



## **Human Rights Watch Submission to the United Nations Committee against Torture on Greece**

### **Introduction**

This memorandum, submitted to the United Nations Committee Against Torture (“the Committee”) ahead of its upcoming review of Greece, highlights areas of concern Human Rights Watch hopes will inform the Committee’s consideration of the Greek government’s (“the government”) compliance with the International Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment (“the Convention”). It contains information on Greece’s treatment of migrants and persons with disabilities that are inconsistent with the Convention, and proposes issues that Committee members may wish to raise with the Greek government.

Human Rights Watch has closely monitored the human rights situation in Greece and, in particular, the treatment of migrants over the past three years. As part of this work, we have documented violations against refugees, asylum seekers and migrants in detention centers and have produced reports and other documents describing our research findings. For fuller analyses, please see Human Rights Watch reports [\*The EU’s Dirty Hands: Frontex Involvement in Ill-Treatment of Migrant Detainees in Greece\*](#); [\*No Refuge: Migrants in Greece\*](#); [\*Left to Survive: Systematic Failure to Protect Unaccompanied Migrant Children in Greece\*](#); and [\*Stuck in a Revolving Door: Iraqis and Other Asylum Seekers and Migrants at the Greece/Turkey Entrance to the European Union\*](#).

Human Rights Watch has also monitored the treatment of persons with disabilities at the Children’s Care Center (“the center”) of Lechaina over the past year (<http://www.hrw.org/news/2011/06/27/greece-olympic-host-failing-disabilities>) although we have not conducted independent research in the center itself.

We strongly believe that sustained monitoring and pressure on the Greek government by the UN and other rights bodies are crucial to ensure that the rights of vulnerable groups, such as persons with disabilities and migrants, are fully respected.

## **Treatment of persons with disabilities**

### ***Inhuman and degrading living conditions (Convention Article 16)***

Through reports from governmental bodies such as the Greek Deputy Ombudsman for the Rights of the Child and the Inspection Body for Health Services and Welfare, the media, and volunteers for the Youth in Action Program, Human Rights Watch has been monitoring the treatment of persons with disabilities at the Children's Care Center ("the center") situated in Lechaina (Ilias Prefecture) over the past year and has raised concerns with the Ministry of Health and the Ombudsman through phone calls and a letter sent in [June 2011](#).<sup>1</sup>

According to reports by the Greek Deputy Ombudsman for the Rights of the Child, Mr. Giorgos Moschos; the Inspection Body for Health Services and Welfare; and volunteers for the Youth in Action Program, the residents in this children's care center, which also hosts adults, are living in dire conditions that Human Rights Watch believes violate their human rights and breach Greece's obligations under international law, including the Convention Against Torture.

At the time of the first visit to the center by the Ombudsman's team, in September 2009, it housed 79 residents with disabilities including cerebral palsy, Down's Syndrome, developmental delays, autism and mobility problems. Residents ranged in age from 6 to 38 years. Fifteen residents were under the age of 18.

In March 2011, the Deputy Ombudsman published an extensive report, the result of ongoing investigations and several visits to the center, on the living and care conditions of the residents hosted there.<sup>2</sup> The Deputy Ombudsman's report noted an insufficient number of doctors and nurses; systematic sedation; and practices such as tying children and adults with developmental disabilities to their beds to reduce self-harm and the use of wooden cage beds. In addition, the Deputy Ombudsman observed that persons with different chronic diseases and disabilities in the Center did not receive regular monitoring of their health status as needed.

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<sup>1</sup> European Disability Forum – Human Rights Watch, *Open Letter to Mr. Loverdos, Greek Minister of Health, regarding the living and care conditions at the Children's Care Center of Lechaina*, 14 June 2011.

<sup>2</sup> Greek Ombudsman - Cycle for Children's Rights, *Operating Conditions of the Unit for Social Care for children with disabilities "Children's Care Center of Lechaina"*, March 2011.

In his report, the Deputy Ombudsman described the situation in the Lechaina center:

The children were alone in their beds, gazing at the white ceiling of the room for several hours a day. According to an informal briefing of staff, sedative medications are administered. Very young children were lying on cots that were surrounded with blankets for protection from self-harm and some, though very young, were tied to their beds with cloth to prevent self-harm. Children with mental disabilities, though able to walk unaided, were living in locked wooden cage beds (approximately 2 meters high) for many hours each day (more on weekends), with the excuse that their use is warranted so as not to risk injuring themselves while moving in the space, given the low level of supervision. Some were calling for attention, physical contact and showed a willingness to leave their beds, while others remained indifferent or were moving in repetitive ways. There were no toys or personal items close to them...because of the potential for self-harm, justified by the lack of continuous supervision due to the lack of staff.<sup>3</sup>

According to the Deputy Ombudsman's Report, the Inspection Body for Health Services and Welfare issued audit reports in 2007 and 2009, following visits to the center. The reports contained recommendations to the administration of the care center, to the regional health authority and to the Ministry of Health. These recommendations had not been implemented at the time of the Ombudsman's March 2011 report.

