

## EXECUTIVE SUMMARY

The main objective of the November 2023 visit to Greece was to examine the treatment of foreign nationals deprived of their liberty under immigration legislation. To this end, the CPT delegation visited a range of places of detention, including six of the seven pre-removal detention centres (PRDCs) and several police and border guard stations in different regions in the country. It also visited, for the first time, three “Closed Controlled access Centres” (CCACs) on the Aegean Islands of Lesbos, Kos and Samos.

As regards cooperation, the CPT urges the Greek authorities to take concrete measures to implement the long-standing recommendations of the Committee. The findings of the 2023 ad hoc visit once again indicate that, despite some positive developments, the Greek authorities have not taken sufficient steps to address the serious structural deficiencies raised by the CPT in its previous visit reports. Concerted action is required to improve the conditions, regime and treatment of foreign nationals held in immigration detention centres.

In the course of the visit, several credible and consistent allegations were received of deliberate physical ill-treatment of detained foreign nationals by police officers in certain police stations in Athens and in the PRDCs of Amygdaleza, Corinth and Tavros (Petrou Ralli). Allegations of ill-treatment by coast guard officials who intercepted small boats at sea were also heard. Several allegations concerned blows with batons and the butt of a rifle, as well as kicks, punches and slaps. There were also several allegations of verbal abuse, racist insults and aggressive behaviour by some police officers. The CPT calls upon the Greek authorities to take more vigorous steps to end ill-treatment of foreign nationals deprived of their liberty. Further, the management at Corinth PRDC should act to ensure that no foreign nationals are subjected to informal punishments.

As regards safeguards against ill-treatment, the Greek authorities should review their approach towards the detention of foreign nationals under immigration detention to ensure that it is applied only as a measure of last resort in practice. The lack of interpretation services remains acute and most detained foreign nationals complained that they were not sufficiently informed of their rights and of their situation. All detained foreign nationals should be granted the safeguards against ill-treatment as from the very outset of their deprivation of liberty. This includes access to free legal aid and the possibility to keep, or be granted regular and frequent access to, their own mobile phones.

The conditions of detention in the police and border guard stations in the Evros region were generally acceptable for short stays, but unsuitable for holding children and families. Some police establishments and special holding facilities are still holding foreign nationals for up to several weeks or even several months in very poor conditions. For example, the conditions at at Drapetsona Police Station were appalling and the CPT once again urges the Greek authorities to take this facility out of service. Further, at Athens Airport special holding facility, 26 men were crammed into the nine small cells (each 9m<sup>2</sup>) for prolonged periods without ready access to the two toilets (which were broken) or any access to fresh air. Such conditions could be considered as amounting to inhuman and degrading treatment. Further, the detention of children at Athens Airport Special holding facility should be ended as the facility is totally unsuitable for their accommodation.

The CPT found that most of the pre-removal detention centres visited do not provide an appropriate environment for holding foreign nationals for prolonged periods. The facilities were not appropriately adapted for the detention of foreign nationals. Many cells or rooms had broken doors, windows, heating systems and/or beds. In several centres sanitary facilities were in a poor state of maintenance and detained persons were usually not provided with detergent to clean their cells and received insufficient hygiene products to keep their clothes and themselves clean. One general complaint received in all detention centres that was also observe by the delegation was the lack of sufficient and suitable clothing adapted to the season. Much of the accommodation areas were

infested with cockroaches and bed bugs. Several centres did not regularly provide heating and warm water. The conditions were particularly poor at Corinth PRDC where persons were being held for up to 18 months. The rows of barred cells at Tavros (Petrou Ralli) detention centre are only appropriate for holding persons for short periods (this is days not weeks or months).

In all the PDRCs and special holding facilities, there was a total lack of any purposeful or recreational activities on offer. Further, the centres were not staffed with suitably qualified personnel. In the light of the findings, the CPT calls on the Greek authorities to reform their immigration detention system with a view to ensuring that foreign nationals deprived of their liberty are held in suitable premises, offering material conditions and a regime appropriate to their legal situation and staffed with suitably qualified personnel. The role of the custodial staff should be enhanced and a comprehensive plan for staff training developed.

Healthcare services often remained insufficient to meet the needs of the persons detained and most of the concerns previously raised by the Committee persisted, such as the lack of medical screening upon arrival and insufficient numbers of healthcare staff. The situation at Corinth PRDC was particularly catastrophic, where, for example, a person had been diagnosed with open tuberculosis and the infectious disease had spread among a great part of the detained population while another person had died due to severe pneumonia without it having been identified at an early stage.

The new EU-funded “Closed Controlled Access Centres” (CCACs) on the Aegean Islands have the potential to offer better living conditions for migrants and asylum seekers for periods of up to a few months. However, they face significant shortcomings, and the basic reception and protection needs of applicants for international protection are often not met. In the CPT’s view, the excessive security and unnecessary barbed wire fencing make the CCACs unsuitable for accommodating children and persons in a vulnerable situation. Moreover, when the number of foreign nationals arriving on the islands increases, the systems break down quickly and many persons find themselves being subjected to treatment which could be described as inhuman and degrading. This was the situation found by the CPT delegation during the visit, notably at the Kos and Samos CCACs.

