



COUNTRY REPORT

IMMIGRATION DETENTION IN GREECE: STRANDED IN AEGEAN LIMBO

SEPTEMBER 2019

 GLOBAL DETENTION PROJECT

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THE GLOBAL DETENTION PROJECT MISSION

The Global Detention Project (GDP) is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. Our mission is:

- To promote the human rights of detained migrants, refugees, and asylum seekers;
- To ensure transparency in the treatment of immigration detainees;
- To reinforce advocacy aimed at reforming detention systems;
- To nurture policy-relevant scholarship on the causes and consequences of migration control policies.

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Front cover image: Aerial view of Moria refugee camp, Lesvos © Dimitris Tosidis / Shutterstock.com

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GLOSSARY

CAT	UN Committee against Torture
CPT	European Committee for the Prevention of Torture
CRC	UN Committee on the Rights of the Child
ECtHR	European Court of Human Rights
GRC	Greek Council for Refugees
RIC	Reception and Identification Centre
WGAD	Working Group on Arbitrary Detention



KEY FINDINGS

- Greece is again facing an escalation in the numbers of people arriving to its shores, yet its capacity to respond to these pressures appears dramatically inadequate, with aid workers pointing to “levels of human suffering” at camps on the Greek islands—where thousands have been stranded for years—as “indescribable.”¹
- Domestic and international observers have denounced for many years, starting long before the refugee “crisis” erupted in 2015, the treatment of immigration detainees and the miserable conditions in detention facilities as amounting to inhuman and degrading treatment.
- Unaccompanied children are frequently detained for lengthy periods in woefully inadequate conditions because of a persistent lack of space in reception centres and shelters.
- On some Greek islands, authorities continue to automatically detain people for their entire asylum procedures when they come from countries that have a low international protection recognition rate.
- Police and border guard stations are frequently used for prolonged immigration detention even though they lack appropriate facilities to do so.
- Authorities rarely employ non-custodial “alternatives to detention.”

¹ H. Smith, “Aid Workers Warn of Catastrophe in Greek Refugee Camps,” 17 September 2019, <https://www.theguardian.com/world/2019/sep/17/aid-workers-warn-of-catastrophe-in-greek-refugee-camps>



1. INTRODUCTION

Greece is an important gateway into the European Union for migrants, asylum seekers, and refugees. This has spurred the EU to devise numerous strategies over the years for blocking flows into and out of Greece—particularly in the wake of the refugee “crisis” in 2015—in addition to placing considerable pressure on the country to ramp up controversial detention practices. While some of these efforts have diverted migration flows to other parts of the Mediterranean, these results are often only temporary. In mid-2019, arrivals to the Greek islands again began to surge, spurring the government to propose a slate of controversial measures, including limiting asylum appeals to help speed up returns to Turkey as part of the EU-Turkey deal (discussed below).

Among the more notable aspects of Greece’s control efforts are the “hotspot” reception facilities located on the Aegean islands, which include the participation of EU agencies like Frontex and the European Asylum Support Office (EASO), as well as NGOs and international organisations. Aid workers have described the conditions in these “camps” as calamitous. A mid-2019 account Médecins Sans Frontières aid workers working in these centres reported: “At least 24,000 men, women and children trapped in vastly overcrowded Aegean island camps are being subjected to conditions so harrowing they bear all the hallmarks of humanitarian catastrophe.”²

When the numbers of arrivals in the EU rose dramatically in 2015—spurred by the civil war in Syria as well as instability in other countries—Greece received the largest proportion of asylum seekers in the EU. Of the approximately one million people to arrive in the EU in 2015, more than 850,000 entered via Greece. To stem arrivals, 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 the Greek islands after 20 March 2016 could be returned to [Turkey](#). For every migrant or asylum seeker sent back to Turkey, the EU would resettle one Syrian from Turkey. Turkey was also promised six billion EUR to assist the refugee community in the country, the granting of visa-free travel for Turkish citizens, and the resumption of Turkey’s EU accession process. The EU justified the return of migrants and asylum seekers to Turkey on the basis of the “safe third country” principle. However, it was patently clear from the outset that Turkey would not fulfil the

² H. Smith, “Aid Workers Warn of Catastrophe in Greek Refugee Camps,” 17 September 2019, <https://www.theguardian.com/world/2019/sep/17/aid-workers-warn-of-catastrophe-in-greek-refugee-camps>

criteria to be considered a safe haven.³ The EU-Turkey deal eventually diverted flows to Italy and in 2016 arrivals to Greece dropped to 170,000.⁴

To implement the EU-Turkey agreement, Greece converted reception centres on five Aegean Islands into closed (or “secure”) facilities and adopted a policy of “geographical restriction.” Pursuant to this measure, authorities ceased transferring migrants and asylum seekers to the Greek mainland, forcing them to remain on the island on which they have been registered and undergo a fast-track border procedure. Administrative delays, however, have left thousands migrants and asylum seekers stranded on the Aegean islands for months or even years.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 long spurred concerns and criticisms, including: its resistance to using non-custodial “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. Greece’s detention system has attracted broad international condemnation—including from four UN Special Procedures⁷ and four UN human rights treaty bodies.⁸ 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 UN High Commissioner for Refugees (UNHCR), “Refugees and Migrants Sea Arrivals in Europe,” December 2016, <https://data2.unhcr.org/ar/documents/download/53447>

⁵ Greek Council for Refugees (GCR), “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 (HRW), “Greece: Asylum Seekers in Abysmal Conditions on Islands,” October 2017, <https://www.hrw.org/news/2017/10/23/greece-asylum-seekers-abysmal-conditions-islands>; UN High Commissioner for Refugees (UNHCR), “UNHCR Urges Action to Ease Conditions on Greek Uslands (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/ENACARegion/Pages/GRIIndex.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/ENACARegion/Pages/GRIIndex.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/ENACARegion/Pages/GRIIndex.aspx>

⁸ UN Human Rights Committee (HRC), “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/GRIIndex.aspx>; UN Committee against Torture (CAT), “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/GRIIndex.aspx>; UN Committee on the Rights of the Child (CRC), “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/GRIIndex.aspx>; UN Committee on the Elimination of Racial Discrimination (CERD), “Concluding Observations on the Twentieth to Twenty-Second Periodic Reports of

Committee for the Prevention of Torture (CPT) has also visited detention facilities on several occasions and the country's policies prompted more than 20 rulings by the [European Court of Human Rights](#) (ECtHR).

Greece," CERD/C/GRC/CO/20-22," 3 October 2016,
<http://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIndex.aspx>



2. LAWS, POLICIES, PRACTICES

2.1 Key norms. Immigration detention in Greece is regulated by three pieces of legislation. Adopted in 2005 and amended several times, [Law 3386/2005 on the Entry, Residence and Social Integration of Third-Country Nationals on Greek Territory](#) originally provided Greece’s principle legal framework governing the entry and departure of non-citizens, including detention. However, with the adoption of [Law 4251/2014](#)—the Immigration and Social Integration code—all of the provisions of Law 3386/2005 were abolished, with the exception of Articles 76, 77, 78, 80, 81, 82, 83, 89(1)-(3), which pertain to immigration detention and remain in force.⁹

In 2011, [Law 3907/2011 on the Establishment of an Asylum Service and a First Reception Service](#) transposed the [EU Returns Directive](#), establishing 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 important provisions in the directive—including “alternatives to detention.”

