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**AMNESTY
INTERNATIONAL**



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**AMNESTY INTERNATIONAL'S SUBMISSION TO COUNCIL OF EUROPE COMMITTEE OF MINISTERS:
M.S.S. v BELGIUM AND GREECE, APPLICATION No 30696/09**

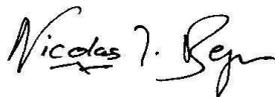
Dear Ms Mayer,

Please find enclosed a briefing submitted in accordance with Rule 9 (2) of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements with a view to assisting the Committee of Ministers in its evaluation of the general measures taken to date by the Greek Government to fulfil its obligations to implement the Grand Chamber's judgment in the case of *M.S.S. v Belgium and Greece*.

Annexed to the briefing is the following document:

- Greece: The End of the Road for Refugees, Asylum-Seekers and Migrants, Amnesty International, Index: EUR 25/011/2012, December 2012.

Yours sincerely,



Dr Nicolas J Beger
Director

**AMNESTY INTERNATIONAL'S SUBMISSION TO COUNCIL OF EUROPE COMMITTEE OF MINISTERS:
M.S.S. v BELGIUM AND GREECE, APPLICATION NO 30696/09**

This briefing is submitted in accordance with Rule 9(2) of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements adopted by the Committee of Ministers on 10 May 2006.

In the light of Greece's obligations under international human rights and refugee law, Amnesty International seeks to assist the Committee of Ministers in its evaluation of the general measures that the Greek Government states it has taken to date to comply with the judgment of the Grand Chamber of the European Court of Human Rights in the case of *M.S.S. v Belgium and Greece*.

The Grand Chamber's indication in its *M.S.S.* judgment of individual measures required for its execution was "*without prejudice to the general measures required to prevent other similar violations in the future*".¹

Amnesty International wishes to share with the Committee of Ministers the following concerns:

- The systematic placement of asylum-seekers in detention and sub-standard conditions of detention in various immigration facilities
- The systematic placement of unaccompanied minors in detention and the sub-standard conditions of detention
- The living conditions of asylum-seekers and unaccompanied minors including the threat of racist attacks
- Greece's limited progress towards establishing a fair and effective asylum system

1. The systematic placement of asylum-seekers in detention and sub-standard conditions of detention

The Committee of Ministers, in its last assessment of the execution of the *M.S.S.* judgment in respect of Greece, at its 1144th meeting in June 2012, noted with satisfaction the inauguration of the Initial Reception Service and the efforts made towards establishing the First Reception Centres aimed at remedying the shortcomings in the field of conditions of detention and invited the Greek authorities to intensify their attempts to ensure these centres function effectively.

The Committee of Ministers also welcomed the efforts aimed at improving detention conditions, particularly in the Evros region, and urged the Greek authorities to intensify those efforts and pay particular attention to the recommendations by national and international actors. The Committee took note of the information the Greek authorities provided in the meeting and their intention to provide information on outstanding issues² including **how the authorities address the systematic placement of asylum-seekers in detention and updated information on the current detention conditions at the Athens International Airport and Petrou Ralli detention centres.**

¹ M.S.S. v Belgium and Greece [GC] no. 30696/09, 21 January 2011, § 400.

² Memorandum CM/Inf/DH(2012)19.

In their January 2013 response, the Greek authorities presented information on the detention of asylum-seekers, measures concerning the establishment of First Reception Centres and information about detention conditions at the Petrou Ralli and Athens International Airport detention centres.³

Amnesty International wishes to draw the Committee of Ministers' attention to its concerns over the systematic detention of asylum-seekers and the sub-standard detention conditions in various immigration centres visited by an Amnesty International delegation between July and November 2012. Our findings, as described below, indicate that the measures the Greek authorities have taken so far and communicated to the Committee of Ministers are manifestly insufficient to address those concerns.

