

**REPORT OF THE GREEK COUNCIL FOR REFUGEES
TO THE UN HUMAN RIGHTS COMMITTEE ON DETENTION ISSUES (ICCPR art. 7, 9 and 10)
IN VIEW OF ITS 113th SESSION**

The Greek Council for Refugees (GCR) is a Greek Non-Governmental Organization, which has been active since 1989, providing legal assistance and social support to persons in need of international protection in Greece. GCR has a Consultative Status in the Economic and Social Council (ECOSOC) of the UN and is an operative partner of the UN High Commissioner for Refugees (UNHCR).

The present submission concerns particularly the issues arising in relation to the current practice of third-country nationals' detention in view of removal and asylum seekers' detention in Greece, which notably raises concerns as regard the respect of the rights enriched by articles 7, 9 and 10 of the ICCPR.

1. Systematic, indiscriminate and prolonged detention.

Detention is systematically imposed without an individual assessment of each case¹. Alternatives to detention are not implemented². Detention is systematically applied to third-country nationals,

¹ UNHCR - Office in Greece, *Current Issues of Refugee Protection*, 19 June 2014, http://www.unhcr.gr/fileadmin/Greece/Extras/WRD_2014/2014_PROTECTION_POSITIONS_EN.pdf, p. 1: "The practice of generalized administrative detention combined with the duration and conditions of detention raise serious concerns from a human rights as well as a refugee protection point of view while the adopted policies and practices need to be revisited";

Greek Ombudsman, *Finding after the monitoring visit of the Ombudsman at the Aliens Department of Attica in 8.10.2013*, doc. no. 172041/49072/2013, 19 November 2013 (in Greek) p. 9: "The Ombudsman notices that the continuing detention of asylum seekers, which is described in law as an exceptional procedure based on specific reasoning, has become the general rule";

According to the Greek Authorities detention is not imposed in an indiscriminate manner, as the number of persons who are finally detained is much smaller than the total number of persons against whom a deportation/return order is issued. However, it should be mentioned that the number of persons detained are in fact the number reflecting more

including vulnerable groups (e.g. unaccompanied minors, victims of torture, persons with disabilities), non-removable third country nationals (e.g. Syrian, Somali, Eritrean nationals etc.), or asylum seekers who apply for asylum while in detention. Detention is applied for a prolonged and “excessive duration”³. Persons detained in view of removal are subjected to indefinite detention.

2. Detention of non-removable third-country nationals.

According to the Greek law (L. 3907/2011, art. 30 par. 4), in case no reasonable prospect of removal exists, detention should be ended immediately. However, it has been repeatedly reported⁴ that the Greek authorities systematically impose administrative detention based on return/deportation decisions to third-country nationals whose removal is not feasible because their countries of origin are not considered safe, i.e. *prima facie* persons in need of international

or less the general capacity of detention places and cannot contradict the allegation that administrative detention is applied with a generalized manner, see Ministry of Public order and Protection of Citizens, Office of Parliamentary Control, *Duration of detention at the pre-removal detention centers*, 9.8.2014 (in Greek), <http://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/8499557.pdf> and Ministry of Public order and Protection of Citizens, Office of Parliamentary Control, *Statistic data concerning detention places at the territory. Relevant data*, 28.9.2013 (in Greek),

<http://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/8204315.pdf>

² UN Human Rights Council, *Report of the Special Rapporteur on the human rights of migrants, Addendum: Mission to Greece*, 18.4.2013, A/HRC/23/46/Add.4,

<http://www.refworld.org/docid/51b983ab4.html> § 62: “As noted earlier, despite the fact that Law 3907/2011 provides for the detention of migrants only when less coercive measures cannot be implemented, in practice, no such measures exist and irregular migrants are systematically detained”;

Council of Europe Parliamentary Assembly, *Migration and asylum: mounting tensions in the Eastern Mediterranean*, Report, Committee on Migration, Refugees and Displaced Persons, 23 January 2013,