When Greece implemented the EU-Turkey deal in 2016, the country adopted [Law 4375/2016 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](#). This law transposed the [EU Asylum Procedures Directive](#), overhauling the institutional framework of asylum and regulating the detention of asylum seekers. In May 2018, Law 4375/2016 was amended by Article 10 of Law 4540/2018.¹⁰

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

⁹ Greek Council for Refugees (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), March 2018, <http://www.asylumineurope.org/reports/country/greece>

¹⁰ For a consolidated version see “Νόμος 4375/2016,” [Kodiko.gr](https://www.kodiko.gr/nomologia/document_navigation/183712), https://www.kodiko.gr/nomologia/document_navigation/183712

According to the [Greek Council for Refugees \(GCR\)](#) and [AITIMA](#), authorities unjustifiably and excessively rely on public order grounds to justify pre-removal and asylum detention—indeed, this justification served as the basis for a June 2016 police circular ordering the transferral of non-citizens who commit “law-breaking conduct” on Greek islands to pre-removal detention centres on the mainland. (In 2016, approximately 1,600 persons were transferred to pre-removal detention centres on this basis.)¹¹ More recently, the GCR observed that individuals are sometimes issued detention orders on public order grounds based on a prior prosecution for a minor offence, even if no conviction has ensued, or following irregular entry (a practice that is at odds with Article 46(1) of Law 4375).¹²

The risk of absconding, justifying both pre-removal and asylum detention (see 2.4 Asylum seekers), is covered in Law 3907. Article 18g 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.

In the 2019 report “Crossing a Red Line,” the GCR stated that foreign nationals may also be *de facto* detained with no legal ground—in particular, they may be detained in a pre-removal facility pending transfer to a Reception and Identification Centre (RIC). This is particularly the case at the Greece-Turkey border, where persons have reportedly been detained pending transfer to the [Fylakio RIC](#). Moreover, persons may also be *de facto* detained in RICs. Pursuant to Article 14 of Law 4375/2016, non-citizens can be placed in a regime of restricted freedom for three days (which can be extended up to a maximum of 25 days) within RIC premises. This measure amounts to detention since people cannot leave the premises. Although this is not imposed on RICs on Greek islands, it is systematically applied (for the maximum period of 25 days) for individuals held in Fylakio RIC. The GCR also reported that detention is systematically applied by Greek authorities carrying out pushbacks at the Greece-Turkey border. Non-citizens attempting to enter Greece are arrested and detained in police stations for a period that does not usually exceed one day, after which they are returned to Turkey. Foreign nationals can also be detained if they are found to be in breach of the *geographical restriction*, which provides that non-citizens must remain on the Aegean island in which they first arrived.¹³

¹¹ Greek Council for Refugees (GCR), “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>

¹² Greek Council for Refugees (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

¹³ Hungarian Helsinki Committee (HHC), Global Detention Project (GDP), Greek Council for Refugees (GCR), Italian Council for Refugees (CIR), and Foundation for Access to Rights (FAR), “Crossing a Red Line: How EU Countries Undermine the Right to Liberty by Expanding the Use of Detention of Asylum Seekers upon Entry,” *Red Line Project*, February 2019, https://www.globaldetentionproject.org/wp-content/uploads/2019/02/crossing_a_red_line_REPORT.pdf; Greek Council for Refugees (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

2.3 Criminalisation. Under Article 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 issued a fine of 1,500 EUR or more.¹⁴ Anyone included on the country's list of "undesirable foreigners" who re-enters Greece without authorisation is also subject to a fine of 3,000-10,000 EUR and a prison sentence of at least one year (Article 82 of Law 3386/2005). However, the public prosecutor can decide to abstain from pursuing these cases and instead order their administrative expulsion (Article 83 of Law 3386/2005).

2.4 Asylum seekers. Law 4375 provides that non-citizens must not be detained purely because they submitted an application for international protection, entered the country illegally, 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, exceptionally and if necessary after an individual assessment and under the condition that no alternative measure can be applied: (a) when there is a need to determine the person's identity or nationality; (b) 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; (c) 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; (d) when the person constitutes a danger to national security or public order; or (e) 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 GCR, however, observed that detention decisions often lack individual assessment and asylum seekers are frequently detained.¹⁵

Like other foreign nationals, asylum seekers may end up in detention for breaching a geographical restriction, pending their transfer to a RIC, within the RIC, or during pushback operations at the border (see 2.2 Grounds for detention). Moreover, asylum seekers whose applications are dealt with by the fast track border procedure are automatically detained if their request is rejected at the second instance.¹⁶ In 2016, Greek authorities launched a pilot project that provided for the detention of asylum applicants who are nationals of a country with a low-recognition rate in terms of international protection for the entire length of their asylum procedure. While the pilot project officially ended in January 2018, some islands continue to implement these measures. The threshold to characterise a recognition rate as "low" for a given country varies depending on the centre. Non-citizens entering Greece without authorisation and submitting an asylum request at Athens International Airport can also end up being *de facto* detained at the Police Directorate of the Airport for a period of up to 28 days.¹⁷

¹⁴ 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>

¹⁵ Greek Council for Refugees (GCR), "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 (GCR), "Country Report: Greece," *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/greece>

¹⁶ Greek Council for Refugees (GCR), "Country Report: Greece," *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

¹⁷ Hungarian Helsinki Committee (HHC), Global Detention Project (GDP), Greek Council for Refugees (GCR), Italian Council for Refugees (CIR), and Foundation for Access to Rights (FAR), "Crossing a Red Line: How EU

2.5 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 are modelled upon the Returns Directive. Accordingly, unaccompanied children and families with children 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 3907/2011, Article 32). Law 4375/2016, regulating detention within asylum procedures, provides that as a rule, unaccompanied children should not be detained. Unaccompanied children who apply for international protection while in detention should remain in detention only in “very exceptional cases.” This detention measure is exclusively limited to the necessary time to safely refer the child to appropriate accommodation facilities and cannot exceed a period of twenty-five days, extendable for twenty days (Law 4375/2016, Article 46(10A(a))).