Amnesty International has repeatedly stressed its concerns over the lack of adequate reception facilities for those belonging to vulnerable groups and those eligible for international protection, the routine detention of irregular migrants and asylum-seekers, including unaccompanied children, and the sub-standard conditions in various facilities where irregular migrants and asylum-seekers are held in Greece.⁴

While the establishment and operation of First Reception Centres (FRCs), as provided by Law 3907/2011, could be a step towards letting third-country nationals who irregularly enter Greece be appropriately identified and directed to procedures according to their protection needs, **the regime in FRCs in fact amounts to detention.** Amnesty International is also alarmed at the absence of any provisions in Law 3907/2011 providing for a remedy to challenge the lawfulness of this detention regime before a court.⁵

In April 2012, a new legislative provision was adopted which allows for the detention of irregular migrants and asylum-seekers on grounds of *"being a danger to public health on account of being sufferers of contagious diseases or belonging to groups vulnerable to contagious diseases due to their country of origin, use of intravenous illegal substances....or as a result of their living conditions that do not abide to the rules of hygiene"*.⁶ Amnesty International expressed its concerns that such measures were deeply alarming and would target the most vulnerable people based on discriminatory criteria.⁷

In October 2012, a new law on asylum determination procedures (Presidential Decree 116/2012) gave police discretion to extend the maximum three or six-month period that an asylum-seeker can be held to a further twelve months.⁸ The threat of being held for up to 18 months, in appalling conditions, may deter asylum-seekers from applying for international protection, particularly given the authorities' practice of holding people who apply for asylum while in detention for prolonged periods.

Sweep police operations to round up people with no papers have intensified since August 2012. Those who wish to apply for asylum, and do not manage to do so, risk arrest, detention and, if they also do not manage to apply for asylum while in detention, possible deportation.⁹

Asylum-seekers and irregular migrants also continue to be systematically detained, in many cases for prolonged periods.

3 Communications from Greece concerning the case of M.S.S. against Belgium and Greece (Application No. 30696/09), 15 January 2013, DH-DD (2013) 32 and DH-DD (2013) 38.

4 See amongst others, Irregular Migrants and Asylum-Seekers Routinely Detained in Substandard Conditions, AI Index: EUR 25/002/2010, July 2010 and available at <http://www.amnesty.org/en/library/asset/EUR25/002/2010/en/07291fb2-dcb8-4393-9f13-2d2487368310/eur250022010en.pdf>; Greece: Briefing to the UN Committee Against Torture, AI Index: 25/011/2011, October 2011 and available at <http://www.amnesty.org/en/library/info/EUR25/011/2011>.

5 See Greece: Briefing on the Draft Law on Asylum, Migration Related Detention and Returns of Third-Country Nationals, AI Index: EUR 25/002/2011, January 2011 and available at <http://www.amnesty.org/en/library/asset/EUR25/002/2011/en/a127c952-d9af-42a3-b56b-412c69da7f4a/eur250022011en.html>.

6 Article 59 of Law 4075/2012.

7 See Greece plans sweep of migrants and asylum-seekers, Amnesty International press release, 2 April 2012, available at <http://www.amnesty.org/en/news/greece-plans-sweep-migrants-and-asylum-seekers-2012-04-02>.

8 Amnesty International has already expressed concerns over the grounds that asylum-seekers can be held under PD 114/2010 and the maximum length of detention (90 and 180 days) - See Greece: Preliminary Comments on the Asylum-Determination Procedure Reforms, 10 December 2010, AI Index: 25/009/2010.

9 See Greece: The End of the Road for Refugees, Asylum-Seekers and Migrants, AI Index: EUR: 25/001/2012, pp. 7-8, December 2012 and available at <http://www.amnesty.org/en/library/asset/EUR25/011/2012/en/443c4bcd-7b2e-4070-916c-087008f6762f/eur250112012en.pdf>.

Amnesty International also wishes to draw attention to the concerns expressed by the UN Special Rapporteur on the Human Rights of Migrants in December 2012 over the systematic detention of individuals irregularly entering Greece and his concern over the sweep operations in the context of operation “Xenios Zeus”, which have led to widespread detention of migrants in various parts of the country.¹⁰

Detention conditions in immigration detention centres and police stations

The conditions in various immigration detention centres and police stations where asylum-seekers and irregular migrants are being held continue to be a cause of serious concern for the organisation.¹¹

In July and August 2012, Amnesty International visited various detention facilities in Athens¹², and the police academy of Komotini, in northeast Greece, which was being used to hold people for immigration purposes following the sweep operations against irregular migrants carried out earlier, in August 2012. In the Old and New Elliniko detention centres, near Athens, the conditions in the detention facilities amounted to inhuman and degrading treatment. In both facilities, bedding was old and dirty, toilets were filthy and detainees could only obtain water from taps in those toilets. Those held at Old Elliniko had no access to outside exercise or natural light in their cells.

