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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Arbitrary detention: the case of Greece

Greece has had to face a massive increase in illegal immigration and asylum claims in recent years. The majority of the tens of thousands of migrants arriving in Greece come from war-torn countries. The Greek government responded by detaining refugees on a regular basis. After arriving in Greece, migrants end up in overcrowded detention centres without access to lawyers, interpreters and social workers, thus not being able to dispute their detention before a judicial authority. They also have to deal with limited access to medical assistance and hygiene products. They are not informed about the length of their detention. Often they get released after three months with the order to leave the country within one month, though few leave the country and instead continue to live in Greece illegally. There are too few reception centres adults and minors. Unaccompanied children are detained as well, sometimes for long periods and in precarious conditions.

Most illegal migrants are placed in overcrowded warehouses that lack cooking facilities and adequate sanitation. There are reports about cases in which two detainees had to share one dirty mattress or sleep on the floor without blankets. The places are often infested with mice and cockroaches. The detainees often lack warm clothes and medical care. They receive an insufficient two meals per day. If somebody is not quiet at night, he faces violent punishment by guards.

In the border police stations of Soufli and Tychoero, the Non-Governmental Organization Médecins Sans Frontières treated more than 850 migrants reported more than 850 migrants stricken by from respiratory infections, gastrointestinal problems, and skin infections due to the poor living conditions.

In February 2010 some 130 detainees in a detention centre in Venna protested against their treatment. On the island of Samos some migrants and asylum-seekers went on hunger strike on the island of Samos in April 2010, protesting against the length and the poor conditions in the detention centres.

Dublin II Grand Chamber judgment – The case of an Afghan national

On January 21, 2011, the Grand Chamber of the European Court of Human Rights found violations of human rights by Greece in case of an Afghan national who had left Kabul early in 2008 and entered the European Union (EU) through Greece. On 10 February 2009, he arrived in Belgium, where he applied for asylum. By virtue of the “Dublin II” Regulation the Belgian authorities submitted a request for the Greek authorities to take charge of the asylum application. They stated that Belgium was not the country responsible for examining the asylum application because the Greek authorities were the one responsible for the application. The Afghan national objected, stating that he ran the risk of being detained in Greece in horrible conditions, claiming that the Greek asylum was deeply flawed. He feared being deported to Afghanistan without having his case heard. The Afghan national was nevertheless transferred to Greece on June 15th, 2009. In Athens the man was detained in an overcrowded building. After he was released three days later, he tried to get by on the streets, not having any support.

The High Chamber of the European Court of Human Rights came to the conclusion that Belgium’s decision of sending back the Afghan national back to Greece an asylum seeker who entered the EU from Greece was illegal because Greece did not comply with minimum standards on the treatment of asylum seekers. The Court stated that Article 3 (prohibition of inhuman or degrading treatment or punishment) of the European Convention on Human Rights was breached by exposing the Afghan to insufficient detention conditions. In its press release the Court stated: “It found that, taken together, the feeling of arbitrariness,

inferiority and anxiety he must have experienced, as well as the profound effect such detention conditions indubitably had on a person's dignity, constituted degrading treatment. In addition, as an asylum seeker he was particularly vulnerable, because of his migration and the traumatic experiences he was likely to have endured.”

Society for Threatened Peoples calls on the Human Rights Council to urge the Government of Greece to:

- to immediately improve living and hygiene conditions in the border stations and detention centers for migrants and asylum seekers,
 - to send detainees to detention facilities where there is more space,
 - find alternatives to detentions, especially for children.
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