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**PRESS RELEASE**

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### **Detention of irregular migrants and asylum seekers**

Hundreds of detainees protest for their detention by going on hunger strikes and there is information about suicide attempts that have occurred in detention centers. On the other hand there is information that the Ministry of Public Order and Citizen Protection intends to create new detention centers. Our organization –taking account of these developments- would like to point out the following:

The Greek authorities have been committed to the European authorities since 2010 to create the New Asylum Service and First Reception Centers where qualified staff will deal with the treatment of undocumented people. These new services were issued under law 3907, which came into force in January 2011. However neither the New Asylum Service nor a single First Reception Center have been operational so far under the instructions of this law. On the contrary, police authorities have continued their illegal practice of not allowing full access to asylum procedure as prescribed by the law, a police operation to arrest irregular migrants is being carried out from summer of 2012 and new detention centers have been created.

The situation created because of this practice is particularly worrying. Specifically:

1. Thousands of undocumented people have been led to detention, among them a significant percentage of
  - People who are in need of international protection, but have been unable to apply for asylum so far due to the illegal practice of police authorities in charge (we note that the authorities worsened the position of those who apply for asylum in detention with the establishment of Presidential Decree 116/2012 which provides for the possibility of extending the detention of asylum seekers for up to 18 months).
  - people whose deportation is not feasible either because it is forbidden by law for them to be expelled, as this is contrary to the principle of non-refoulement (refugees and generally people who come from countries where there are massive violations of human rights such as Syria, Afghanistan, Sudan, Somalia, Eritrea, etc.) or because their deportation encounters insurmountable practical obstacles.
2. As the Police authorities do not foresee for individualized treatment of the people who are arrested and detained, based on their characteristics and vulnerability, between them are found
  - Families with children
  - Unaccompanied minors
  - People with serious health problems
  - Victims of torture
3. The conditions of detention are contrary to both national and international legislation related to human rights (European Convention on Human Rights, the UN Convention for the Prevention of Torture and Inhuman and Degrading Treatment, Charter of Fundamental Rights of the European Union, Council

Directive 85 / 2005 on Asylum Procedures, Presidential Decree 114/2010, Council Directive 9/2003 for the Reception of Asylum Seekers, Presidential Decree 220/2007).

Specifically:

- Detainees lack information about their legal status and their rights because:
  - There are no interpreters
  - There is no access granted to NGOs in order to inform all detainees of their rights, but only for certain inmates who are requested namely. This practice is contrary to the statutory of law 3907/2011 about access for NGOs in detention centers (article 31).
- Access to the asylum procedure is extremely difficult if the detainees have no lawyer support and as difficult is also the filing of an appeal if an adverse decision is given
- For those who apply for asylum in detention a new detention order is issued as a rule, by invoking art. 13 of Presidential Decree 114/2010, while this article provides the detention as exceptional measure and if only alternative ones cannot be applied. In addition, after the introduction of Presidential Decree 116/2012 a decision of extending the detention is issued. In cases handled by our organization it has happened that the authorities refrain from any action to examine the asylum applications of the detainees and then issue a decision to extend the detention on the grounds that this would facilitate the faster and effective examination of the asylum applications.
- Minors are included in the detainees. Some of them are registered as minors and nevertheless are detained for a period of even more than five months without the authorities having taken the necessary steps to ensure their placement to a special reception center for minors. Others are incorrectly registered as adults (our organization handled the case of a 14-year old detainee at Corinth detention center who was registered as 30-year old), detained together with adults in violation of Presidential Decree 141/1991 and do not receive any special care.
- The treatment of prisoners in need of medical assistance is often inadequate.
- Living conditions in many detention centers constitute inhuman and degrading treatment as indicated by repeated decisions of the European Court of Human Rights and reports of the Council of Europe Committee for the Prevention of Torture and Inhuman and Degrading Treatment.
- There have been many complaints from prisoners about ill-treatment by the police. Especially for the detention center in Corinth we would like to note that apart from the public statement from Amnesty International issued on 14 March 2013 about a Syrian detainee's complaint of torture, our organization has also received complaints of ill-treatment (complaints reported fractures in the hands and feet, head injury from falling on stairs, team beaten detainee who was admitted to the hospital for one week)

These conditions combined with the practice of police authorities to extend the detention for long periods of time have led to the current explosive situation. We would like to say once more that the detention of a significant percentage of these prisoners is completely unjustified, because their deportation is impossible.

In addition to the above other factors should be as well taken into account such as human resource management of the police departments involved, the economic

dimension of these options and the management of European funds in a time of financial crisis.

Specifically:

- While the police operation which has been going on for months all over Greece employs a large number of police and is inevitably costly, statistics show that the results of all this mobilization are poor, since only a small percentage of people who are taken in police stations, are eventually arrested due to lack of legal documents.
- The unnecessary detention for long periods of time of people whose deportation is prohibited by law or is practically not feasible, is also very expensive.
- The small number of annual asylum applications accepted by police authorities in charge (by not allowing full access to the asylum procedure as required by law) and of positive decisions issued on asylum applications has resulted in the European Refugee Fund granting in the country a smaller amount than the one that would normally be entitled to, based on the large number of refugees arriving in our country.
- The permanent lack of staff at the Responsible Authority for the management of the European Refugee Fund (Department of Social Solidarity and Social Perception of the Ministry of Labour) does not allow the full use even of these reduced resources and hinder the implementation of ERF projects.

In light of the above it is clear that in order to defuse tension and to manage the issue with rationality and respect for international law the adoption of the following measures is required:

- Immediate function of the services set by law 3907/2011, namely the New Asylum Service and First Reception Centers.
- Issue of a 6 month stay permit for individuals whose deportation is not feasible, as provided by art. 24 of law 3907/2011.
- Eliminate administrative detention of minors.
- Eliminate administrative detention of asylum seekers.
- Strengthening of the Responsible Authority of the European Refugee Fund and resource utilization of the Fund for providing to asylum seekers the reception conditions which are provided by law.
- Prompt investigation of allegations of detainees' ill-treatment.
- Ensuring decent living conditions in detention.
- Provision of adequate medical care to detainees.