At the Athens International Airport detention centre, a major cause of concern was the complete lack of space for outside exercise in the detention area where irregular migrants arrested for attempting to leave the country irregularly were being held. While the cells were relatively clean at the time of the visit and only between one and three people were held in each cell, those held were allowed out of their cells only to go to the toilet or visit a doctor. In the detention area used for asylum-seekers, there was no area for outside exercise. At the end of June 2012, the NGO Medin, which is present at the airport detention centre and gives detainees medical and psychological assistance, expressed concern over the poor detention conditions which included sick detainees not being referred for blood tests or x-rays, limited access to toilets and detainees not being given cutlery to eat with.¹³

During Amnesty International’s visit to the Komotini police academy at the end of August 2012, there was no overcrowding and the dormitories used for detention were relatively clean at the time of the visit. However, there was no hot water for washing, and no bedding apart from a plastic sheet on each bed. In subsequent contact with detainees, the organisation received allegations of ill-treatment and reports about very poor detention conditions.¹⁴

In November 2012, Amnesty International delegates visited the Korinthos army camp in Southern Greece. The camp had been used as an immigration detention centre since August 2012. Conditions at the centre were very poor. There was no heating or hot water, and bedding was dirty and inadequate for the cold weather. In the toilets viewed, there were no soap or toilet paper and detainees said the authorities did not give them hygiene products. Several detainees alleged that police guards frequently ill-treated them. In the beginning of February 2013, Amnesty International received further reports by detainees about very poor detention conditions and further allegations that police ill-treated detainees at the centre.

10 UN Special Rapporteur on the human rights of migrants concludes the fourth and last country visit in his regional study on the human rights of migrants at the borders of the European Union: Greece, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12858&LangID=E>; See also Council of Europe Parliamentary Assembly Report, Migration and asylum: mounting tensions in the Eastern Mediterranean, Rapporteur: Ms Tineke Striek, Doc. 13106, 23 January 2013, pp. 9-10; See also Greece: Preliminary Comments on the Asylum-Determination Procedure Reforms, 10 December 2010, AI Index: 25/009/2010.

11 See Greece: the End of the Road for Refugees, Asylum-Seekers and Migrants, pp. 8-9.

12 Amnesty International has visited the Amygdaleza immigration detention centre for adults, the Amygdaleza immigration detention centre for unaccompanied male minors, the Petrou Ralli immigration detention centre, the Old and New Elliniko immigration detention centres, the Athens International Airport immigration detention centre, the Komotini police academy and the Korinth immigration detention centre.

13 “Shock about detention conditions at the cells of the airport”, press article - available at http://list.newsit.gr/default.php?pname=Article&art_id=149696&catid=3 (in Greek).

14 See also Greece: the End of the Road for Refugees, Asylum-Seekers and Migrants, p. 9.

In addition, between August 2012 and the time of this submission, many asylum-seekers and irregular migrants, including many Syrian families with children fleeing the conflict, were reported to be held in very poor conditions in police stations on various islands including Samos, Mytilini and Leros or were left without shelter.¹⁵

Amnesty International recommends to the Committee of Ministers to urge the Greek Government to clarify the following:

- What is the anticipated time-frame for the start of the operations of the First Reception Centre and what is the time-frame for more First Reception Centres to be established?
- How does Greece plan to address the practice of systematic and widespread detention of asylum-seekers?
- How many asylum-seekers are currently arrested and detained on the basis of Article 59 of Law 4075/2012?
- Does Greece plan to close down detention centres such as New and Old Elliniko, where conditions have been found to be inhuman and degrading?
- What steps will the Greek authorities take to improve detention conditions at detention centres such as the Korinth immigration detention centre and Komotini police academy?

