate four people and are equipped with a table, chairs, and a cupboard.⁵¹ Having visited the centre in 2016, the AITIMA observed that in some containers the equipment, such as air-conditioning, hot water, and toilets, was defective. The quantity of food and personal hygiene products which were distributed was also insufficient. Detainees could move freely during the day within the fenced-in area. In every compound there was a container devoted to recreation (with a TV and chairs) and worship. Detainees were not allowed to use mobile phones, but they could use card phones if they could afford them. The centre was visited by a doctor and nurses, but this was not on a daily basis. There was no medical screening upon admission nor interpretation assistance for the medical appointments.⁵² During its 2013 visit, the CPT observed that the units were generally clean and in good state of repair, with sufficient lighting and ventilation. Detainees could remain outside for eight hours per day, but the outside space was just narrow gravel stone paths between the rows of units or an open area at the entrance to the compound. There were no common rooms with TV nor place for worship.⁵³

A former military camp, the **Corinth** pre-removal centre (capacity of 768)⁵⁴ is composed of eight two-storey buildings. The buildings have two wings, on each of which there are four 33 square metre dormitories. The dormitories have a capacity of 12 and have a sanitary annexe with a toilet and a basin. Following its 2015 visit to the facility, the CPT recommended that the dormitories accommodate up to four persons rather than 12, and are equipped with tables, chairs and lockers.

During the visit, it was reported that on most floors visited, only two of the five showers worked, there was no hot water and the detainees were not provided with any hygiene products. The Committee therefore recommended that detainees be provided with sufficient quantities of personal hygiene and cleaning products (including washing powder).⁵⁵ It was also found that detainees were not offered activities—even access to a

⁵⁰ Greek Council for Refugees, "Country report: Greece," *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, December 2016, <http://www.asylumineurope.org/reports/country/greece>.

⁵¹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013," CPT/Inf (2014) 26, October 2014, <http://www.coe.int/en/web/cpt/greece>.

⁵² AITIMA, "FORGOTTEN: Administratively detained irregular migrants and asylum seekers," October 2016, <http://www.aitima.gr/index.php/en/news/324-10-october-2016-new-aitima-report-forgotten>.

⁵³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013," CPT/Inf (2014) 26, October 2014, <http://www.coe.int/en/web/cpt/greece>.

⁵⁴ Greek Council for Refugees, "Country report: Greece," *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, December 2016, <http://www.asylumineurope.org/reports/country/greece>.

⁵⁵ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 23 April 2015," CPT/Inf (2016) 4, March 2016, <http://www.coe.int/en/web/cpt/greece>.

television—and they were only allowed to go out to the yard adjoining each building for two hours every morning and afternoon. The CPT urged Greek authorities to ensure a programme of activities (educational, recreational and vocational) and to set up at least one common association room equipped with television and games, and a multi-faith room.⁵⁶ Since December 2014, there had been no regular presence of a doctor and the Hellenic Centre for Disease Control and Prevention (KEELPNO) stopped visiting the centre in March 2015. Consequently, one untrained officer was responsible for managing the health care needs of several hundred irregular migrants. The CPT stressed that urgent action should be taken to ensure that a doctor and at least one nurse visit the centre on a daily basis.⁵⁷

The **Drama Paranesti** centre (capacity of 977),⁵⁸ northeast of Thessaloniki, was established within a former military base and, as of 2013, consisted of four distinct fenced-in single-storey accommodation blocks, each with its own yard, and two administrative buildings. In each block, there were six dormitories, accommodating up to 30 people.⁵⁹ In 2016, the AITIMA visited the centre and found that the conditions of detention and access to recreation were generally adequate. The centre featured containers for recreation (with tables, chairs, TV, books and table games) and worship, and detainees could access outdoor space throughout the day. Heating and air-conditioning were satisfactory, detainees were provided with items of personal hygiene and they were also allowed to use their mobile phones. On the other hand, however, there was no doctor in the facility and, consequently, no medical screening took place upon admission.⁶⁰ During its 2013 visit, the CPT noted that the dormitories only had bunk beds, no lockers for personal belongings, and no tables or chairs were provided. Lighting and ventilation were adequate but the buildings needed some refurbishments. The cramped conditions inside the accommodation blocks were made worse by the fact that detainees were only allowed access to the sizeable courtyard for one and a half hours a day and were offered no activities (recreational, vocational, sport) and no television. The CPT recommended that authorities ensure at least four square metres

⁵⁶ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 23 April 2015,” CPT/Inf (2016) 4, March 2016, <http://www.coe.int/en/web/cpt/greece>.