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

Countries Undermine the Right to Liberty by Expanding the Use of Detention of Asylum Seekers upon Entry,” *Red Line Project*, February 2019, https://www.globaldetentionproject.org/wp-content/uploads/2019/02/crossing_a_red_line_REPORT.pdf; Greek Council for Refugees (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

¹⁸ 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 (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, December 2016, <http://www.asylumineurope.org/reports/country/greece>

¹⁹ 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>

²⁰ Greek Council for Refugees (GCR), “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; Greek Council for Refugees (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

²¹ 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>

in conformity with the principles of the best interests of the child and of family unity.²² In 2016, the CPT recommended that Greece amend Law 4375 and abolish immigration detention of children altogether.²³

More recently, the CPT again reiterated its concern regarding the detention of children in Greece. The committee noted that, since the last visit and recommendation, the country had not introduced relevant changes to law and practice regarding the immigration detention of children. Amongst various concerns raised by the committee were the facts that children are detained for lengthy periods (exceeding the 45-day-limit set in law); they are often held in police stations; and unreliable age assessment procedures are conducted. The CPT urged Greece to, *inter alia*, create new (semi-) open shelters for unaccompanied children, to act in line with the principle of the best interest of the child, and to establish appropriate and reliable age assessment procedures.²⁴

According to Law 3907/2011, unaccompanied children are, wherever possible, to be accommodated in centres that have specialist personnel and facilities whilst families must be provided with separate accommodation guaranteeing adequate privacy. Detained children must have the opportunity to engage in leisure activities, including games and recreational activities appropriate for their age, and if they are detained for long periods of time they must have access to education (Law 3907/2011, Article 32). Similarly, pursuant to Law 4375/2016, unaccompanied children in asylum detention must be detained separately from adult detainees (Law 4375/2016, Article 46(10A(b)) and be given the option to participate in age-appropriate recreational and educational activities (Article 46(10A(c)). Article 46 (10A(d)) also provides for families to be accommodated separately, with the consent of adult family members, to guarantee their privacy.

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 children in the Lesbos RIC as well as in police stations. As he noted, the conditions of detention were “deplorable, leaving children at heightened risk of abuse, neglect, violence and exploitation.” Unaccompanied minors were locked in police cells 24 hours a day 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.²⁵ 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

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 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 10 to 19 April 2018,” CPT/Inf (2019) 4,” February 2019, <https://rm.coe.int/1680930c9a>

²⁵ 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>

in detention centres, which was found to be inadequate for children. Minors 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 thus recommended that authorities stop using Petrou Ralli centre for detaining children.²⁶

Moreover, following its 2018 visit, the CPT criticised the fact that despite featuring acceptable material conditions, the Fylakio RIC and Amygdaleza pre-removal centre did not offer recreational or educational activities to children. In Amygdaleza, the committee found that a number of minors were not even provided with shoes.²⁷

In previous years, UN human rights treaty bodies also criticised Greece's detention of children. In 2012, the [UN Committee on the Rights of the Child \(CRC\)](#) urged the country's authorities to ensure that unaccompanied children are not detained or that they only remain on detention in exceptional circumstances and for the shortest period of time.²⁸ That same year, the UN Committee against Torture (CAT) recommended that Greece promptly amend its legislation to prohibit the detention of unaccompanied children.²⁹ The CAT reiterated this recommendation in 2019.³⁰

2.6 Other vulnerable groups. Greek legislation does not prohibit the detention of vulnerable persons. However, it lays down a number of special guarantees for such persons. According to Law 4375/2016 (Article 14(8), detention of asylum seekers) and Law 3907/2011 (Article 11(2), pre-removal detention), vulnerable people include unaccompanied children; persons with disabilities or suffering from incurable diseases; the elderly; pregnant and postpartum women; single parent families with children; victims of torture, rape, or other serious form of psychological, physical, or sexual violence or exploitation (persons with PTSD, in Law 4375 only); and victims of trafficking.

Law 3907 specifies that in detention, particular attention should be paid to individuals belonging to a vulnerable group (Article 31(3)). Elsewhere, according to Law 4375, the vulnerability of an individual must be taken into account for the imposition or prolongation of detention (Article 46(8)). Other than the special disposition for the detention of children and families discussed previously, this law also posits that pregnant women, and those who gave birth within the past three months, should not be detained.

²⁶ 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>

²⁷ 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 10 to 19 April 2018," CPT/Inf (2019) 4," February 2019, <https://rm.coe.int/1680930c9a>

²⁸ UN Committee on the Rights of the Child (CRC), "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/GRIIndex.aspx>

²⁹ UN Committee against Torture (CAT), "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/GRIIndex.aspx>

³⁰ Committee against Torture, "Concluding observations on the seventh periodic report of Greece," CAT/C/GRC/CO/7, 2019, <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIIndex.aspx>

According to reports however, in practice vulnerable persons are detained without any individual assessment of their vulnerability.³¹

2.7 Length of detention. According to Articles 30(5)-(6) of Law 3907, which mirror the Returns Directive, the initial period of detention may last for up to six months. This can be extended by up to 12 months, for a total of 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 the destination country. Before establishing 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 before or after their arrest. Yet in practice, as the GCR has noted, those 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 can last for several months.³²

Moreover, AITIMA has 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.³³

Following a visit in January 2013, the [UN Working Group on Arbitrary Detention \(WGAD\)](#) 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.”³⁴ Both the UN Human Rights Committee (HRC) and the CAT thus urged Greece to ensure that immigration detention is ordered for the shortest time-period possible.³⁵

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. Yet, the Special Rapporteur on the human rights of

³¹ Greek Council for Refugees (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

³² Greek Council for Refugees (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, December 2016, <http://www.asylumineurope.org/reports/country/greece>

³³ 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>

³⁴ Working Group on Arbitrary Detention (WGAD), “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/GRIIndex.aspx>

³⁵ UN Human Rights Committee (HRC), “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/GRIIndex.aspx>; UN Committee against Torture (CAT), “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/GRIIndex.aspx>

migrants noted that asylum-seeking children are frequently detained for more than 45 days.³⁶

2.8 Procedural standards. Detention orders should be presented within three days of arrest, be issued in writing, and explain the reasons in law and fact (Law 3907/2011, Article 30(2)).

The non-citizen must receive the information outlining the reasons for their detention in a language they can understand (Law 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)). Following his 2013 visit, the UN Special Rapporteur on the human rights of migrants found that 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.³⁷ The CPT raised similar concerns following its 2018 visit.³⁸

Domestic legislation establishes automatic review of the legality of pre-removal and asylum detention. Under Law 3907/2011 (Article 30(3)), pre-removal detention is to be reviewed every three months by the police director who issued the order or, in the case of a detention extension, by an administrative court. In turn, pursuant to Law 4375/2016 (Article 46(5)), the review of asylum detention is 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.³⁹

The law also allows detainees to lodge objections against 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 orders are written in Greek and appeals must also be submitted in writing and in Greek, but access to an interpreter and lawyer is not guaranteed.⁴⁰

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,

³⁶ 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>

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/23/46/Add.4,” 17 April 2013, <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/CountryVisits.aspx>. The lack of legal and linguistic assistance was also highlighted by 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>

³⁸ 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 10 to 19 April 2018,” CPT/Inf (2019) 4,” February 2019, <https://rm.coe.int/1680930c9a>

³⁹ 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>

⁴⁰ 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>

authorities have not established a legal aid system for those challenging asylum detention.⁴¹ In 2018, the CPT noted that in most pre-removal detention centres detainees were not provided with appropriate legal advice and it was almost impossible for detainees with financial difficulties to access lawyers. According to the committee, this jeopardised the possibility for detainees to challenge detention decisions.⁴² In 2019, the CAT urged Greece to ensure that immigration detainees have access to counsel and judicial review to challenge the legality of detention and to establish an effective and independent oversight mechanism that provides detainees with the option to submit complaints.⁴³

During a 2015 visit, the Special Rapporteur on the rights of migrants also noted that mobile phones are confiscated and access to a telephone is not guaranteed for those who lack resources to pay for calls themselves—thus denying detainees the chance to obtain information or evidence to substantiate their claims.⁴⁴