2. Systematic placement of unaccompanied minors in detention and sub-standard conditions of detention

The Committee of Ministers, in its last assessment of the *M.S.S.* judgment regarding Greece, at its 1144th meeting in June 2012, noted the Greek authorities' intention to provide information on outstanding issues identified in memorandum CM/Inf/DH(2012)19 which include the current situation of unaccompanied minors in detention and to confirm whether their detention is indeed exceptional. In their response in January 2013, the Greek authorities presented information on the detention regime for unaccompanied asylum-seeking and migrant minors.¹⁶

Our findings, described below, indicate that the measures provided by the Greek authorities and communicated to the Committee of Ministers are manifestly insufficient to address the situation of unaccompanied minors in detention.

Unaccompanied or separated children in Greece continue to be routinely held in detention, for prolonged periods, until a place in a reception centre becomes available. The Amygdaleza immigration detention centre for unaccompanied male children was holding children in sub-standard conditions for up to three months in August 2012 because of insufficient places in reception centres. Minors were sleeping on mattresses on plinth beds and the cells needed repairs. The outside exercise area was also quite small.

Amnesty International also visited centres in Athens (Petrou Ralli, Amygdaleza immigration detention centre for adults), Korinth and Komotini where children were being detained with adults and/or were registered as adults.¹⁷ For example, at the Korinth detention facility, delegates met several

¹⁵ Amnesty International interviewed asylum-seekers who were detained on the islands after their release, island residents and NGOs between August and October 2012. See *Greece: the End of the Road for Refugees, Asylum-Seekers and Migrants*, p. 4.

¹⁶ Communications from Greece concerning the case of *M.S.S.* against Belgium and Greece (Application No. 30696/09), 15 January 2013, DH-DD (2013) 32 and DH-DD (2013) 38.

¹⁷ The visits were conducted between July – November 2012; See *Greece: the End of the Road for Refugees, Asylum-Seekers and Migrants*, p.9. In two cases, Amnesty International found two fifteen year old unaccompanied minors held with adults (Petrou Ralli and Komotini).

unaccompanied minors who were being held in very poor conditions (see above) with adults and raised their concerns with the authorities.¹⁸

Amnesty International recommends that the Committee of Ministers urge the Greek Government to clarify the following:

- Do the Greek authorities plan to end the detention of unaccompanied minors in law and practice? If so, what is their timeline?
- What is the maximum length of time that an unaccompanied minor may be held in centres such as Amygdaleza or Fylakio?

3. The living conditions of asylum-seekers and unaccompanied minors including the threat of racist violence

The Committee of Ministers, in its last assessment of the *M.S.S.* judgment regarding Greece, at its 1144th meeting in June 2012, noted the Greek authorities' intention to provide information on outstanding issues¹⁹ including the living conditions of asylum-seekers and unaccompanied minors. In their response in January 2013, the Greek authorities presented information on the number of available places at reception centres for unaccompanied minors and asylum-seekers and other support they receive.

Amnesty International's main concerns include the insufficient number of reception facilities for asylum-seekers and unaccompanied minors, the dangers that unaccompanied minors face once they are released from detention and the growing threat of racist attacks.

Currently, the total capacity of reception centres for unaccompanied minors and asylum-seekers in Greece is 1,000 places (338 places for minors and 662 for asylum-seekers).²⁰ While there appears to be some increase in comparison with the total capacity of 780 places available in April 2011, the available numbers do not correspond to existing needs.²¹

The shortage of places in reception facilities means many asylum-seekers and unaccompanied children are left homeless, or forced to live in squalid accommodation. For example, during the visit to the Amygdaleza immigration detention centre for unaccompanied male children (see above), the authorities told Amnesty International that the practice for unaccompanied minors older than 15 and held at the centre was to release them at the end of that period with no further provision for accommodation if a place could not be found at a special reception centre. Unaccompanied children who are left without shelter also face the danger of various forms of exploitation, according to reports from national NGOs.²² In addition, Amnesty International and other national and international NGOs have documented cases of unaccompanied minors reporting they have been victims of ill-treatment by police and the coastguard.²³

¹⁸ In a response sent to the Amnesty International on 8 January 2012, the Greek authorities said that out of the 23 detainees for which concerns were raised, four of them were never at the centre, thirteen of them were sent to the Amygdaleza special reception centre for minors and three of them were not found not to be minors after an investigation with the participation of a psychologist.