⁵⁷ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 23 April 2015,” CPT/Inf (2016) 4, March 2016, <http://www.coe.int/en/web/cpt/greece>.

⁵⁸ Greek Council for Refugees, “Country report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), December 2016, <http://www.asylumineurope.org/reports/country/greece>.

⁵⁹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013,” CPT/Inf (2014) 26, October 2014, <http://www.coe.int/en/web/cpt/greece>.

⁶⁰ AITIMA, “FORGOTTEN: Administratively detained irregular migrants and asylum seekers,” October 2016, <http://www.aitima.gr/index.php/en/news/324-10-october-2016-new-aitima-report-forgotten>.

per person, equip rooms with tables, chairs and lockers, and develop a programme of activities.⁶¹

The **Xanthi** centre (capacity of 480)⁶² is located within the former regional police academy and, as of 2013, consisted of two two-storey accommodation buildings, each within a secure fenced perimeter, and an administration building.⁶³ Having visited the centre in 2016, the AITIMA found that the conditions of detention and access to recreational activities were generally adequate. The 23 square metre cells had a capacity of eight and were equipped with a TV, refrigerator and air-conditioning unit. Detainees had free access to outdoor space and were provided with recreational activities (table games, billiard). There was also a worship area in the centre and newly arrived individuals received personal hygiene items. On the other hand, food was insufficient and of poor quality, there was no doctor at the centre and no proper medical screening took place upon admission.⁶⁴ Three years earlier, the centre was visited by the CPT who found that rooms were generally in an acceptable state of repair and were equipped with a table, chairs and cupboard space. Access to natural light and ventilation was also sufficient and there was a satisfactory number of sanitation facilities which were generally in good repair. However, living space in the dormitories was often less than four square metres per person and detainees were not offered any purposeful activities. Access to the yard in front of each building was limited to one hour a day and detainees were usually confined to the gravel area.⁶⁵

Before the **Fylakio Orestiada** centre (capacity of 620)⁶⁶ was rebranded as a pre-removal detention centre in 2013, it had received a large number of monitoring visits, including by the CPT, Human Rights Watch, and Fundamental Rights Agency, all of which denounced the centre's severe overcrowding, appalling living-conditions and failure to separate different categories of detainees.⁶⁷ For instance, following its 2013 visit, the CPT reported overcrowding, dirty and dilapidated cells, insufficient access to

⁶¹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013," CPT/Inf (2014) 26, October 2014, <http://www.coe.int/en/web/cpt/greece>.

⁶² Greek Council for Refugees, "Country report: Greece," *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, December 2016, <http://www.asylumineurope.org/reports/country/greece>.

⁶³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013," CPT/Inf (2014) 26, October 2014, <http://www.coe.int/en/web/cpt/greece>.

⁶⁴ AITIMA, "FORGOTTEN: Administratively detained irregular migrants and asylum seekers," October 2016, <http://www.aitima.gr/index.php/en/news/324-10-october-2016-new-aitima-report-forgotten>.

⁶⁵ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013," CPT/Inf (2014) 26, October 2014, <http://www.coe.int/en/web/cpt/greece>.

⁶⁶ Greek Council for Refugees, "Country report: Greece," *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, December 2016, <http://www.asylumineurope.org/reports/country/greece>.

⁶⁷ See the Global Detention Project's 2014 Immigration Detention Profile of Greece, <https://www.globaldetentionproject.org/immigration-detention-in-greece>.

natural light and artificial lighting, and a concerning lack of activities.⁶⁸ The AITIMA visited the centre in 2016 and found that families and vulnerable persons were not kept separate from the rest of detainees, bed sheets were dirty, there was no hot water, detainees did not receive personal hygiene items, outdoor time was irregular (it was not granted on a daily basis) and limited to 10-20 minutes, the use of cell phones was not permitted, and the centre was not regularly visited by a medical doctor.⁶⁹