2.9 Non-custodial measures (“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 sufficient—but less coercive—measures can be applied effectively. Article 46(2) of Law 4375 provides for the analogous guarantee for persons 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 Greek authorities often do not consider alternatives and an individual assessment of necessity and proportionality (in accordance with Law 3907) is not consistently applied. The Special Rapporteur thus urged Greece to “urgently” consider alternatives to detention and only order detention in exceptional circumstances.⁴⁵ UN human rights treaty bodies have expressed similar concerns regarding the failure to apply alternatives to detention. In 2015, the HRC recommended 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

⁴¹ Greek Council for Refugees (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), December 2016, <http://www.asylumineurope.org/reports/country/greece>

⁴² 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 10 to 19 April 2018,” CPT/Inf (2019) 4,” February 2019, <https://rm.coe.int/1680930c9a>

⁴³ Committee against Torture, “Concluding observations on the seventh periodic report of Greece,” CAT/C/GRC/CO/7, 2019, <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIIndex.aspx>

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 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 (GCR), “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>

invasive means of achieving the same end.⁴⁶ In 2012, the CAT had 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.⁴⁷ The committee reiterated this recommendation in 2019.⁴⁸

2.10 Detaining authorities and institutions. Detention orders are issued by the relevant Police Director or, in the case of Attica and Thessaloniki, by the Aliens Division Police Director (Law 3386, Article 83(3); Law 4375, Article 46(3)). The Hellenic Police, which falls under the authority of the Ministry of Public Order and Citizen Protection, is responsible for implementing immigration detention.⁴⁹

2.11 Regulation of detention conditions and regimes. Mirroring the language of the Returns Directive, Article 31(1) of Law 3907/2011 provides that detention should, as a rule, take place in a specialised detention facility (also in Law 4375/2016, Article 46(9)) and non-citizens in detention must be kept separated from ordinary prisoners (Article 31(1), Law 3907/2011, Article 46(10)(a) Law 4375/2016). 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 responsible for guarding such premises.

Article 31 of Law 3907/2011 spells out several further guarantees. Specifically, immigration detainees should be permitted 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 (NGOs) should be able to visit detention centres, although these visits may be subject to authorisation from the authorities. Detainees must be informed about the rules governing the facility, their rights, and their obligations. Law 4375/2016, regulating asylum detention provides that detained applicants are to be kept separated, to the extent possible, from other non-citizens who have not submitted an asylum request; they are to have access to open spaces; they can be visited by representatives of UNHCR; they can receive visits from family members, legal representatives, and other authorised institutions; they are informed about the regulations governing the facility, their rights, and their obligations; they are granted appropriate health care and they have a right to legal representation (Article 46(10)(a-g)). Furthermore, men and women should be detained in separate areas and families should be afforded adequate privacy (Article 46(10A)(d-e)).

2.12 Domestic monitoring. The **Greek Ombudsman**, Greece’s designated National Preventive Mechanism (NPM), is responsible, *inter alia*, for monitoring immigration detention and return operations. In 2017 the Ombudsman visited seven pre-removal facilities and

⁴⁶ UN Human Rights Committee (HRC), “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/GRIIndex.aspx>

⁴⁷ UN Committee against Torture (CAT), “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/GRIIndex.aspx>

⁴⁸ Committee against Torture, “Concluding observations on the seventh periodic report of Greece,” CAT/C/GRC/CO/7, 2019, <https://www.ohchr.org/EN/Countries/ENACARegion/Pages/GRIIndex.aspx>

⁴⁹ 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>

police stations and highlighted overcrowding, lack of interpreters, and inadequate health care.⁵⁰ In 2018, the Ombudsman issued a special report on the rights of children on the move in which he called for the “absolute abolition of detention.”⁵¹

Pursuant to Article 31(4) of Law 3907, competent and relevant national and international institutions, including NGOs, can visit detention facilities, subject to police authorisation. According to official sources, international organisations and NGOs were granted permission to access detention facilities approximately 300 times in 2017 and 220 times between January and September 2018.⁵² The GCR regularly visits places of detention.⁵³ In practice however, civil society’s capacity to access detention sites is limited due to constraints to human and financial resources. In addition, detainees are frequently unable to call NGOs because they do not have the means to purchase telephone cards.⁵⁴

Following his 2016 visit, the UN Special Rapporteur on the human rights of migrants urged the Greek authorities to ensure full access to all detention facilities for lawyers and civil society organisations, and for the establishment of a system of regular, independent monitoring of detention centres.⁵⁵

2.13 International monitoring. As a state party to the [European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#), Greece receives regular monitoring visits from the CPT. During its 2018 ad hoc visit, the committee addressed the state of immigration detention and urged authorities to ensure that detainees are not ill-treated; detainees are informed about their legal situation and applicable procedures; interpretation services are made available; custody registers are properly maintained; alternatives to detention are considered for persons willing to return in a “voluntary” way; women and children are never detained alongside unrelated men; and conditions are improved in several facilities.⁵⁶

Greece’s detention system has repeatedly received criticism from international human rights monitoring bodies, including from four UN Special Procedures (Special Rapporteur on torture, Special Rapporteur on the sale of children, WGAD, and Special Rapporteur on the human rights of migrants)⁵⁷ and four UN human rights treaty bodies (HRC, CAT, CRC, and

⁵⁰ The Greek Ombudsman, “Annual Report of the Greek Ombudsman for the year 2017,” March 2018, https://www.synigoros.gr/resources/annual_report_2017_site.pdf

⁵¹ The Greek Ombudsman, “Rights of Children on the Move,” 2018, <https://www.synigoros.gr/?i=childrens-rights.en.recentinterventions.583469>

⁵² Hellenic Republic Ministry of Health, “Response of the Greek Government to the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its Visit to Greece from 10 to 19 April 2018”, CPT/Inf (2019) 5, <https://rm.coe.int/1680930c9c>

⁵³ Greek Council for Refugees (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

⁵⁴ Greek Council for Refugees (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

⁵⁵ 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>

⁵⁶ Council of Europe (COE), “The CPT and Greece,” <https://www.coe.int/en/web/cpt/greece>

⁵⁷ 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,

Committee on the Elimination of Racial Discrimination (CERD)). Greece's detention practices have also been the subject of more than 20 rulings by the European Court of Human Rights.⁵⁸

2.14 Trends and statistics. There is a clear upward trend in Greece's immigration detention activities. According to official statistics, 14,864 non-citizens were detained in pre-removal detention centres in 2016, of whom 4,072 were asylum seekers.⁵⁹ In 2017, 25,810 non-citizens were detained in pre-removal detention centres, of whom 9,534 were asylum seekers. In 2018 the number of immigration detainees rose to 31,126, of whom 18,204 were asylum seekers.⁶⁰

The number of asylum applications submitted from detention has also increased, from 2,829 in 2016, to 5,424 in 2017, and 7,200 in 2018.⁶¹ However, these figures are not comprehensive as they do not include individuals held in facilities other than pre-removal centres, such as police stations or RICs. The Greek Ombudsman reported that more

www.ohchr.org/EN/countries/ENACARegion/Pages/GRIIndex.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/ENACARegion/Pages/GRIIndex.aspx; Working Group on Arbitrary Detention (WGAD), "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/GRIIndex.aspx>; 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>