<http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=19349&Language=EN>, § 34: “[Detention] is a matter of first resort rather than last resort. Alternatives to detention are currently not used”; recently the Greek authorities supported that “alternatives to detention have been applied, such as regular reporting before the authorities when released on a court order”. Nevertheless, according to the Law 3907/2011 (art. 22 para. 3) implementing the EU Return Directive, alternatives to detention must be examined and applied before detention is imposed. In practice, the individual assessment that should be conducted by the administrative authorities in view of applying alternative measures before deciding the detention does not take place at all and as a result no such alternative measures are imposed, see EMN, *Use of detention and alternatives to detention GR 2014*, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/12a_greece_emn_national_report_detention_alternatives_en.pdf, p. 23;

³ UN Human Rights Council, *Report of the Working Group on Arbitrary Detention, Addendum : Mission to Greece*, 30 June 2014, A/HRC/27/48/Add.2, <http://www.refworld.org/docid/53eb2c3e4.html>, § 68

⁴ UNHCR - Office in Greece, *idem*, p. 4 and 8; Council of Europe: Committee for the Prevention of Torture, *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013*, 16 October 2014, CPT/Inf (2014) 26, <http://www.refworld.org/docid/543f7ba54.html>, § 60

protection⁵ -including nationals of Syria and Somalia – by invoking reasons of public order. Despite the fact that reasons of public order cannot in any case justify detention in view of removal when removal is not feasible⁶, it must be stressed that the reasoning that such decisions ordering detention contain does not *per se* support and justify the alleged threat to public order.

3. Conditions of detention.

Detention conditions remain substandard, despite the commitment of the Greek authorities⁷ to end immigration detention for prolonged periods at police stations, which are unsuitable for detention lasting longer than 24 hours, and the establishment of new detention centers for third-country nationals, the so-called “Pre-removal Detention Centers”. A series of reports published during the past two years⁸ shows that even in the latter conditions do not meet the minimum

⁵ According to the Greek authorities, at present, Syria, Eritrea, Somalia, Palestine, Myanmar and Mauritania are considered as countries which are not safe, see DH-DD (2013) 1225F, 13 Novembre 2013, 1186 réunion (3-5 décembre 2013), (DH) - *Communication de la Grèce relative à l'affaire M.S.S. contre Belgique et Grèce (Requête n° 30696/09) - Informations mises à disposition en vertu de la Règle 8.2. a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables*,

[https://wcd.coe.int/ViewDoc.jsp?Ref=DH-DD\(2013\)1225&Language=lanFrench&Site=CM](https://wcd.coe.int/ViewDoc.jsp?Ref=DH-DD(2013)1225&Language=lanFrench&Site=CM), p. 6 § 25

⁶ see ECJ, Case C-357/09 PPU *Said Shamilovich Kadzoev (Huchbarov)*, §70 and ECtHR, *Chahal v. United Kingdom*, application n. 22414/93, 15.11.1996, §§112-113; ECtHR [GC], *A. and others v. the United Kingdom*, application n. 3455/05, 19.02.2009.

⁷ Council of Europe: Committee for the Prevention of Torture, *Public statement concerning Greece*, 15 March 2011, CPT/Inf (2011) 10, <http://www.refworld.org/docid/4ee21a2a2.html>, § 6

⁸ Amnesty International, *Submission to Council of Europe Committee of Ministers: M.S.S. v Belgium and Greece*, Application No 30696/09, 15.2.2013, <http://www.refworld.org/docid/513095672.html>;

Greek Ombudsman, *Monitoring visits in Amygdaleza, Korinthos and Attica Directorate of Aliens (Petrou Ralli): Problems and Suggestions*, doc. n. 156952/2131/2013, 29.5.2013 (in Greek), <http://www.synigoros.gr/resources/diapistwseis-stp-29-05-2013--2.pdf>;

UNHCR - Office in Greece, *Observation on administrative detention of the Head of Office, 28.8.2013*,

[http://www.unhcr.gr/fileadmin/Greece/Extras/other/Detention Observations by Head of Office EN 2013.pdf](http://www.unhcr.gr/fileadmin/Greece/Extras/other/Detention%20Observations%20by%20Head%20of%20Office%20EN%202013.pdf);

Médecins Sans Frontières, *Invisible Suffering*, 1.4.2014,

http://www.msf.org/sites/msf.org/files/invisible_suffering.pdf;

UN Human Rights Council, *Report of the Working Group on Arbitrary Detention, Addendum: Mission to Greece*, 30.6.2014, A/HRC/27/48/Add.2, <http://www.refworld.org/docid/53eb2c3e4.html>;