Located on the premises of Attica Aliens Police Directorate, the **Tavros (Petrou Ralli)** centre (capacity of 370)⁷⁰ has been in use since 2005 and was rebranded as a pre-removal detention centre in 2016. The conditions of detention at the centre have long been a source of criticism from both domestic and international observers.⁷¹ In *S.D., R.U.*, and *Bygylashvili*, the [European Court of Human Rights](#) (ECtHR) ruled that the conditions at Petrou Ralli amounted to ill-treatment. Following its 2016 visit, the CPT concluded that conditions were extremely poor. Most of the men's cells were filthy, stuffy and infested, and mattresses and blankets were generally worn and dirty. The sanitation facilities were dirty and in a poor state of repair, and hygiene and cleaning products were insufficient. Further, detainees were locked in their cells for much of the day and the delegation found that outdoor exercise was not offered on a daily basis and, at times, the amount of time offered rarely exceeded 15 minutes.⁷² A similar account was also recorded following the CPT's visit to the centre in 2015—although some features worsened between the two visits. For instance, in 2015, most detainees were granted outdoor exercise for one hour a day on weekdays, but not at the weekend. The CPT thus recommended that all detainees be offered at least two hours of outdoor exercise a day, including at that weekend, and that a common room, equipped with television and games, and a room for prayers be set up in every wing of the centre.⁷³

In regards to health care, the CPT noted that most of the shortcomings observed in 2015 also remained valid in 2016. These included an absence of health care personnel in the evening, at night and over the weekend; the absence of a psychiatrist; the lack of medical screening upon arrival; the lack of systematic recording of medical consultations; the filtering of requests to see a doctor by police officers; the lack of

⁶⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013," CPT/Inf (2014) 26, October 2014, <http://www.coe.int/en/web/cpt/greece>.

⁶⁹ AITIMA, "FORGOTTEN: Administratively detained irregular migrants and asylum seekers," October 2016, <http://www.aitima.gr/index.php/en/news/324-10-october-2016-new-aitima-report-forgotten>.

⁷⁰ Greek Council for Refugees, "Country report: Greece," *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), December 2016, <http://www.asylumineurope.org/reports/country/greece>.

⁷¹ For more details, see the Global Detention Project's 2014 Immigration Detention Profile of Greece, <https://www.globaldetentionproject.org/immigration-detention-in-greece>.

⁷² European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 18 April and 19 to 25 July 2016," CPT/Inf (2017) 25, September 2017, <http://www.coe.int/en/web/cpt/greece>.

⁷³ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 23 April 2015," CPT/Inf (2016) 4, March 2016, <http://www.coe.int/en/web/cpt/greece>.

respect for medical confidentiality; the unnecessary isolation of foreign nationals who were HIV positive or who had Hepatitis; and the lack of self-harm and suicide prevention measures.⁷⁴

Among several measures adopted by Greece in order to implement the EU-Turkey deal, the country set up pre-removal detention centres on two Aegean Islands—**Lesvos (Moria)** and **Kos**—in 2017. While the facility in Kos is located next to the hotspot, the Moria centre is located inside the hotspot facility itself. Both detention centres had an initial capacity of 150.⁷⁵ However, as of September 2017 both centres had far exceeded this: the capacity of Kos detention centre was 500 and the capacity of the Moria detention centre was 210.⁷⁶ There are currently plans to set up a pre-removal detention centre on Samos, while plans for a centre on Chios were interrupted following resistance from local residents.⁷⁷

Special holding facilities. Besides pre-removal detention centres, Greece also detains non-citizens in other dedicated detention facilities, called “special holding facilities.”

As of 2016, the **Thessaloniki special holding facility**, located on the premises of the Aliens Police Directorate in Thessaloniki, was composed of nine cells. The rooms, of about 50 square metres each, could accommodate up to 10-14 detainees. However, during its 2016 visit, the CPT found that cells were not equipped with beds, plinths or chairs. The mattresses, placed directly on the floor, were filthy and the blankets were dirty and flea-infested. Many of the showers and toilets inside the cells were dilapidated. Detainees were not provided with any outdoor exercise and were denied access to their personal belongings. The cells were hot and humid because the air-conditioning was rarely switched on. In addition to this, the centre was not visited by health care personnel and the daily allowance of less than six euros was insufficient for covering all the needs of a detained person. The CPT urged the Greek authorities to take immediate steps to ensure that every detainee be provided with a clean mattress and bedding. Moreover, they called for all cells be de-infested, for a doctor and nurse to be present several hours each day, and—for public health reasons—medical screenings to be carried out upon a person’s admission.⁷⁸ Also in 2016, the AITIMA visited the centre and

⁷⁴ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 18 April and 19 to 25 July 2016,” CPT/Inf (2017) 25, September 2017, <http://www.coe.int/en/web/cpt/greece>.

