



IMMIGRATION DETENTION IN GREECE: CONTEMPORARY CHALLENGES

A BRIEFING PAPER

KEY FINDINGS

In this briefing paper from the ESRC-IAA funded project on monitoring human rights in detention, we map the work and challenges facing civil society organisations (CSOs) in Greece who are working with detainees.

- Under pressure from other EU member states and the European Agenda on Migration, the use of immigration detention in Greece has been steadily increasing. At the same time, there is limited funding for research on detention or for projects supporting detainees.
- Immigration detention centres remain largely inaccessible to civil society organisations, academics and journalists while service provision by CSOs is mainly limited to legal aid and provision of non-food items. As a result, the detention system is a low visibility space.
- While a number of organisations monitor conditions in detention, most of their work is small-scale, and little of it is joined up. Organisations often lack secure funding. Under these conditions, their capacity to bring about change is limited.



25,810

people were
detained in
2017

9,534

were asylum
seekers

490

were
unaccompanied
minors

Between 2016 and 2017
the immigration detention
population increased by
73%

Introduction

As in many other countries, Greece has expanded the practice of immigration detention over the past few years for irregular arrivals and to enforce departures. Despite a short halt in 2015 following the inauguration of the first left-wing government, when the detained population fell from around 7,000 to 500 (Aitima, 2016), the number of asylum seekers and other third-country nationals detained in pre-removal detention facilities continues to increase (Fili, 2018).

Immigration detention is currently enforced under three pieces of legislation: [Law 3386/2005](#) provides for the detention of new arrivals, [Law 3907/2011](#) delineates the framework for pre-removal detention and [Law 4376/2016](#) regulates the detention of asylum seekers. The Greek Police are responsible for issuing detention orders and guarding detention centres. The maximum period of detention for non-asylum seekers is initially six months, but this period can be extended up to 18 months to complete return proceedings. Asylum seekers should only be detained for up to three months. However, delays in registering asylum applications means that in practice, many are held for longer periods (ECRE, 2018).

Greece detains people in [eight pre-removal detention centres](#), in special holding facilities in Athens and Thessaloniki and in numerous police and border guard stations. Following the EU-Turkey deal and the launch of the hotspot approach, newly arrived immigrants could be subject to a restriction of movement for up to 25 days within the five hotspots on Eastern Aegean islands. Due to the limited number of accommodation facilities or transit facilities for children, detention of unaccompanied children (which is euphemistically referred to as 'protective custody') is systematically imposed and may be for prolonged periods, ranging from a few days to more than two months (ECRE, 2018).

Provision of care in immigration detention

According to the Committee for the Prevention of Torture (CPT, 2018), detention conditions in Greece may amount to inhuman and degrading treatment due to the arbitrariness of detention orders, overcrowding and poor hygiene in many detention facilities, which together with widely reported ill-treatment from detention officers, often amount to severe violations of detainees' human rights (Sitaropoulos, 2017). Greece's persistent failure to improve conditions in sites of detention has also been criticised in a series of reports by the CPT and other (international) human rights organisations (Human Rights Watch, 2013; Amnesty International, 2010, 2012; ProAsyl, 2012; MSF, 2014; Aitima, 2016).

Until 2013, CSOs offering a diverse range of support services inside detention formed a 'hybrid shadow state' (Skleparis, 2015: 150) in which the Greek government was little more than a 'coordinator' (Sitaropoulos, 2002). In 2013, however, in a move to transition to government-run services, the Ministry of Public Order and Citizen Protection awarded the healthcare provision of detainees to the National Centre for Healthcare Management (EKEPY) through KEELPNO (Hellenic Centre for Disease Control and Prevention). In January 2018, medical services and psycho-social services were taken over by AEMY (Health Units SA), a state-owned company, whose previous experience included managing two clinics that offered primary healthcare and one hospital on a Greek island. Services in detention are yet to be fully staffed.

Although Greek law foresees free legal aid to detained asylum seekers, such aid is solely offered by CSOs. Due to funding constraints, there is currently a very small number of lawyers employed by CSOs for the entire detainee population. They mainly cover the Attica region and Korinthos meaning those held elsewhere may never encounter a lawyer.

Monitoring practices

Since 2014, human rights monitoring of detention has fallen to the Greek National Preventive Mechanism (part of the Greek Ombudsman). However, a number of human rights organisations visit detention centres to offer legal aid and support, at the same time as they observe detention practices and conditions. Greek NGO Aitima, for example, which has been providing free legal aid to detainees for the past seven years, undertook a detention monitoring project between September 2015 and September 2016. It completed 31 monitoring visits and published a series of critical findings and recommendations (Aitima 2016). Subject to funding, Aitima visits detention centres in Athens and Korinthos on a monthly basis.

The Greek Council for Refugees has, likewise, been visiting detention centres for a number of years, as part of their mandate to offer free legal aid to asylum seekers. They currently have a small team of lawyers, who visit regularly detention centres and police stations in Athens and Korinthos. They meet with detainees who have been referred to them by other organisations or who have called them directly. Other coalitions, like Asylum Campaign and the Group of Lawyers for the Rights of Migrants and Refugees have also been visiting places of detention to monitor conditions and detect vulnerable cases.

Local members of the UNHCR also conduct site visits during which they monitor treatment, needs and conditions. They have recently compiled a monitoring toolkit, which they have distributed to local CSOs. The ICRC has been visiting detention centres since 2012.