Greek Ombudsman, *Report after the monitoring visit at Amygdaleza Detention Center*, August 2014, (in Greek), http://www.synigoros.gr/resources/ekthesi_aftopsias_amigdaleza_2-18-2014.pdf;

Council of Europe: Committee for the Prevention of Torture, *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013, 16 October 2014*, CPT/Inf (2014) 26,

<http://www.refworld.org/docid/543f7ba54.html>; Campaign for access to asylum, *Conditions of administrative detention and access to asylum procedure*, 23 October 2014 (in Greek), http://asylum-campaign.blogspot.gr/2014/10/blog-post_23.html.

standards. Major concerns regard overcrowded (not meeting even the 3m² per person, a standard set by the European Court for Human Rights (hereinafter ECtHR)⁹), dirty or inappropriate facilities, limited yarding or inappropriate yarding place, limited or insufficient healthcare services, lack of clothing, bad quality and insufficient quantity of food, lack of hygiene products, highly problematic communication with the “outside world”, no leisure activities or any other kind of recreation. In May 2013 the Greek Ombudsman published a report after a monitoring visit to three detention centers, among which Amygdaleza Pre-removal Detention Center in Attica region, the biggest detention center in Greece, and Korinthos Pre-removal Detention Center. According to this report *“as far as detention conditions are concerned, the conclusion [...] is that the police is unable to ensure conditions which respect the fundamental rights of detainees, as detention facilities for aliens have been turned into sui generis prisons, given the large and escalating number of detainees held for many months¹⁰”*. The findings of the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter CPT) on their visit of April 2013¹¹ and a latest report of the Greek Ombudsman after a new visit in Amygdaleza Pre-removal Detention Center (August 2014)¹², are in line with the above-mentioned statement and prove that unacceptable conditions of detention constitute a permanent problem that needs to be faced.

4. Prolonged detention and the policy of indefinite detention.

Following several legislative changes, administrative detention of irregular migrants and asylum seekers can be imposed for a maximum period of 18 months. Detention reaches as a rule this maximum time limit, unless it is interrupted by a Court decision ordering the release of the person

⁹ ECtHR, *Bygylashvili v. Greece*, application n. 58164/10, 25.9.2012, § 58

¹⁰ Greek Ombudsman, *Monitoring visits in Amygdaleza, Korinthos and Attica Directorate of Aliens (Petrou Ralli): Problems and Suggestions*, 156952/2131/2013, 29.5.2013, (in Greek), <http://www.synigoros.gr/resources/diapistwseis-stp-29-05-2013--2.pdf>, p. 2

¹¹ Council of Europe: Committee for the Prevention of Torture, *Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013, 16 October 2014*, CPT/Inf (2014) 26, <http://www.refworld.org/docid/543f7ba54.html>

¹² Greek Ombudsman, *Report after the monitoring visit at Amygdaleza Detention Center*, August 2014, (in Greek), http://www.synigoros.gr/resources/ekthesi_aftopsias_amigdaleza_2-18-2014.pdf

or a decision granting international protection is issued. The automatic consecutive extension of detention up to 18 months, without any individual assessment¹³, renders the lawfulness of detention highly disputable, especially as regards the proportionality principle, the obligation to prioritize asylum applications from detainees and the due diligence that authorities must demonstrate during the removal procedure¹⁴.

Since February 2014, following the Advisory Opinion no. 44/2014¹⁵ of the Legal Council of the State (LCS), accepted by the relevant Ministry, the Greek authorities apply a policy of indefinite (exceeding the period of 18 months), open-ended detention in view of removal, in clear violation of national¹⁶, EU¹⁷ and international law¹⁸. In practice, when a detainee reaches the 18 month detention period, he/she is not released but remains in detention, with a new decision issued on the last day of the 18month period, imposing to the person “an obligation to stay in the detention center” for an indefinite period¹⁹. According to the Greek Authorities this is not a “detention measure” as such, but just a “restrictive measure”, despite the fact that the person remains detained in a detention centre after the 18month period has been exceeded. It should be noted that this measure is also applied systematically and indiscriminately to all detainees in view of removal who reach the time limit of 18 months. The measure has been repeatedly been judged unlawful by the competent Administrative Courts in numerous cases²⁰. To our knowledge, and only as per the Athens Administrative Court case-law, there have been more than 100 judgments of this Court, ruling that the aforementioned measure is deprived of any legal base. The EU Commissioner