The delegation did not receive any recent allegations of ill-treatment of foreign nationals by police or private security staff in any of the CCACs or the Fylakio Reception and Identification Centre (RIC). However, some allegations of abusive language by private security staff were received. Further, a few allegations of sexual assault and sexual harassment among foreign nationals were received in the CCACs visited. Steps should be taken to prevent violence among residents of the CCACs.

At the time of the visit, a great number of persons remained deprived of their liberty in the CCACs without benefiting from the legal safeguards related to detention. The delegation gathered evidence to show that the legal timeframes and provisions on detention were not being respected, and there is a need to tighten up the procedures regulating the initial 25 days of detention. Further, access to a lawyer was problematic and the lack of interpreters was a real challenge at all CCACs visited.

The living conditions at the CCACs visited were poor at the time of the visit, notably due to overcrowding, and the conditions of detention for large numbers of persons met at Kos CCAC could only be described as inhuman and degrading. For instance, in some accommodation areas, up to eight persons were accommodated in 10 m<sup>2</sup> rooms and many persons had to sleep on the floor without even a mattress. The former RIC area had been temporarily re-opened even though it was unfit for human habitation and most containers had no functioning sanitary facilities and no electricity. Further, there was a lack of hygiene and cleaning products, as well as non-food items (including beds mattresses, and blankets, as well as winter clothing and shoes) offered to foreign nationals. The totally chaotic and undignified way in which food was distributed at Samos CCAC, with hundreds of persons jostling to get their portion of food, should also be reviewed. The Greek authorities should ensure that all persons who are detained in a CCAC or RIC are offered decent living conditions.

At both the Kos and Samos centres, unaccompanied and separated children were held in a dedicated section surrounded by high mesh fences topped with rolls of barbed wire. The delegation received many complaints from these children about the lack of activities, no provision of adequate

clothing and too little food, as well as insufficient psycho-social support and legal advice. The Kos centre in particular the girls reported that they felt unsafe. In line with the principle of the “best interests of the child”, the Greek authorities should end the detention of unaccompanied and separated children in the CCACs.

The CPT found that large numbers of persons with special needs and vulnerabilities were being held in both the Kos and Samos CCACs without being identified and allocated to appropriate accommodation areas. Young women or families and single mothers with small children were being accommodated with unrelated adult men and were being exposed to potentially serious harm in all three CCACs visited. This should not happen. No proper assessment of special needs and vulnerabilities or medical screening was being carried out upon arrival at the CCACs visited. The CPT reiterated the delegation’s request to establish such an assessment and screening for all new arrivals – on the day of their arrival – in order to identify persons in a vulnerable situation.

Overall, access to healthcare and quality of care at both Kos and Samos CCACs was extremely poor, and it was insufficient at Lesvos CCAC. The healthcare teams are totally inadequate to address the needs of the centres’ population and immediate steps are required to significantly reinforce these teams. Further, contingency plans should be put in place to augment the medical staffing levels when arrival numbers surge. The Greek authorities should also review the staffing needs of the CCACs with a view to reinforcing the presence of qualified and trained personnel within the various accommodation sections of the centres and ensure a contingency staffing roster whenever the number of arrivals increase.

During the 2023 visit, the CPT delegation again received many consistent and credible allegations of informal, often violent, forcible removals of foreign nationals across the Evros river or at sea to Türkiye. Such removals occurred without consideration of their individual circumstances, vulnerabilities, protection needs or risk of ill-treatment when returned (“pushbacks”). The allegations, as recently as mid-October to early November 2023, were obtained through detailed interviews with persons detained throughout Greece in various CCACs, PRDCs and other police and border guard establishments and related to alleged pushback operations that took place prior to their subsequent re-entry into Greek territory. Many allegations obtained in different locations from various unrelated individuals, including unaccompanied and separated children, corroborated the detailed descriptions and stories received elsewhere and concord with those documented by several other organisations, including UNHCR. Two patterns emerged relating to alleged pushbacks at the land border in the Evros region and to alleged pushbacks at sea, and they are described in the report.

The Greek authorities have continued to maintain that violent forcible informal removals from Greece to Türkiye do not occur. For the CPT, there is sufficient information to conclude that pushbacks to Türkiye have taken place and continue to take place, albeit on a smaller scale at present. The focus must now be on ending violent, dangerous and illegal pushback operations once and for all. Further, effective investigations should be carried out into the allegations of pushback operations that have been filed with the relevant authorities, including the Naval Prosecutor.

The CPT urges the Greek authorities to act to prevent any form of pushbacks taking place either across the Evros River border or at sea in the Eastern Aegean by law enforcement officials, military or coast guard personnel, as well as by foreign nationals employed to carry out such tasks. All foreign nationals arriving at the border or present in the territory of Greece who wish to request international protection should be effectively protected against the risk of *refoulement*, including possible chain *refoulement*. To this end, every foreign national intercepted or apprehended at the border should benefit from specific safeguards, including the opportunity to apply for asylum.