LEGAL REMEDIES

JUDICIAL REVIEW OF DETENTION ORDERS

IN 2017 there was not a single case where the ex officio review did not approve the detention measure imposed

OBJECTIONS AGAINST DETENTION

50% of cases brought to court lead to release

In practice, the most effective way to challenge detention is through an informal procedure

Challenging detention

Laws 4375/2016 and 3907/2011 provide for the automatic judicial review of detention orders for asylum seekers and migrants. Available statistics from the Administrative Court of Athens suggest that there has not been a single case where the ex officio review did not approve the detention measure imposed. In cases of asylum seekers, who applied while in detention, the detention order is issued following a recommendation by the Head of the Asylum Service, but the final decision lies with the Police. The Asylum Service made 15,603 recommendations in 2017, of which only 35 per cent advised against detention (ECRE, 2018).

Detainees may also challenge detention by lodging 'objections against detention' before the Administrative Court, examined solely by the President of the Administrative Court, whose decision cannot be appealed. According to unofficial data, **less than 50 per cent of the cases brought to court lead to the successful release** because courts tend either not to take complaints into consideration or to reject them as unfounded; thus remaining an ineffective remedy as supported by the ECtHR (J.R. and Others v. Greece; Rahimi v. Greece; R.U. v. Greece). What is more, the process is costly and time-consuming and therefore not a preferred avenue for CSOs with limited resources. In any case, detainees do not have access to these procedural safeguards due to a lack of interpretation in detention settings, lack of legal assistance and limited capacity of the Administrative Courts (UNHCR, 2017; UN Human Rights Council, 2017).

In practice, **the most effective way for civil society organisations to challenge detention is through an informal procedure by filing petitions to the relevant detention authorities based on their beneficiaries' particular circumstances and more specifically their vulnerabilities.** The informality of this procedure may mean that: a) those detained in remote locations who never have the chance of meeting a lawyer typically remain confined for many months; b) structural problems of the Greek detention regime remain unchallenged due to the emphasis on the vulnerability of individual detainees; and c) a person's release from detention depends ultimately on police managers' discretion.

The situation in detention today

Despite EU investment in the 'reception' of migrants at Greek-Turkish borders (Howden and Fotiadis, 2017), funding for service provision by independent actors inside detention is severely limited and restricted to international organisations like UNHCR, and private donors for CSOs' legal aid projects. As governments have restricted access to detention centres to outsiders, information about what goes on inside these institutions is in short supply. Therefore, the situation in Greek detention centres has remained stagnant while conditions of detention continue to fall short of basic standards (CPT, 2017, 2018).

Detention is at the forefront of border control policies in the country. In line with the Joint Action Plan on the implementation of the EU-Turkey statement, detention has been prioritized and more facilities have been opened. In this context, a pilot project began on Lesbos in 2017, under which newly arrived persons belonging to nationalities with low recognition rates were immediately placed in detention. This policy change had an immediate effect, with the number of third-country nationals detained in 2017 rising to 25,810 compared to 14,864 the previous year. The increase in detained asylum seekers has been higher still, with 9,534 detained in 2017 compared to 4,072 in 2016. Public order grounds for detention are used in an excessive and unjustified manner, leading to people being detained for lengthy periods for minor offences. **The government continues to use police stations for administrative detention, despite promises to cease the practice years ago.**

The situation in detention today

The **geographical restriction of asylum seekers on the islands**, while their asylum process is ongoing, has led to even more detention, despite initially being framed as an 'alternative' to detention. According to a Police Circular of June 2016, anyone violating the geographical restriction and found on the mainland, would be immediately detained and returned to the island; further allowing for 'internal deportations'. In 2017, 1,197 persons were returned to the Eastern Aegean islands after being apprehended outside their assigned island (ECRE, 2018).

Detainees have limited access to the outside world. In turn, the wider public is unaware of what goes on inside detention facilities. Detention centres in Greece have remained blind spots in migration governance, beyond the radar of academic research (Rozakou, forthcoming 2018).

Civil society organisations and their role in detention settings has been sidelined over the years. Despite cooperating with the police and immigration authorities, all of these organisations have limited means of addressing the problems they identify. As they mainly work in silos under a climate of severe funding constraints and growing xenophobia, the potential for social change and for creating channels of accountability in the detention infrastructure is limited. Due to funding cuts, they have limited time and personnel to work on advocacy campaigns.

POLICY IMPLICATIONS

1

Enhanced Monitoring

Monitoring of detention facilities and practices on the ground should be enhanced to help safeguard human rights in detention facilities. Relationships between local, state and national representatives should be nurtured and expanded to protect and affirm the rights of immigrants in detention.

2

Public Outreach

Significant resources should be directed into offering civil society organisations already in detention an avenue for publicising their findings and disseminating them to a wider audience, which is not limited to their national contexts but reaches out globally. Academic scholarship in the field should also be encouraged.

3

Dialogue

Evidence from elsewhere suggests that in societies where there are strong lines of communication between CSOs, government agencies and academics, matters of detention can be more transparent. CSOs should be brought into dialogue with academics, journalists, policy-makers and NPM to work together for change.

4

Funding

More funding should be channeled to support local partners who are engaged in advocacy and strategic litigation, e.g. through factual investigation, research and analysis.

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This briefing paper was written by Andriani Fili and it is funded by ESRC-IAA

Cover Image: Drawings on a door, Airport Detention Facility, Photo: Gavriella Morris

Image 1: The view from a corridor, Petrou Ralli pre-removal centre, Photo: Gavriella Morris

Image 2: Visiting Area, Petrou Ralli pre-removal centre, Photo: Gavriella Morris

Contact us

EMAIL

bordercrim@law.ox.ac.uk

WEB

[HTTP://BORDERCRIMINOLOGIES.LAW.OX.AC.UK](http://bordercriminologies.law.ox.ac.uk)