⁵⁸ UN Human Rights Committee (HRC), "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/GRIIndex.aspx>; UN Committee against Torture (CAT), "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/GRIIndex.aspx>; UN Committee on the Rights of the Child (CRC), "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/GRIIndex.aspx>; UN Committee on the Elimination of Racial Discrimination (CERD), "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/GRIIndex.aspx>

⁵⁹ Greek Council for Refugees (GCR), "Country Report: Greece," *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, December 2016, <http://www.asylumineurope.org/reports/country/greece>

⁶⁰ Greek Council for Refugees (GCR), "Country Report: Greece," *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

⁶¹ Greek Council for Refugees (GCR), "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, "Country Report: Greece," *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, March 2018, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2017update.pdf; Greek Council for Refugees (GCR), "Country Report: Greece," *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

comprehensive statistics, inclusive of the number of non-citizens detained in police stations, are not provided by the Hellenic Police.⁶²

In 2018, approximately 93,400 people without proper documents were apprehended; 68,100 in 2017; 204,800 in 2016; and 911,500 in 2015. In 2018, the country returned (after a return order) approximately 12,500 people; 18,800 in 2017; and 19,100 in 2016.⁶³

2.15 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. In September 2013, the Greek Ministry of Public Order announced plans to issue tenders, directed at private security companies, to manage some of the country's detention centres.⁶⁴ Eventually, the **public tenders** were arranged for the provision of security to three detention centres (Fylakio, Corinth, and Drama) for 14 million EUR a year.⁶⁵ However, as of September 2019, private companies were reportedly not involved in the guarding of such centres.⁶⁶

2.16 Cost of detention. Between 2008 and 2013, Greece's migration control policies cost at least 500,000,000 EUR. Costs specifically related to immigration detention were estimated to be 28,713,600 EUR per year in 2013, when the country had an immigration detention capacity of 4,985—although this did not take police stations, border guards, and other special holding facilities into account. The study estimated that immigration detention costs would have risen to 43,200,000 EUR had the country reached an immigration detention capacity of 7,500,⁶⁷ (at the end of 2018, pre-removal facilities in Greece had a total capacity of 6,417).⁶⁸

2.17 Externalisation, readmission, and third-country agreements. In March 2016, 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 six billion EUR, the lifting of EU visa requirements for its nationals, and the resumption of Turkey's EU accession process. Yet, while the EU justified the return of

⁶² The Greek Ombudsman, "Migration Flows and Refugee Protection: Administrative Challenges and Human Rights Issues," April 2017, https://www.synigoros.gr/resources/docs/greek_ombudsman_migrants_refugees_2017_en.pdf

⁶³ Eurostat, "Asylum and Managed Migration," <http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database>

⁶⁴ N. Nielson, "Private Security Firms Cash in on Guarding EU Borders," *EU Observer*, 25 September 2013, euobserver.com/priv-immigration/121454

⁶⁵ N. Nielsen, "Private Security Firms Bid on Greek Asylum Centres," *EU Observer*, 2 April 2014, <https://euobserver.com/justice/123711>

⁶⁶ Alexandros Konstantinou (Greek Council for Refugees (GCR)), Email exchange with Izabella Majcher (Global Detention Project), September 2019.

⁶⁷ D. Angeli, A. Dimitriadi, and A. Triandafyllidou, "Assessing the Cost-Effectiveness of Irregular Migration Control Policies in Greece," Migration and Detention Assessment Report," Global Governance Program European University Institute (EUI), October 2014, http://cadmus.eui.eu/bitstream/handle/1814/33431/MIDAS_REPORT_2014_10.pdf?sequence=1&isAllowed=y

⁶⁸ Greek Council for Refugees (GCR), "Country Report: Greece," *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

migrants and asylum seekers to Turkey in referring to the “safe third country” principle, it was immediately clear that Turkey would not fulfil the criteria to be considered safe for refugees.⁶⁹ The EU-Turkey deal ultimately diverted the migration flow to Italy and in 2016 arrivals to Greece decreased to 170,000.⁷⁰ Sea arrivals further decreased to 32,000 in 2018. However, land arrivals increased from 3,784 in 2016 to 18,014 in 2018.⁷¹

⁶⁹ 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>

⁷⁰ UN High Commissioner for Refugees (UNHCR), “Refugees and Migrants Sea Arrivals in Europe,” December 2016, <https://data2.unhcr.org/ar/documents/download/53447>

⁷¹ UN High Commissioner for Refugees (UNHCR), “Mediterranean Situation: Greece,” *Operational Portal – Refugee Situations*, <https://data2.unhcr.org/en/situations/mediterranean/location/5179>



3. DETENTION INFRASTRUCTURE

3.1 Summary. Greece’s immigration detention estate regularly fluctuates, as deficient facilities are closed, new centres established, and older sites refurbished and reopened.⁷² 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 (GDP) classifies a number of reception and identification centres (RIC)—most of which operate as “hotspots” on the Aegean Islands—as secure centres.

As of December 2018, Greece operated eight pre-removal detention centres with a total capacity of 6,417. 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).⁷³

Most dedicated centres are labelled “pre-removal detention centres,” which have been set up by ministerial decisions in a wave of reforms put in place by the 2012 Action Plan on Asylum and Migration Management. Following a 2015 visit to Greece, the CPT reported 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.⁷⁴

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

⁷² 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>.

⁷³ Greek Council for Refugees (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf; Greek Council for Refugees (GCR), 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>

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 14 to 23 April 2015,” CPT/Inf (2016) 4,” March 2016, <http://www.coe.int/en/web/cpt/greece>

periods.⁷⁵ 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.⁷⁶ In addition, in the summer of 2017 the country set up an additional pre-removal facility on the island of Samos (Aegean). However, as of September 2019, the centre was not yet operational.⁷⁷ Plans for a centre on Chios were interrupted following resistance from local residents.⁷⁸

Besides pre-removal detention centres, Greece also detains non-citizens in other dedicated detention facilities, called “special holding facilities.” These are located in the premises of the Aliens Police Directorate in Thessaloniki and Athens airport.⁷⁹

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.⁸⁰

Unlike most other EU states, Greece has systematically used police and border guard stations for prolonged immigration detention—a practice that has attracted significant critique.⁸¹ Although the Hellenic Police Headquarters state that, as of the end of 2014, police stations had ceased to be used for immigration detention, according to the 2016, 2017, and 2018 reports of the Greek Ombudsman, the GCR, and the CPT, police stations continue to be used to confine migrants.⁸² In fact, it appears that a considerable proportion of

⁷⁵ 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>

⁷⁶ Precisely, the Lesvos centre re-opened in 2017.

⁷⁷ Greek Council for Refugees (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf; Alexandros Konstantinou (Greek Council for Refugees (GCR)), Email exchange with Izabella Majcher (Global Detention Project), September 2019.