⁷⁵ Greek Council for Refugees, “Country report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), December 2016, <http://www.asylumineurope.org/reports/country/greece>.

⁷⁶ European Commission, “Report From the Commission to the European Parliament, the European Council and the Council Seventh Report on the Progress made in the implementation of the EU-Turkey Statement,” COM(2017) 470, September 2017, <http://bit.ly/2h2hev3>.

⁷⁷ European Commission, “Report From the Commission to the European Parliament, the European Council and the Council Seventh Report on the Progress made in the implementation of the EU-Turkey Statement,” COM(2017) 470, September 2017, <http://bit.ly/2h2hev3>; Ekathimerini, “Greece to accelerate return of migrants to Turkey as arrivals pick up,” Ekathimerini, 2 April 2014, <http://www.ekathimerini.com/217357/article/ekathimerini/news/greece-to-accelerate-return-of-migrants-to-turkey-as-arrivals-pick-up>.

⁷⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention

found that there was no outdoor space for exercise, detainees were locked up in their rooms around the clock, hot water was available for only two hours per day, there was no worship space, a doctor only visited the centre once a month, and heating was insufficient.⁷⁹ In the 2009 *Tabesh* case, the ECtHR ruled that three months in detention in Thessaloniki centre, without proper meals and insufficient recreational activities qualified as degrading treatment.⁸⁰

The **Athens Airport** holding facility is comprised of two sections: one for detaining people prior to removal and another for detaining those who arrive at the airport without proper documents.⁸¹ In 2016, the CPT observed that conditions in the facility were generally adequate, however pre-removal detainees had no access to outdoor exercise which made the centre unsuitable for detaining persons for more than one day. The Committee also stressed that the section for persons apprehended upon arrival should not be used for overnight stays.⁸² The AITIMA visited the centre in the same year and noted that pre-removal detainees were locked up 24 hours a day, while those detained upon entry could only move about in limited indoor space. Detainees did not receive personal hygiene products and had no access to any recreational activities.⁸³ These issues had also been highlighted by the CPT in 2013, when the organisation criticised the lack of any outdoor exercise and the practice of holding detainees in their cells almost around the clock. The CPT recommended reducing the number of detainees and setting up an outdoor exercise yard.⁸⁴ In the *M.S.S.* case, the ECtHR found that even a relatively short period of detention—less than a week—in such conditions amounted to a prohibited treatment under article 3 of the ECHR.⁸⁵

Dedicated detention facilities, closed in the past years, include a Special Holding Facility for unaccompanied minors in Amygdaleza, Elliniko centre, and Komotini pre-removal detention centre.⁸⁶

of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 18 April and 19 to 25 July 2016,” CPT/Inf (2017) 25, September 2017, <http://www.coe.int/en/web/cpt/greece>.

⁷⁹ AITIMA, “FORGOTTEN: Administratively detained irregular migrants and asylum seekers,” October 2016, <http://www.aitima.gr/index.php/en/news/324-10-october-2016-new-aitima-report-forgotten>.

⁸⁰ European Court of Human Rights, “*Tabesh v. Greece*”, 8256/07, 26 November 2009, hudoc.echr.coe.int/sites/eng/Pages/search.aspx.

⁸¹ AITIMA, “FORGOTTEN: Administratively detained irregular migrants and asylum seekers,” October 2016, <http://www.aitima.gr/index.php/en/news/324-10-october-2016-new-aitima-report-forgotten>.

⁸² European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 18 April and 19 to 25 July 2016,” CPT/Inf (2017) 25, September 2017, <http://www.coe.int/en/web/cpt/greece>.