¹⁹ Memorandum CM/Inf/DH(2012)19.

²⁰ Source UNHCR Greece, February 2013

²¹ Between January and October 2012, a total of 7698 asylum applications were lodged. In their response to the Committee of Ministers, the Greek authorities reported that during 2011, they had apprehended 6.423 unaccompanied minors.

²² Interview with PRAKSIS, February 2013. See also "We unite our voice to give a strong message", Joint press release by eight national NGOs including Greek Council of Refugees, Arsis and the Hellenic League of Human Rights, 20 June 2011, available at

<http://www.gcr.gr/sites/default/files/image/KOINO%20DELTI0%20TYPOU%20ORGANWSEWN%20GIA%20THN%20HMERA%20TOY%20PROSYFGA.pdf>.

²³ See e.g. Police Violence in Greece: Not just "Isolated Incidents", July 2012, AI Index: EUR 25/005/2012, available at

<http://www.amnesty.org/en/library/info/EUR25/005/2012/en>; "I came here for peace" – The systematic ill-treatment of migrants and refugees by state agents in Patras, Pro-asyl and Greece Council of Refugees, 2012, available at http://www.proasyl.de/fileadmin/fm-dam/p_KAMPAGNEN/Flucht-ist-kein-Verbrechen/Patras-Webversion04D-DS-

NGOs in Greece working on refugee issues have also reported an increase of vulnerable cases in 2012, including separated minors and single-parent families with several children who are left homeless.²⁴

Racist Violence

Another serious threat faced by asylum-seekers, unaccompanied minors and irregular migrants in Greece is the dramatic increase in the number of racist attacks by members of extremist groups against third-country nationals.²⁵

There was a dramatic rise in the number of such racially-motivated attacks throughout 2012. In October 2012, the Racist Violence Recording Network reported that more than half of the 87 recorded incidents were connected with extremist groups that had acted in an organised and planned manner. A presidential decree was signed in December providing for specialised police units in Athens and Thessaloniki to investigate racially-motivated crime. However, the decree fell short of providing protection for victims without papers from arrest and deportation.

After October 2012, more racially-motivated attacks continued to be reported. On 16 January 2013, two people on a motorcycle stabbed a 27-year old Pakistani while he was riding his bicycle in Petralona, Athens, and he died later of his wounds. The police arrested two Greek nationals as suspects. Amnesty International also received testimonies and information about four more cases of Egyptian nationals who were attacked and injured over the past three months in Pireus, Keratsini and Moschato.²⁶

Amnesty International recommends that the Committee of Ministers urges the Greek Government to clarify the following:

- How many reception centres the Greek authorities plan to establish over the coming year?
- What other measures the Greek authorities plan to adopt to tackle the dramatic rise of racially-motivated attacks?

4. Greece's limited progress towards establishing a fair and effective asylum system

The Committee of Ministers, in its last assessment of the M.S.S. judgment regarding Greece, at its 1144th meeting, noted with satisfaction the progress made under the new legislative framework on asylum, particularly regarding the inauguration of the Asylum Department, increased participation by the UNHCR in the procedures and the re-establishment of the appeal committees, as well as progress the latter has made during the transitional phase. The Committee of Ministers also invited the Greek authorities to intensify their attempts to restore full access to the asylum procedure.

In their response in January 2013, the Greek authorities presented information about the transitional system of asylum determination procedures, information on the Asylum Service and access to asylum determination procedures.

Amnesty International has been raising concerns over Greece's limited progress towards establishing a fair and effective asylum-system.²⁷ Improvements at the appeal stage of the asylum determination procedure have been reported but serious impediments to access to asylum remain, as well as a major backlog of pending applications.

In January 2011, a law was adopted that promised a change to the system (Law 3907/2011). It provided for the establishment of a new, civilian authority with no police involvement to receive,

k_03.pdf; Greece Needs 'Zero Tolerance' Approach to Police Violence', by Eva Cosse, 17 October 2012, available at <http://www.hrw.org/news/2012/10/17/greece-needs-zero-tolerance-approach-police-violence>.