⁷⁸ 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>

⁷⁹ 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>; 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 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>

⁸¹ 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>

⁸² Greek Council for Refugees (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf; The Greek

immigration detainees are confined within police stations. 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.⁸³

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 2018 included, Agios Panteleimonas, Patisia, Acharnes, Elefsina, Pagrati, Ilioupoli, Cholongos, Neo Irakleio, Nikaia, Kipseli, Syntagma, Chaidari, Kallithea, Piraeus, Renti, Drapetsona, Kolonos (Athens), Omonia (Athens), Thermi, Agiou Athanasios, Raideostos, Feres (Evros), Isaakio (Evros), Neo Cheimonio, Soufli (Evros), Kato Achaia, Rhodes, Lesvos, Chios, Samos, and Tycheron.⁸⁴ Police stations employed for immigration detention in 2016 included those located in Kolonos, Agios Panteleimonas, Omonia, Kipseli, Drapetsona, Liti, and Kordelio.⁸⁵ As of 2012-2013, the police and border guard stations used for confining migrants included those located in Thermi,⁸⁶ Igoumenitsa,⁸⁷ Iasmos, Xanthi,⁸⁸ and several in Evros, such as in Tycheron (Soufli), Soufli (Soufli), Feres (Alexandroupoli), Neo Chimonio (Orestiada), Nea Vyssa (Orestiada), Isaakio (Didymoteicho), Metaxades (Didymoteicho), and Poros (Alexandroupoli).⁸⁹ These facilities may still be being systematically used for immigration detention purposes.

3.2 List of detention facilities (non-comprehensive). Pre-removal centres in Amygdaleza (Attica), Corinth (Peloponnese), Drama Paranesti (Thrace), Fylakio Orestiada (Thrace), Kos

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 (GCR), "Country Report: Greece," *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, December 2016, <http://www.asylumineurope.org/reports/country/greece>; 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 10 to 19 April 2018," CPT/Inf (2019) 4," February 2019, <https://rm.coe.int/1680930c9a>

⁸³European 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>

⁸⁴European 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 10 to 19 April 2018," CPT/Inf (2019) 4," February 2019, <https://rm.coe.int/1680930c9a>; Greek Council for Refugees (GCR), "Country Report: Greece," *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

⁸⁵Greek Council for Refugees (GCR), "Country Report: Greece," *Asylum Information Database (AIDA)*, *European Council on Refugees and Exiles (ECRE)*, December 2016, <http://www.asylumineurope.org/reports/country/greece>

⁸⁶Efthalia Pappa, (Ecumenical Refugee Program), Email to Izabella Majcher (Global Detention Project), 12 November 2012.

⁸⁷Ekathimerini, "Migrants Injured in Protest Against Detention Conditions in Igoumenitsa," 24 October 2012, www.ekathimerini.com/4dcgi/_w_articles_wsitesite1_1_24/10/2012_467141

⁸⁸Infomobile, "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/

⁸⁹Efthalia Pappa, (Ecumenical Refugee Program), Email to Izabella Majcher (Global Detention Project), 12 November 2012.

(Aegean), Moria (Lesvos) (Aegean), Tavros (Petrou Ralli) (Attica), and Xanthi (Thrace); Thessaloniki Aliens Police Directorate; Athens Airport; and several police stations.

3.3 Conditions and regimes in detention centres.

3.3a Overview. Following its 2018 period visit, the CPT reported that the three essential safeguards against ill treatment (right to notification of custody, access to a lawyer, and access to a doctor) were not guaranteed in practice. The committee expressed its concern over the lack of information provided to detainees, the barriers preventing detainees from accessing a lawyer or seeing a doctor, and the lack of interpretation services, and urged the country to redress this situation.⁹⁰

According to more recent CPT reporting, material conditions and rights granted to detainees can vary depending on the centre. For instance, regarding pre-removal facilities, an open detention regime is only applied in Amygdaleza and Kos. Access to mobile phones and internet is denied in police stations, restricted in the pre-removal detention facilities of Lesvos, Kos, and Fylakio, and permitted in Amygdaleza and RIC Fylakio.⁹¹

3.3b Amygdaleza. As of December 2018, the pre-removal detention centre had a capacity of 2,000.⁹² According to the CPT however, in April 2018 the capacity was reduced to 724, as part of the centre was inoperable due to its deteriorated state.⁹³ The centre was established on the premises of the police academy in Athens, and 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 nine-square-metre rooms accommodate four people and are equipped with a table, chairs, and a cupboard, as well as a sanitary annex.⁹⁴ The centre employs an open-door regime: detainees are in fact free to move within the facility during the day.⁹⁵

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 10 to 19 April 2018," CPT/Inf (2019) 4," February 2019, <https://rm.coe.int/1680930c9a>

⁹¹ 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 10 to 19 April 2018," CPT/Inf (2019) 4," February 2019, <https://rm.coe.int/1680930c9a>

⁹² Greek Council for Refugees (GCR), "Country Report: Greece," *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

⁹³ 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 10 to 19 April 2018," "CPT/Inf (2019) 4," February 2019, <https://rm.coe.int/1680930c9a>

⁹⁴ 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>; 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 10 to 19 April 2018," CPT/Inf (2019) 4," February 2019, <https://rm.coe.int/1680930c9a>

⁹⁵ 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 10 to 19 April 2018," CPT/Inf (2019) 4," February 2019, <https://rm.coe.int/1680930c9a>

The CPT visited the facility in April 2018 and described the conditions as clean and acceptable. Moreover, Amygdaleza stood out for several other positive characteristics. In particular, the centre was one of the only pre-removal facilities in which interpreters were available for health care staff, and legal advice services were found to be accessible and adequate. Detainees could use their own phones and connect to the internet for several hours each day. The centre was also found to be equipped with a space designated to detainees receiving visits, and two doctors and one nurse were present five days a week.

Some issues were nonetheless identified, such as overcrowding in several cells, and some material damage (such as to the facility's plumbing and electricity). Moreover, some detainees complained about their bedding not being clean, the presence of rats and insects, and the lack of shoes and clothing provided upon arrival. The CPT delegation also expressed its concern regarding the presence of an "IOM section" at the centre. This unit was supposed to hold detainees who agreed to an assisted voluntary return, although according to the information collected by the CPT, some of the non-citizens held there did not have any contact with IOM staff.⁹⁶

Having visited the centre in 2016, 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 to be distributed was also insufficient. 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 medical appointments.⁹⁷ Detainees were permitted to move freely within the fenced-in area during the day, and 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 those who could afford to purchase phone cards were able to use telephones in the centre.