⁸³ AITIMA, “FORGOTTEN: Administratively detained irregular migrants and asylum seekers,” October 2016, <http://www.aitima.gr/index.php/en/news/324-10-october-2016-new-aitima-report-forgotten>.

⁸⁴ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013,” CPT/Inf (2014) 26, October 2014, <http://www.coe.int/en/web/cpt/greece>.

⁸⁵ European Court of Human Rights, “*M.S.S. v. Belgium and Greece*,” 30696/09, 21 January 2011, hudoc.echr.coe.int/sites/eng/pages/search.aspx.

⁸⁶ For more information on these facilities, see the Global Detention Project’s 2014 Immigration Detention Profile of Greece, <https://www.globaldetentionproject.org/immigration-detention-in-greece>.

Police and border guard stations. Unlike other EU countries, Greece has systematically used police and border guard stations for prolonged immigration detention. Following critique of this practice,⁸⁷ the Hellenic Police Headquarters stated that, as of the end of 2014, police stations had ceased to be used for immigration detention. Yet, according to the 2016-2017 reports of the Greek Ombudsman and GCR, police stations continue to be used to confine migrants.⁸⁸ In fact, it appears that a considerable proportion of immigration detainees are confined within police stations. During its 2015 visit, the CPT found that in addition to non-citizens detained in pre-removal detention centres, “another 2,000 irregular migrants were being held in police stations and special holding facilities around the country for a nominal capacity of a little more than 5,500.”⁸⁹ Following its 2016 visit, the CPT urged the Greek authorities to take urgent steps to ensure that all irregular migrants currently detained in police stations be transferred without delay to centres specifically designed for this population and staffed by suitably-qualified personnel.⁹⁰

According to the GCR, the number and capacity of police stations used for immigration detention is unknown, although potentially all police and border guard stations may confine migrants. Reportedly, police stations used for these purposes as of 2016 included those located in Kolonos, Agios Panteleimon, Omonia, Kypseli, Drapetsona, Liti, and Kordelio.⁹¹ As of 2012-2013, the police and border guard stations used for confining migrants included those located in Thermi,⁹² Igoumenitsa,⁹³ Iasmos, Xanthi,⁹⁴ and several in Evros, such as in Tycherio (Soufli), Soufli (Soufli), Feres (Alexandroupoli), Neo Chimonio (Orestiada), Nea Vyssa (Orestiada), Isaakio (Didymoteicho), Metaxades

⁸⁷ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013,” CPT/Inf (2014) 26, October 2014, <http://www.coe.int/en/web/cpt/greece>.

⁸⁸ The Greek Ombudsman, “Migration flows and refugee protection: Administrative challenges and human rights issues,” 2017, https://www.synigoros.gr/resources/docs/greek_ombudsman_migrants_refugees_2017_en.pdf; Greek Council for Refugees, “Country report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), December 2016, <http://www.asylumineurope.org/reports/country/greece>.

⁸⁹ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 23 April 2015,” CPT/Inf (2016) 4, March 2016, <http://www.coe.int/en/web/cpt/greece>.

⁹⁰ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 18 April and 19 to 25 July 2016,” CPT/Inf (2017) 25, September 2017, <http://www.coe.int/en/web/cpt/greece>.

⁹¹ Greek Council for Refugees, “Country report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), December 2016, <http://www.asylumineurope.org/reports/country/greece>.

⁹² Efthalia Pappa, (Ecumenical Refugee Program), Email to Izabella Majcher (Global Detention Project), 12 November 2012.

⁹³ Kathimerini, “Migrants injured in protest against detention conditions in Igoumenitsa,” 24 October 2012, www.ekathimerini.com/4dcgi/ w_articles_ws1e1_1_24/10/2012_467141.

⁹⁴ Infomobile, “The new detention regime in Greece,” 9 September 2012, infomobile.w2eu.net/2012/09/09/the-new-detention-regime-in-greece/; Infomobile, “Afghan detainee of Xanthi in protest,” 12 November 2012, infomobile.w2eu.net/2012/11/12/afghan-detainee-in-xanthi-in-protest/.

(Didymoteicho), and Poros (Alexandroupoli).⁹⁵ These facilities may still be being systematically used for immigration detention purposes.

