

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI index: EUR 25/006/2011
16 March 2011

Greece must urgently remedy deplorable detention conditions

Amnesty International has called on the Greek authorities to act immediately to remedy the deplorable conditions which foreign nationals who have been deprived of their liberty and prisoners have been enduring, including in many cases detention conditions so poor as to amount to cruel, inhuman or degrading treatment. Greece should immediately halt the routine detention of foreign nationals solely on the grounds of their immigration status.

The call follows yesterday's exceptional decision by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to issue a public statement. This was a reaction to Greece's failure to tackle the Committee's deepest concern regarding the detention conditions of irregular migrants and the state of the country's prison system. In particular, the CPT deplored Greece's persistent failure to resolve the profound shortcomings affecting the detention regime and conditions for irregular migrants and the continuing deterioration in living conditions and treatment of prisoners in the country.

Amnesty International reminds the Greek authorities that detaining people in conditions that are cruel, inhuman or degrading violates international human rights law.

Amnesty International calls on the Greek authorities to cooperate effectively with the CPT to avoid further human rights violations, which includes implementing the Committee's recommendations.

Amnesty International also calls on the Greek authorities to:

- Halt the practice of detaining asylum-seekers other than in the most exceptional circumstances and where the decision to detain or continue their detention is consistent with international human rights and refugee law and standards;
- Halt the practice of detention solely for immigration purposes of vulnerable individuals, including survivors of torture, victims of trafficking, and children -- the latter regardless of whether they are unaccompanied or separated;
- Halt any detention in facilities which are severely overcrowded and/or where conditions are cruel, inhuman or degrading, including at border guard stations and other immigration detention facilities, such as those reported at Soufli, Tihero, and Athens airport;
- Provide detainees with an effective opportunity to challenge the lawfulness of their detention, including on the grounds that detention conditions are cruel, inhuman or degrading;

- Provide all asylum-seekers and other vulnerable groups with adequate reception facilities and standards of living in line with Greece's obligations under human rights and refugee law, including the EU minimum standards;
- Implement recent legislative reforms on immigration-related detention promptly and effectively.

Given the challenges Greece has faced from 'mixed-migration flows' in recent years, Amnesty International also calls on the European Union and EU member states to assist the Greek authorities in providing adequate reception conditions to people arriving and in assessing their protection needs.

Background

On 15 March 2011, the CPT for the first time issued a public statement about Greece. The CPT's public statements are an exceptional measure provided for by Article 10(2) of the European Convention to Prevent Torture. Such statements have been used only five times in the CPT's history: twice in relation to Turkey and three times regarding the Russian Federation (Chechnya).

On a visit to Greece in January 2011, the CPT found that the information provided by the Greek authorities was unreliable. Police and border guard stations continued to hold ever greater numbers of irregular migrants in very poor conditions. The CPT found, among other things, overcrowding, deplorable conditions of detention, and the detention of women and men together.

In the purpose-built Filakio special holding facility for foreigners in the Evros region, irregular migrants, including juveniles and families with young children, were kept locked up for weeks and even months in filthy, overcrowded, unhygienic, cage-like conditions.

The CPT also found that Athens airport's detention facility continued to hold people in conditions like those recently found by the Grand Chamber of the European Court of Human Rights, in the case of *M.S.S. v. Belgium and Greece*, to violate Article 3 of the European Convention on Human Rights because they amounted to degrading treatment.

The CPT also reported a "steady deterioration in the living conditions and treatment of prisoners over the past decade."

While Greece has adopted some legislative reforms on immigration-related detention with its Law on the Asylum Service, First Reception Centres and the transposition of the EU Returns Directive in January 2011, Amnesty International is concerned about persistent reports that migrants and asylum-seekers continue to be detained routinely and that in many immigration detention facilities people are held in cruel, inhuman or degrading conditions.

END/