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 a day, but the outside space was comprised solely of narrow gravel paths between the rows of units or an open area at the entrance to the compound. There were no common rooms with TV nor places for worship.⁹⁸

3.3c Corinth. A former military camp, the Corinth pre-removal centre (capacity of 1,536)⁹⁹ is composed of eight two-storey buildings. The buildings have two wings, on each of which

⁹⁶ 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 10 to 19 April 2018," CPT/Inf (2019) 4," February 2019, <https://rm.coe.int/1680930c9a>

⁹⁷ 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>

⁹⁸ 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>

⁹⁹ Greek Council for Refugees (GCR), "Country Report: Greece," *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

there are four 33-35 square metre dormitories. The dormitories have a capacity of 12 and have a sanitary annexe with a toilet and a basin.¹⁰⁰

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).¹⁰¹ It was also found that detainees were not offered activities—even access to a television—and they were only allowed to go out to the yard adjoining each building for two hours each 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 a television and games, as well as a multi-faith room.¹⁰² Since December 2014, the centre has lacked the regular presence of a doctor and the Hellenic Centre for Disease Control and Prevention (KEELPNO) ceased 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.¹⁰³

3.3d Drama Paranesti. The centre (capacity of 977),¹⁰⁴ 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 are six dormitories, accommodating up to 30 people.¹⁰⁵

In 2016, 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

¹⁰⁰ Greek Council for Refugees (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

¹⁰¹ 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>

¹⁰² 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>

¹⁰³ 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>

¹⁰⁴ Greek Council for Refugees (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

¹⁰⁵ 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>

were provided with items of personal hygiene, and they were also allowed to use their mobile phones. Simultaneously however, there was no doctor in the facility and, consequently, no medical screening took place upon admission.¹⁰⁶ During its 2013 visit, the CPT noted that dormitories only featured bunk beds, lacked lockers for personal belongings, and no tables or chairs were provided. Lighting and ventilation were adequate but the buildings were in need of 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 per person, equip rooms with tables, chairs, and lockers, and develop a programme of activities.¹⁰⁷

3.3e Xanthi. Located within the former regional police academy, as of 2013 the centre (capacity of 480)¹⁰⁸ consisted of two two-storey accommodation buildings, each within a secure fenced perimeter, and an administration building.¹⁰⁹

Upon visiting the centre in 2016, 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 (such as board games and billiard). There was also a worship area in the centre and newly arrived individuals received personal hygiene items. At the same time, however, various deficiencies were also identified, such as poor-quality food, the lack of a doctor, and the failure to ensure proper medical screening upon admission.¹¹⁰

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

¹⁰⁶ 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>

¹⁰⁷ 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>

¹⁰⁸ Greek Council for Refugees (GCR), "Country Report: Greece," *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

¹⁰⁹ 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>

¹¹⁰ 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>

just one hour a day and detainees were usually confined to the gravel area.¹¹¹ In March 2018, most of the toilets (i.e. 10 out of 12) were found to be out of use.¹¹²

3.3f Fylakio (Orestiada). Serving as a pre-removal detention centre since 2013, the facility (capacity of 374)¹¹³ is divided into eight detention cells. When the CPT visited the facility in April 2018, cells 1, 2, 3, 5, and 6 were used to detain families and single men. Cell 4 accommodated single men while cell 7 was reserved for single women and cell 8 for medical isolation. Each cell is of a considerable size and contains several sets of bunk beds; for instance, cell 1 is equipped with 36 sets of bunk beds while cell 7 features 13 sets.¹¹⁴

The centre has received a large number of monitoring visits, including from the CPT, Human Rights Watch, and the Fundamental Rights Agency, all of which denounced the centre's severe overcrowding, appalling living-conditions, and failure to separate different categories of detainees.¹¹⁵ For instance, following its 2013 visit, the CPT reported overcrowding, dirty and dilapidated cells, insufficient access to natural light and artificial lighting, and a concerning lack of activities.¹¹⁶ 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 mobile phones was not permitted, and the centre was not regularly visited by a medical doctor.¹¹⁷ The CPT visited the centre in 2018 and described its conditions as "appalling and totally unsuitable for long-term detention" which could "easily be considered as amounting to inhuman and degrading treatment."

Severe overcrowding has been recorded in the facility, and despite having space for 374 persons, it has reached peaks of up to 640 detainees. For this reason, the CPT invoked Article 8(5) to urge authorities to address and solve this problem. Importantly, the CPT noted that the centre had not ensured the segregation of genders, exposing women to a risk of sexual violence. Furthermore, the CPT reported that the facility was characterised by a

¹¹¹ 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>

¹¹² Greek Council for Refugees (GCR), "Country Report: Greece," *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

¹¹³ Greek Council for Refugees (GCR), "Country Report: Greece," *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

¹¹⁴ 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 10 to 19 April 2018," CPT/Inf (2019) 4," February 2019, <https://rm.coe.int/1680930c9a>

¹¹⁵ See the Global Detention Project's 2014 Immigration Detention Profile of Greece, <https://www.globaldetentionproject.org/immigration-detention-in-greece>

¹¹⁶ 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>

¹¹⁷ 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>

carceral design and prison-like environment,¹¹⁸ was found to be inadequately lit and ventilated, toilets were in a poor condition, there were issues with access to hot water, bedding was not clean, and detainees complained about not being provided with clothes and shoes. Detainees were allowed to exercise outside for less than 30 minutes a day—an amount of time deemed insufficient by the CPT. Interpretation services were lacking and while doctors and nurses were available, they were too few compared to the number of detainees. Seemingly, moreover, the centre did not possess the necessary medical equipment and upon arrival detainees did not undergo a medical screening. The use of personal phones (provided they do not have a camera) was allowed.

3.3g Tavros (Petrou Ralli). In use since 2005, the centre, which is located on the premises of the Attica Aliens Police Directorate, was rebranded as a pre-removal detention centre in 2016 and has the capacity of 340.¹¹⁹

The detention conditions in the centre have long been a source of criticism from both domestic and international observers.¹²⁰ In *S.D., R.U.*, and *Bygylashvili*, the 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. In fact, when outdoor exercise was permitted, at times it rarely exceed 15 minutes.¹²¹ 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.¹²² According to the GCR, detention conditions remained problematic as of 2018.¹²³

¹¹⁸ 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 10 to 19 April 2018, CPT/Inf (2019) 4," February 2019, <https://rm.coe.int/1680930c9a>

¹¹⁹ Greek Council for Refugees (GCR), "Country Report: Greece," *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

¹²⁰ For more details, see the Global Detention Project's 2014 Immigration Detention Profile of Greece, <https://www.globaldetentionproject.org/immigration-detention-in-greece>

¹²¹ 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>

¹²² 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>

¹²³ Greek Council for Refugees (GCR), "Country Report: Greece," *Asylum Information Database (AIDA)*, European Council on Refugees and Exiles (ECRE), March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

With 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 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.¹²⁴

3.3h Kos (Pyli). The pre-removal centre opened in 2017 and is located next to the Kos hotspot. Whilst the facility initially featured a capacity of 150, as of December 2018 it had increased to 500.¹²⁵ At least some of the detention areas in the centre consist of two-room prefabricated units. Each cell contains two bunk beds and measures nine square metres. Rooms are equipped with both a shower and a toilet, and a specific place for worship is available within the facility.¹²⁶ The centre adopts an open-door regime: detainees are thus free to move about within the facility throughout the day.¹²⁷

In 2018, the CPT evaluated detention conditions in the centre as good. Detainees are allowed to use their mobile phones, provided that they are not equipped with a camera. However, no doctor was present at the centre and detainees did not undergo medical screenings upon arrival.¹²⁸

3.3i Lesvos (Moria). Inaugurated in 2015, the pre-removal centre was re-opened in 2017. The centre is located inside the hotspot facility itself and had an initial capacity of 150—although as of December 2018, this had increased to 210.¹²⁹ Cells measure 47 square metres and can accommodate up to 12 or 15 people.¹³⁰

¹²⁴ 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>

¹²⁵ Greek Council for Refugees (GCR), “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 (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