¹³ Greek Ombudsman, *Monitoring visits in Amygdaleza, Korinthos and Attica Directorate of Aliens (Petrou Ralli): Problems and Suggestions*, 156952/2131/2013, 29.5.2013, p. 7

¹⁴ ECtHR, *AUAD v. BULGARIA*, application no. 46390/10, 11.10.2011, § 131

¹⁵ see <http://www.nsk.gov.gr/webnsk/gnwmodothsh.jsp?gnid=1868995> (in Greek)

¹⁶ L. 3907/2011, art. 30 par. 5 and 6

¹⁷ Directive 2008/115/EC (Return Directive), art15 par. 5 and 6, see ECJ, Case C-357/09 PPU *Said Shamilovich Kadzoev (Huchbarov)*

¹⁸ See *inter alia* art. 5.1 ECHR, ECtHR, *Ismoilov and others v. Russia*, application n. 2947/06, 24.04.2008 and *Mathloom v. Greece*, application n. 48883/07, 24.04.2012; UN General Assembly, *Report of the Working Group on Arbitrary Detention*, 18 January 2010, A/HRC/13/30, <http://www.refworld.org/docid/502e0fa62.html>, § 61

¹⁹ This would be “up to the time that the person will consent or collaborate with the Authorities for the issuing of travel documents, in order to carry out removal procedures”, according to the wording of such decisions.

²⁰ Greek Council for Refugees, “Indefinite administrative detention is unlawful, rules the Administrative Court of First Instance”, 25.5.2014, <http://www.gcr.gr/index.php/en/news/press-releases-announcements/item/357-deltio-typou-28-5-2014>

for Migration, Home Affairs and Citizenship has stated as well that the relevant measure has no legal base on EU law²¹. However, the practice has not been revised.

5. Access to asylum and asylum procedure while in detention.

The operation of the new Asylum Service, since 2013, the first civil service dealing with asylum applications in Greece, is undeniably a major progress that should be welcomed. However, access to asylum for detainees is subject to serious delays and the total duration of the procedure may be proven lengthy, as the Asylum Service does not have the capacity to register all applications for international protection submitted by detainees in pre-removal and other detention centers for third country nationals within a reasonable time frame. For example, the Asylum Service Unit operating in Amygdaleza Detention Center (in Attica) may take more than five months to register an asylum application after the person has expressed the relevant will. As the Greek Ombudsman recently mentioned, the Asylum Service Unit in this detention center has registered less than half of the applications of detainees who had already expressed their will to submit an asylum claim²². During this period, i.e. from the time that the detainee express his/her will to submit an asylum application to the time that the application is finally registered, the person in question remains in detention based on a removal order and does not enjoy any procedural guarantees regarding forcible return. At the same time, this delay in registering the asylum applications prolongs the period that a detainee seeking international protection, may remain in detention. Moreover, despite the fact that as a matter of principle, *bona fide* asylum seekers should not be detained²³, this is not the case for persons applying for asylum while in detention. According to the practice in place, third-country nationals applying for international protection while being in detention, remain in detention for a period that may be extended till the end of the Asylum procedure. The Greek law entitles the Asylum Service to issue an opinion concerning the prolongation (or not) of

²¹ European Parliament, The Committee on Civil Liberties, Justice and Home Affairs, Hearing of D. Avramopoulos, Commissioner-Designate (Migrations and Home Affairs), 30.9.2014, <http://www.elections2014.eu/resources/library/media/20141022RES75834/20141022RES75834.pdf>, p. 25

²² Greek Ombudsman, *Report after the monitoring visit at Amygdaleza Detention Center*, August 2014, (in Greek), http://www.synigoros.gr/resources/ekthesi_aftopsias_amigdaleza_2-18-2014.pdf

²³ UN High Commissioner for Refugees (UNHCR), *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012;

the detention of a third-country national applying for asylum while being in detention. However, the Asylum Service up to now does not seem to have used this legislative tool in an effective way in order to guarantee that *bona fide* asylum seekers are not detained for prolonged periods²⁴. There are cases of persons who remained in detention for several months before being granted with international protection²⁵. Last but not least, it should be mentioned that the law itself provides stricter deadlines as regards the asylum procedure, notwithstanding the fact that it is extremely difficult for an asylum seeker in detention to find and/or communicate with a lawyer²⁶.