24 Interview with KSPM- Ecumenical Refugee Programme, February 2013.

25 See Greece: the End of the Road for Refugees, Asylum-Seekers and Migrants, pp. 10-11; Greece: Foreigner's murder shows failure on racist violence, Amnesty International press release, 17 January 2013, available at <http://www.amnesty.org/en/for-media/press-releases/foreigner-s-murder-shows-greek-failure-racist-violence-2013-01-17>.

26 Foreigner's murder shows Greek failure on racist violence, Press release, 17 January 2013.

27 See Greece: the End of the Road for Refugees, Asylum-Seekers and Migrants, pp. 3-6

examine and decide on asylum applications at the initial stage. However, at the time of this submission, the Asylum Service, has yet to receive and process a single application as a result of major staff recruitment problems. What is more, a draft presidential decree on asylum determination procedures allows the police to remain a decision-making authority for all old applications once the Asylum Service begins operations.

In 2012 at the Attika Aliens' Police Directorate in Athens, only about 20 applications were usually registered by the authorities each Saturday morning out of a lengthy queue of people trying to apply for asylum.²⁸ In addition, several asylum-seekers who were interviewed by phone or during visits at the centres visited by the organisation in 2012 reported that the authorities repeatedly ignored their requests to apply for asylum (Petrou Ralli, Korinth immigration detention centres and Komotini police academy).²⁹

Those trying to enter Greece from Turkey across the River Evros reported to Amnesty International that the Greek authorities had pushed them back to Turkey in summer 2012. In addition, a 10.5km fence in the Evros region along the land border with Turkey was completed in December 2012. Concerns remain that the fence prevents people seeking international protection from reaching safety, and that it encourages them to attempt unsafe crossings.

Free legal assistance for asylum-seekers are further grounds for concern since it continues to be limited and hard to access. Amnesty International has repeatedly expressed concern that under the transitional presidential decree on asylum determination procedures (PD 114/2012), free legal assistance continues to be available only to asylum-seekers who lodge an application to annul a negative decision to the administrative courts.³⁰ What is more, according to refugee NGOs, access to free legal assistance for applications of annulment is in practice very limited. In particular, for the administrative courts to accept an application for legal assistance, they have to determine whether the application for annulment is manifestly ill-founded or not acceptable. It is also required that the application for annulment is prepared by a lawyer only and each lawyer can undertake only one case. If a decision to grant the aid is positive, the payment does not necessarily go to the lawyer who drafted and signed the application but to one chosen from a general list. In addition, only a tiny percentage of applications for legal aid (c. 5 %) was reportedly accepted in 2012.³¹

The organisation is also concerned that PD 114/2012 does not provide free legal assistance to asylum-seekers who wish to challenge their detention.

The only way to receive free legal assistance at the initial stage of asylum determination procedures for appeals before the Refugee Committees and for challenging a detention order is through NGOs. However, the number of lawyers who provide their services to registered asylum-seekers free-of-charge is extremely limited. Those who do so include lawyers working for refugee NGOs such as the Greek Council of Refugees, AITIMA, and the KSPM-Ecumenical Refugee Programme.

According to the NGOs, the funding they receive to provide legal assistance is disproportionate relating to existing needs. In addition, the capacity of these organisations is always dependent on continuity and timely distribution of funding by the European Refugee Fund by the competent Ministry or other funding sources (UNHCR, private donors, etc). Finally, their capacity to provide assistance to detained asylum-seekers who wish to challenge their detention is further challenged as a result of the large reported increase in the number of detained asylum-seekers following the increase in the maximum length detention and the sweep operations conducted since August 2012.³²

28 See also, "The Campaign for the Access to Asylum in Attika Area" report documenting the situation at Petrou Ralli during 2012. The report was signed by fifteen non-governmental organizations, associations, entities and groups and it is available at <http://www.asylum-campaign.blogspot.gr>.

29 Many of the detainees interviewed by Amnesty International including rejected asylum-seekers reported that they did not understand the content of papers given to them since they were in Greek nor such content was explained to them (the papers included deportation orders and decisions rejecting asylum applications at first instance).

30 See Greece: Preliminary Comments on the Asylum-Determination Procedure Reforms, 10 December 2010, AI Index: 25/009/2010. On the challenges of obtaining free legal assistance for applications of annulment before the Council of State under Presidential Decrees 90/2008 and 91/2009, see "The Dublin II Trap: Transfer of Asylum-Seekers to Greece", March 2010, AI Index: EUR 25/001/2010 and available at <http://www.amnesty.org/en/library/info/EUR25/001/2010>.

