

Cecilia Malmström  
Commissioner for Home Affairs  
European Commission

Brussels, 27 July 2010  
Our Ref: B985

Dear Commissioner Malmström,

**Amnesty International Report: 'Greece: Irregular migrants and asylum-seekers routinely detained in substandard conditions'**

Amnesty International would like to draw your attention to its new report: *Greece: Irregular migrants and asylum-seekers routinely detained in substandard conditions*. The report shows that currently immigration related detention in Greece is used without regard to its necessity or proportionality, and not as a measure of last resort. Asylum-seekers and irregular migrants, including unaccompanied children, are routinely detained at the country's points of entry and within three days are issued with an administrative deportation order. Usually, the deportation order is accompanied by an order for the continuation of detention. No alternatives to detention are examined.

The report further highlights a number of deficiencies identified during visits by delegates from Amnesty International, which include prolonged detention in facilities designed only for short stays, poor detention conditions, and lack of access to assistance, including legal, social and medical support for detainees. The findings are corroborated by the recent judgment of the European Court of Human Rights concerning the Greek government's detention practice, which again were found to be in violation of Article 3 ECHR (prohibiting inhuman or degrading treatment) on account of the poor conditions in which asylum-seekers and irregular migrants are held, and the lack of access to appropriate medical assistance.<sup>1</sup>

Concerns on the failure of the Greek authorities to respect international standards in the detention of irregular migrants and asylum-seekers, including unaccompanied children, have been raised by Amnesty International for several years.<sup>2</sup> The adoption of the Returns Directive in December 2008 placed a special responsibility upon the Commission to ensure that Member States' laws and practices also comply with agreed EU standards concerning the detention of irregular migrants. These standards reiterate the exceptional nature of detention for the purpose of removal of a third country national, in that detention can only be used as a last resort after it has been shown that less coercive measures have failed, and that it should be for as short a period as possible and only maintained as long as removal arrangements are in progress and executed with due diligence. These are important safeguards against arbitrary detention and in

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<sup>1</sup> *A.A. v Greece* (application no. 12186/08)

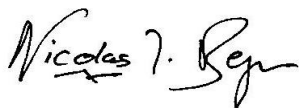
<sup>2</sup> See Amnesty International, *Greece: Out of the spotlight – The rights of migrants and minorities are still a grey area*, October 2005 (AI Index: EUR 25/016/2005).

order to ensure that detention is proportionate. EU standards, while minimal, also address the conditions of detention and establish an obligation upon Member States to allow contact with legal representatives, family members and diplomatic representations and that particular attention is paid to the situation of vulnerable people. Given the absence of basic legal safeguards against arbitrary detention and the substandard conditions which currently prevail, we regret that the Greek government has used the possibility offered by the Returns Directive to extend the regular maximum period of administrative detention to six months, with the possibility of a further extension up to 12 months. Amnesty International is extremely concerned that prolonged detention will compound the risk of human rights violations of those who are administratively detained.

The current Greek government has acknowledged problems in immigration detention facilities and announced that it was taking forward a number of proposals to address these issues. However, Amnesty International believes that these represent longstanding and deep rooted failures which require Greece to undertake a comprehensive overhaul of the legislative framework, policies and practices regarding the detention of irregular migrants and asylum-seekers, including in particular the treatment of unaccompanied children. We therefore call on the Commission to closely monitor the situation and ensure that in addressing these issues, the Greek government significantly advances respect of the human rights of migrants and asylum-seekers in the country.

We thank you for your attention and look forward to your response. We remain at your disposal to discuss the report in greater detail.

Yours faithfully,



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