Reception and Identification Centres and “hotposts.” Between October 2015 and March 2016, Greece set up five Reception and Identification Centres (RICs) on the Aegean Islands: in Lesbos (Moria) with a capacity of 1,500; Chios (Vial) with a capacity of 1,100; Samos (Vathy) with a capacity of 850; Leros (Lepida) with a capacity of 1,000; and Kos with a capacity of 1,000.⁹⁶ These “hotspot” facilities implement the European Commission’s May 2015 [European Agenda on Migration](#), which is aimed at managing the so-called “refugee crisis” and assisting frontline member states facing disproportionate migratory pressure at their external borders.

Originally, RICs functioned as facilities to register, screen, and assist arriving migrants before swiftly transferring them to the Greek mainland. However, following the March 2016 EU-Turkey deal, their role changed and in practice, all newly arrived migrants are now subject to a “restriction of movement” within the RICs for up to 25 days (Law 4375/2016, article 14). During this period, individuals undergo registration and identification and are not allowed to leave the centre. However, following pressure from NGOs and overcrowding due to delays in the asylum and relocation process, this measure was relaxed and, reportedly, on most of the islands persons tend to be able to leave the premises within a few days.⁹⁷

Nevertheless, the possibility of systematically carrying out this measure for 25 days exists because it is permitted under article 14 of Law 4375. In [Amuur v. France](#), the ECtHR ruled that holding asylum seekers in airport international zones for 20 days under police surveillance amounted to detention. Therefore, although labelled a “restriction of liberty”, this measure amounts to de facto detention. The RICs also function as non-secure reception centres, accommodating persons who passed through the identification phase. They are allowed to exit the facilities during the day. The GDP thus classifies RICs as both “secure” (in terms of the population which is prevented from leaving the premises) and “non-secure” (in terms of the population who can exit the premises during the day) reception centres. Several reports denounced the deeply inadequate material conditions at the RICs, including severe overcrowding, lack of protection from violence, inadequate food and, healthcare provision and sanitary facilities.⁹⁸

⁹⁵ Efthalia Pappa, (Ecumenical Refugee Program), Email to Izabella Majcher (Global Detention Project), 12 November 2012.

⁹⁶ European Commission, “Hotspots State of Play,” October 2017, <http://bit.ly/2APgNvW>.

⁹⁷ Special Rapporteur on the human rights of migrants, “Report of the Special Rapporteur on the human rights of migrants on his mission to Greece,” A/HRC/35/25/Add.2, 24 April 2017,

<http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), “Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 18 April and 19 to 25 July 2016,” CPT/Inf (2017) 25, September 2017, <http://www.coe.int/en/web/cpt/greece>; Greek Council for Refugees, “Country report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), December 2016, <http://www.asylumineurope.org/reports/country/greece>.

⁹⁸ Special Rapporteur on the human rights of migrants, “Report of the Special Rapporteur on the human rights of migrants on his mission to Greece,” A/HRC/35/25/Add.2, 24 April 2017,

<http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>; European Committee for the

In addition, Greece operates a RIC in Fylakio (Evros) (with a capacity of 240 as of 2015), which is not covered by the EU's hotspot approach. Set up in 2013 as a First Reception Centre (FRC), the Fylakio centre was initially governed by Law 3907/2011 but functioned in a similar manner to the RICs on the Aegean islands.⁹⁹ Under article 7 and 13 of Law 3907, non-citizens could not leave the premises during verification of identity and nationality, registration, medical examination, information, and vulnerability assessment which could take for up to 25 days. With the entry into force of Law 4375/2016, the provisions of the new legislation became applicable to the Fylakio centre and the centre was renamed as RIC. The only difference between Fylakio centre and the centres on the Aegean islands is that following the 25-day period of de facto detention, individuals are either released or transferred to a pre-removal detention centre.¹⁰⁰ In consequence, the GDP qualifies the FRC as a secure reception centre.

Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 18 April and 19 to 25 July 2016," CPT/Inf (2017) 25, September 2017, <http://www.coe.int/en/web/cpt/greece>.

⁹⁹ ECRE and GCR, "What's in a name? The reality of First "Reception" at Evros," 2015, <http://www.asylumineurope.org/sites/default/files/resources/eu-greece-ecre-evros.pdf>.

¹⁰⁰ Greek Council for Refugees, Email correspondence with Izabella Majcher (Global Detention Project), October 2017.

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