

EXECUTIVE SUMMARY

The primary purpose of the CPT's April and July 2016 visits to Greece was to examine the situation of refugees, asylum seekers and other migrants who were held in Reception and Identification Centres (RICs) on the Aegean islands following the entry into force of the European Union-Turkey Statement on 20 March 2016. The visits also examined the particular situation of foreign national children deprived of their liberty in Greece. In July 2016, the CPT also assessed the situation of foreign nationals held under aliens' legislation in Athens and Thessaloniki, and examined the treatment of criminal suspects held in police custody and the safeguards afforded to them. The cooperation received by the Greek authorities was generally very good; however, no response was received to the three immediate observations made by the delegation at the end of the July visit.

Reception and Identification Centres (so-called "hotspots")

In April 2016, shortly after the establishments of the RICs, the CPT's delegation visited the Moria and VIAL Centres on the islands of Lesbos and Chios respectively. Some isolated allegations of ill-treatment by police officers were received, notably in respect of unaccompanied children in Moria Centre, and inter-detainee violence was particularly high and a number of foreign nationals complained of feeling unsafe. Further, the conditions of detention deteriorated rapidly as the Centres became overcrowded and had to accommodate people for weeks on end rather than a few days as intended. There were problems with the quality of drinking water, food, basic health care provision and addressing the needs of vulnerable groups. The conditions in the closed Section B of Moria Centre were particularly poor and could be considered as inhuman and degrading. The legal safeguards in place were deficient and the legality of the detention of some detainees questionable.

At the time of the July 2016 visit, the Moria and VIAL Centres and the Vathi Centre on the island of Samos were no longer closed centres. Nevertheless, the situation remained highly explosive and many of the problems identified in April persisted, such as increasing anxiety and frustration due to uncertainty about the future; a perception of insecurity; inadequate material conditions and severe overcrowding; lack of coordination of health-care services and insufficient provision of information and legal aid.

Foreign national children deprived of their liberty

In the course of the 2016 visits, the CPT noted that the structural problem of a shortage of suitable accommodation for unaccompanied or separated children (UASC) in dedicated open shelters had become acute. As a result, several hundred children continued to be routinely held for lengthy periods in detention. The CPT acknowledges the efforts being undertaken by the Greek authorities to find additional places. Nevertheless, it considers that the Greek authorities should review their approach with regard to "protective custody" of UASC and take the necessary measures to end immigration detention of UASC. This stance is reinforced by the findings of lack of care and protection and the poor living conditions afforded to UASC in the RICs. Further, proper age assessments should be carried out and appeal procedures put in place.

The CPT is again critical of the care and poor living conditions offered to UASC children held at the Amygdaleza and Petrou Ralli Special holding facilities. The Amygdaleza holding facility with its warehouse environment is totally unsuitable to meet the needs of UASC and the Petrou Ralli holding facility, which operates like a large police detention facility, is even less well equipped to look after them. Placing UASC, many of whom have undergone traumatic journeys and experiences, in these detention facilities for several weeks or months is difficult to comprehend. The CPT recommends that the Greek authorities immediately stop using Petrou Ralli for holding UASC and it reiterates that Amygdaleza should no longer be used for detaining UASC.

The CPT also found that the conditions of detention at Mygdonia Border Guard Station near Thessaloniki were totally unsuitable. Placing UASC for several days or even weeks in police custody for “protection” purposes without any assistance and psycho-social support instead of providing them with accommodation in an appropriate shelter is unacceptable. The children’s welfare should come first which, by definition, should exclude accommodating them in police or border guard stations. Further, the detention of parents with children in police and border guard stations should be ended.

Adults in immigration detention (other than RICs)

A number of credible allegations of physical ill-treatment of foreign national detainees by police officers were received at Thessaloniki and Petrou Ralli Special holding facilities. Rigorous action should be taken to counter acts of ill-treatment. Further, the conditions of detention in these two facilities were totally inadequate for holding irregular migrants for short periods of time, let alone for weeks or months. At Thessaloniki, immediate steps should be taken to ensure inter alia that every person detained is provided with a clean mattress and bedding, that all cells are disinfested, and that, for public health reasons, medical screening is carried out upon admission. The indifferent attitude of staff towards detainees at this facility should be addressed by putting in place a new robust management. At Petrou Ralli, action is required to address the state of the filthy, stuffy and infested cells and to improve the poor provision of health-care services. Further, at neither of these two facilities nor at the Athens airport holding facilities were detainees offered at least one hour of outdoor exercise every day. There is also a need to ensure all detainees who do not speak Greek are informed about their situation in a language they understand.

As for Drapetzone Police Station, the dungeon-like living conditions were squalid and detainees were never offered access to fresh air. The CPT considers that holding people in such conditions could be considered as inhuman and degrading as well as representing a public health risk. The Greek authorities are requested to take this police station definitively out of service.

Treatment of criminal suspects detained by the police

In the course of the July 2016 visit, a number of credible allegations of physical ill-treatment of detained criminal suspects (including juveniles) were received. Determined action is required to tackle the widespread and deep-rooted problem of ill-treatment by the police and to promote a fundamentally different approach towards methods of police investigation. This requires inter alia rigorous recruitment procedures, improved professional training and the introduction of electronic recording of police interviews. Referencing the case law of the European Court of Human Rights, the CPT recalls the necessity for investigations into allegations of ill-treatment to be effective and requests information on a number of cases raised in the report on its 2015 visit to Greece.

The formal safeguards against ill-treatment continue to remain ineffective in practice. The CPT reiterates that access to a lawyer should apply from the very outset of deprivation of liberty by the police – prior to and during questioning by security police officers – when the risk of intimidation and physical ill-treatment is greatest. Further, to improve access to a doctor, a system of visits to police stations should be established and a police officer trained in first aid and in cardiopulmonary resuscitation should always be on duty in detention facilities. In addition, information on rights should be systematically provided to detained persons in a language they understand and should include a section on how to make a complaint.

The material conditions in the police stations visited were totally unsuitable for holding persons for longer than 24 hours given the lack of any outdoor exercise yard. In addition, many of them were also overcrowded, dirty and unhygienic.