6. Detention of unaccompanied minors (UAM).

Greek legislation does not prohibit the detention of UAM. Greek authorities should revise this legislation, in order to guarantee that *“unaccompanied minors should never be detained”*, in line with Recommendation 1900 (2010) of the Parliamentary Assembly of the Council of Europe²⁷. According to the Greek legislation, detention of UAM is permitted until a place in a special shelter for minors is found²⁸. This procedure may last for months, taking into consideration the capacity of the shelters in place. In December 2014, the Committee of Ministers of the Council of Europe *“strongly invited the authorities to pursue their efforts, so that all unaccompanied minors are*

²⁴ Campaign for the access to asylum, *Conditions of administrative detention and access to asylum procedure*, 23 October 2014 (in Greek), http://asylum-campaign.blogspot.gr/2014/10/blog-post_23.html

²⁵ See for example a GCR case of an Afghan citizen who applied for asylum while already being in detention for 9 months, remained in detention as an asylum seeker for more 8 months (i.e. detained for 17 months), before being recognized as a refugee and released.

²⁶ For example, while a 30 day deadline is provided in order for an asylum seeker to appeal against a decision rejecting the asylum claim at first instance (or a 15 day deadline when the accelerated procedure is followed - art. 25 par. 1 and 2, PD 113/2013), on the contrary, a detainee asylum seeker only has a 10 day deadline in order to lodge an appeal (art. 25 par. 3, PD 113/2013). Moreover in case the appellant is free, he/she may submit supplementary data in view of appeals' examination at least 15 days before the examination date of the appeal. In case the appellant remains detained, he/she disposes only 5 days following the lodging of the appeal, in order to submit supplementary data (art. 26, par. 3, PD 113/2013); see also UN Working Group on Arbitrary Detention, *Working Group on Arbitrary Detention statement upon the conclusion of its mission to Greece (21 - 31 January 2013)*, 31.1.2013, <http://www.ohchr.org/en/newsevents/pages/displaynews.aspx?newsid=12962&langid=e>:

“The Working Group notes that this situation also affects the proper preparation for the trial, given that a defendant who has a lawyer cannot communicate with him or her in private”.

²⁷ Council of Europe: Parliamentary Assembly, Recommendation 1900 (2010): The detention of asylum seekers and irregular migrants in Europe, 28 January 2010, REC 1900 (2010), <http://www.refworld.org/docid/4b6bee412.html>, § 9.1.9.

²⁸ L. 3907/2011, art. 32; PD 113/2013, art. 12.

*immediately referred to special accommodation centers*²⁹". According to Law 3907/2011, while in detention, UAM should be detained in a special detention place for minors. However, the existing special detention center for UAM, situated in Amygdaleza (Attica)³⁰ does not meet the basic standards and CPT recently requested that this facility is "*no longer used for the detention of unaccompanied minors*"³¹". Moreover, due to the capacity of the aforementioned special detention center, UAM are currently detained in separate wings of pre-removal detention centers (for adults), in conditions not differing from those adults are subjected to, which are *a fortiori* unsuitable for children. In August 2014, the Greek Ombudsman, after relevant complaints received regarding the detention of UAM in detention facilities for adults, made a monitoring visit to the Amygdaleza Pre-removal Detention Center where UAM were detained. According to the report published after this visit, amongst others:

- Detainees who were obviously unaccompanied minors were registered by the Hellenic Police (i.e. the authority in charge of arrest and detention) as adults.
- Detaining UAM with adults is unacceptable in view of the State obligations arising for the Convention on the Rights of the Child.
- There was a lack of any standard age assessment procedure.
- It was not clear if first reception services are provided to all persons arrested entering the country irregularly.
- Detention conditions did not correspond to the standards they should³².

Successively, in October 2014, the Greek Ombudsman has published a special Report concerning the age assessment procedure for unaccompanied minors³³. This Report was a call to the Greek

²⁹ Council of Europe, Committee of Ministers, Decision adopted in 1214th meeting – 4 December 2014 concerning the execution of the case *M.S.S. v. Belgium and Greece*, <https://wcd.coe.int/ViewDoc.jsp?id=2267285&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>

³⁰ *N.B.* The Amygdaleza Pre-removal Detention Centre for adults should not be confused with the Amygdaleza Special Holding Facility for UAM. We refer to two different facilities.