31 Correspondence with Greek Council of Refugees, February 2013.

32 Correspondence with KSPM-Ecumenical Refugee Programme, February 2013.

During the time of the organisation's visit to various immigration detention centres, asylum-seekers at Old and New Elliniko, Amygdaleza immigration detention centre for adults, Komotini police academy and Korinth detention centre had very limited or no access to free legal assistance. Contact with lawyers and family is also very hard for asylum-seekers unable to pay for a phone card, and it is police practice to confiscate detainees' mobile phones.³³

In addition, the vast majority of the decisions rejecting an asylum claim or the detention and deportation orders that Amnesty International delegates viewed were in Greek language and many of those interviewed reported that they were not told about the content of the documents they were given and thus could not understand them.³⁴ What is more, in most of those centres, the leaflets on asylum determination procedures and the rights of detainees were placed outside the detention area and were thus accessible to detainees only when they were allowed to leave the detention area (e.g. Old and New Elliniko and Athens International Airport immigration detention centres). At the Korinth immigration detention centre, Amnesty International delegates did not see any informative leaflets in the buildings they visited.

Amnesty International recommends that the Committee of Ministers urges the Greek Government to clarify the following:

- What measures will the Greek authorities take to ensure unimpeded access to asylum determination procedures, particularly for asylum-seekers who try to apply for asylum at the Attika Aliens' Police Directorate?
- When is the Asylum Service anticipated to start its operations?
- Have the Greek authorities investigated alleged push-backs to Turkey?

CONCLUSIONS

As detailed above and in the attached report on Greece "*Greece: The End of the Road for Refugees, Asylum-Seekers and Migrants, Amnesty International*" recent Amnesty International research has established that asylum-seekers and unaccompanied minors continue to be highly exposed to a range of human rights abuses, especially systematic detention, sub-standard detention conditions, serious impediments to their access to asylum determination procedures and poor living conditions and for that purpose calls on countries taking part in the Dublin system to continue halting the return of asylum-seekers to Greece.³⁵

RECOMMENDATIONS

Amnesty International calls on the Committee of Ministers to consider recommending that the Greek Authorities effectively and promptly execute the Court's judgment on *M.S.S. v Belgium and Greece* by adopting the following measures:

- Implement as swiftly as possible reforms of the asylum system, and ensure unimpeded access to asylum determination procedures, particularly in the Attika Aliens' Police Directorate
- Ensure that access to free, independent and competent legal assistance through the legal aid system is made available at all stages of the asylum process

³³ There were no card phones at the Amygdaleza immigration detention centre for adults while at the New and Old Elliniko, card phones were outside the detention area. In Komotini, card phones were installed just few days before the organization's visit. However, following a riot in November 2012 and until February 2013, phones to the centre reportedly did not work and as a result detainees had no access to a phone since their mobiles were confiscated.

³⁴ Working Group on Arbitrary Detention statement upon the conclusion of its mission to Greece (21 - 31 January 2013), available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12962&LangID=E>.

³⁵ Amnesty International has been informed by the Greek authorities that during 2011 and 2012, some countries participating to the Dublin system, have returned several asylum-seekers to Greece under the Dublin Regulation.

- End the detention of asylum-seekers for immigration purposes in law and practice, in line with international human rights standards which require that such detention is only used in the most exceptional circumstances
- Prohibit the detention of unaccompanied migrant and asylum-seeking children in law and end it in practice
- Repeal legislation that allows the detention of irregular migrants and asylum-seekers on grounds such as suspicion of carrying an infectious disease due to the country of origin or poor living conditions
- Ensure detention is always for the shortest possible time
- Ensure asylum-seekers are granted effective access to remedies against administrative detention, including through free legal aid and adequate interpretation where necessary
- Improve detention conditions in various immigration facilities and close unsuitable detention facilities such as New and Old Elliniko in Athens
- Ensure that those held under First Reception Procedures are granted an effective remedy against their detention
- Increase the number of reception centres for asylum-seekers and unaccompanied minors to cover actual needs