¹²⁶ 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 10 to 19 April 2018,” CPT/Inf (2019) 4,” February 2019, <https://rm.coe.int/1680930c9a>

¹²⁷ 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 10 to 19 April 2018,” CPT/Inf (2019) 4,” February 2019, <https://rm.coe.int/1680930c9a>”

¹²⁸ 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 10 to 19 April 2018,” CPT/Inf (2019) 4,” February 2019, <https://rm.coe.int/1680930c9a>”

¹²⁹ Greek Council for Refugees (GCR), “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 (GCR), “Country Report: Greece,” *Asylum Information Database (AIDA), European Council on Refugees and Exiles (ECRE)*, March 2019, http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

¹³⁰ 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

Detention conditions in Lesvos have been evaluated as poor by the CPT, following its visit to the facility in 2018. The delegation identified several problems with the sanitary and ventilation equipment, and noted that detainees were not provided with an adequate supply of hygiene products. Moreover, although detainees were required to clean their own cells, they were not given the equipment necessary to do so. Bedding items were found to be dirty, as they had not been replaced for months, and no distribution of clothing or shoes took place at the facility. In addition, there have been multiple allegations of mistreatment by police staff at the facility. The majority of detainees are in a closed-door regime, and they can only exit their room for three hours a day. No doctor was permanently present at the facility. Detainees could only use their own phone twice per week, despite the fact that all of the centre's phones were out of service.¹³¹

3.3j Thessaloniki Aliens Police Directorate. As of 2016, the facility was composed of nine cells; each approximately 50 square metres in size and with the capacity for up to 10-14.¹³² During its 2016 visit, the CPT found that cells were not equipped with beds, plinths or chairs. Instead, filthy mattresses were placed directly on the floor and 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 EUR was insufficient for covering the detainee's needs. 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 decontaminated, 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.¹³³ Also in 2016, AITIMA visited the centre and 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.¹³⁴ In the 2009 *Tabesh* case, the ECtHR ruled that three months in detention in Thessaloniki centre, without proper meals and insufficient

the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018," CPT/Inf (2019) 4," February 2019, <https://rm.coe.int/1680930c9a>

¹³¹ 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 10 to 19 April 2018, CPT/Inf (2019) 4," February 2019, <https://rm.coe.int/1680930c9a>"

¹³² 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>

¹³³ 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>

¹³⁴ 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>

recreational activities qualified as degrading treatment.¹³⁵ In 2018, the CPT reported that unaccompanied children under “protective custody” were allegedly detained in this facility.¹³⁶

3.3k Athens International Airport. The 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.¹³⁷ 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.¹³⁸ AITIMA visited the centre that 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.¹³⁹ 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.¹⁴⁰ 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 European Convention on Human Rights (ECHR).¹⁴¹

3.3l RICs (“hotspots.”) 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 1,000.¹⁴² 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

¹³⁵ European Court of Human Rights (ECtHR), “*Tabesh v. Greece*”, 8256/07, 26 November 2009, hudoc.echr.coe.int/sites/eng/Pages/search.aspx

¹³⁶ 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 10 to 19 April 2018, CPT/Inf (2019) 4,” February 2019, <https://rm.coe.int/1680930c9a>”

¹³⁷ 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>

¹³⁸ 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>

¹³⁹ 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>

¹⁴⁰ 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>

¹⁴¹ European Court of Human Rights (ECtHR), “*M.S.S. v. Belgium and Greece*,” 30696/09, 21 January 2011, hudoc.echr.coe.int/sites/eng/pages/search.aspx

¹⁴² European Commission, “Hotspots State of Play,” October 2017, <http://bit.ly/2APgNvW>

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. Following pressure from NGOs and overcrowding due to delays in the asylum and relocation process, *de facto* detention has not been applied since 2017 in the RICs located on Aegean islands.¹⁴³

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 amounts 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 that 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 poor sanitary facilities.¹⁴⁴

3.3m RIC in Fylakio (Evros). As of 2018, the centre had a capacity of 240, and consisted of four wings. Importantly, it is not covered by the EU’s hotspot approach.¹⁴⁵ 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.¹⁴⁶ 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

¹⁴³ 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>; Hungarian Helsinki Committee (HHC), Global Detention Project (GDP), Greek Council for Refugees (GCR), Italian Council for Refugees (CIR), and Foundation for Access to Rights (FAR), “Crossing a Red Line: How EU Countries Undermine the Right to Liberty by Expanding the Use of Detention of Asylum Seekers upon Entry,” *Red Line Project*, February 2019, https://www.globaldetentionproject.org/wp-content/uploads/2019/02/crossing_a_red_line_REPORT.pdf; I. Majcher, “The EU Hotspot Approach: Blurred Lines between Restriction on and Deprivation of Liberty,” *Bordercriminologies*, April 2018, <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2018/04/eu-hotspot>

¹⁴⁴ 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>

¹⁴⁵ 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 10 to 19 April 2018,” CPT/Inf (2019) 4,” February 2019, <https://rm.coe.int/1680930c9a>

¹⁴⁶ European Council on Refugees and Exiles (ECRE) and Greek Council for Refugees (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>

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 an 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.¹⁴⁷ In consequence, the GDP qualifies the Fylakio RIC as a secure reception centre. As of 2018, Fylakio is the only RIC applying measures amounting to *de facto* detention in practice.¹⁴⁸

Material conditions at the Fylakio RIC have been evaluated as good by the CPT, following its 2018 visit. Nonetheless, the delegation identified a number of problems. First, the number of detainees exceeds the capacity of the facility and because of overcrowding, non-citizens have been found sleeping on the floors in every available room.¹⁴⁹ Seemingly, after the CPT visit, Greek authorities have extended the centre so as to increase available places: additional units were created by installing 13 new containers with the assistance of UNHCR.¹⁵⁰ The CPT raised concern over the lack of age segregation at the facility, over allegations of physical mistreatment of detainees, and over the absence of a permanent doctor at the facility. On a brighter note, detainees have access to the internet.¹⁵¹

¹⁴⁷ Greek Council for Refugees (GCR), Email correspondence with Izabella Majcher (Global Detention Project), October 2017.

¹⁴⁸ Hungarian Helsinki Committee (HHC), Global Detention Project (GDP), Greek Council for Refugees (GCR), Italian Council for Refugees (CIR), and Foundation for Access to Rights (FAR), "Crossing a Red Line: How EU Countries Undermine the Right to Liberty by Expanding the Use of Detention of Asylum Seekers upon Entry," *Red Line Project*, February 2019, https://www.globaldetentionproject.org/wp-content/uploads/2019/02/crossing_a_red_line_REPORT.pdf

¹⁴⁹ 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 10 to 19 April 2018, CPT/Inf (2019) 4," February 2019, <https://rm.coe.int/1680930c9a>

¹⁵⁰ Hellenic Republic Ministry of Health, "Response of the Greek Government to the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its Visit to Greece from 10 to 19 April 2018", CPT/Inf (2019) 5," <https://rm.coe.int/1680930c9c>

¹⁵¹ 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 10 to 19 April 2018," CPT/Inf (2019) 4," February 2019, <https://rm.coe.int/1680930c9a>



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