³¹ Council of Europe: Committee for the Prevention of Torture [2013], § 78-81

³² Greek Ombudsman, *Report after the monitoring visit at Amygdaleza Detention Center*, August 2014, (in Greek), http://www.synigoros.gr/resources/ekthesi_aftopsias_amigdaleza_2-18-2014.pdf, p. 3

³³ Greek Ombudsman, *The issue of age assessment for unaccompanied minors*, 6.10.2014 (in Greek), http://www.synigoros.gr/resources/porisma_diapistosi-anilikotitas-asynodefton-anilikon.pdf

authorities to create a legal framework regulating the age assessment procedure³⁴. Up today no such initiative has been taken. In December 2014, the Ministry of Public Order announced that a special group of doctors has been established in order to facilitate age assessment procedure for minors³⁵. However, this is not a legally binding framework. In any case, it remains to be confirmed that the composition of the group announced and the methods followed comply with the relevant age assessment international standards³⁶ and respect the best interest of the child. It also remains to be confirmed that the availability of the relevant staff corresponds to existing needs.

7. Non effective judicial review of detention.

According to the Greek law a third-country national can challenge his/her detention before an Administrative Court. It was only after a legislative amendment in 2011 that Courts were entitled to control the lawfulness of detention. However and despite the relevant amendment in practice, the control of the lawfulness of detention is highly restricted. Three judgments of the ECtHR, where the Court found a violation of ECHR due to the ineffective control of detention conditions and of the lawfulness of detention by the Greek Courts³⁷, prove that the relevant legislative amendment cannot guarantee by itself an effective judicial review³⁸.

Moreover, since the transposition of the EU Return Directive at the Greek legal order in 2011, an *ex officio* judicial control of the extension of detention in view of removal is provided³⁹. This procedure does not seem to guarantee either an effective judicial control of detention. As the UN

³⁴ The only relevant legislation dealing with the age assessment of UAM concerns the procedure applied in case first reception services are provided (Ministerial Decision 92490/4.10.2013, Government Gazette Issue B', 2745/29.10.2013). As mentioned above first reception services are not provided to all persons entering the country. This procedure is not applied to UAM in detention facilities.

³⁵ Ministry of Public Order and Protection of Citizens, Hellenic Police Directorate, *Age Assessment*, doc n. 1604/14/2116634, 10.12.2014 (in Greek)

³⁶ UN High Commissioner for Refugees, *Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum*, February 1997, <http://www.refworld.org/docid/3ae6b3360.html>

³⁷ ECtHR, *Husein v. Greece*, application n. 71825/11, 24.10.2013 (violation of art. 5.4 ECHR); ECtHR, *A.F. v. Greece*, application n. 53709/11, 13.06.2013 (violation of art.3 in combination with art.13 of the ECHR); ECtHR, *MD v. Greece*, application n. 60622/11, 13.11.2014 (violation of art. 5.4 ECHR)

³⁸ Asylum Information Database, *National Country Report Greece*, 31 July 2014, p. 86, <http://www.asylumineurope.org/reports/country/greece>

³⁹ Art. 30 L.3907/2011

Special Rapporteur on the human rights of migrants stated “*it regulates the extension of detention only and not the detention per se [...] the review is undertaken automatically, with no reference to the specificities of each case, and the fact that expulsion of a migrant has not yet been possible constitutes reason enough for the judge to extend the detention*”.⁴⁰

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GCR does not underestimate the efforts made by the Greek authorities in order to bring national legislation and practice in line with the international obligations of the country as regards human rights protection. Nevertheless, considering the issues briefly outlined above concerning the detention of third-country nationals subjected to a removal procedure and the detention of asylum seekers, it is to our view absolutely imperative for the Greek State to revise the relevant policies currently in place.

Athens, 22.12.2014

Greek Council for Refugees

⁴⁰ UN Human Rights Council, *Report of the Special Rapporteur on the human rights of migrants, Addendum : Mission to Greece*, 18 April 2013, A/HRC/23/46/Add.4, <http://www.refworld.org/docid/51b983ab4.html>, §57