In its reports, reproduced by the Deputy Ombudsman, the Inspection Body found that the care center did not have the required qualified personnel, despite the need for continued surveillance of the patients.<sup>4</sup> The Inspection Body also found deprivation of care, psychological support and physiotherapy and concluded that the residents did not appear to be given regular medical or rehabilitation services.

Furthermore, most children in the center are deprived of their right to education. After an intervention from the Ombudsman's Office in 2010, two children with developmental disabilities resident in the center started going to the Lechaina elementary school and have successfully integrated with their classmates. However, when these children return from school, they are put into wooden cage beds as are other children in the center. The

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<sup>3</sup> Greek Ombudsman - Cycle for Children's Rights, *Operating Conditions of the Unit for Social Care for children with disabilities "Children's Care Center of Lechaina"*, March 2011. Unofficial translation by Human Rights Watch.

<sup>4</sup> According to the Inspection Body, there are 87 vacant permanent positions, which include positions for doctors, child psychiatrists, psychologists, social workers, special educators, speech therapists, physiotherapists, and occupational therapists.

center staff justify this on the grounds that staff shortages require them to protect the children from harming themselves.

A lack of available places in other institutions or in community care means that residents remain in the care center when they become adults and in most cases remain there all their lives. The housing of adults in a center meant for children violates Greek law.

***Deaths and allegations of abuse (Convention article 16 in conjunction with Article 10)***

Human Rights Watch is also deeply concerned about public reports of deaths and alleged abuse in the care center, including news reports of beatings and two deaths in the span of a few days in March 2011: a 35-year-old woman with intellectual disabilities who died of pneumonia and a 28-year-old man who died after taking his medication and feeling discomfort. Media reports assert that there was no doctor at the care center at the time of his death.<sup>5</sup>

Other reports assert that a 15-year-old boy was found dead by asphyxiation in May 2006. The findings of an administrative investigation by the Inspection Body for Health Services and Welfare in 2006 (140/17.8.06) reproduced in the media indicate that although the staff at the center were aware that the child was prone to swallow small objects, they failed to take the necessary measures to prevent his death. Ten months after this tragic incident, a 16-year-old child showed symptoms of bloating and died a few hours later. According to forensic evidence, the cause of death was mechanical obstruction of the small intestine as a result of swallowing foreign objects.

We are also concerned about allegations that staff members severely beat an adult patient for entering a courtyard of the building without permission, reported by a volunteer at the center to its administration and to the newspaper *Eleftherotypia* in December 2010.<sup>6</sup>

Human Rights Watch understands that the Health Ministry has opened an investigation on the allegations of abuse and the deaths in the center. The Prosecutor's Office has also opened an investigation, based on complaints by volunteers at the center. Human Rights Watch has no information on the status of these investigations.

We recognize that Greece has limited financial resources to remedy the problems in the center identified above. Nevertheless, the lack of financial resources does not relieve Greece of its obligation to protect vulnerable groups, including its absolute obligation to

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<sup>5</sup> Makis Nodaros, "Second Death in Lechaina", (2ος θάνατος στα Λεχαινά), *Eleftherotypia*, March 8, 2011.

<sup>6</sup> Makis Nodaros, "I saw them beating a child with disabilities", («Είδα να δέρνουν παιδί με ειδικές ανάγκες»), *Eleftherotypia*, December 18, 2010.

ensure that no one is subjected to inhuman and degrading treatment, and its duty to ensure that persons with disabilities are treated in a humane manner.

We have noted with interest that the Committee against Torture has raised concerns about inadequate living conditions in homes for persons with disabilities in the context of ill-treatment under article 16 of the Convention against Torture.<sup>7</sup> As noted by the former Special Rapporteur on Torture, “Poor conditions in institutions are often the result of the failure of the State to live up to its obligations to provide persons in their custody with adequate food, water, medical care and clothing, and may constitute torture and ill-treatment.”<sup>8</sup> Discriminatory practices that inflict severe pain or suffering on persons with disabilities may also constitute torture or other form of ill-treatment.<sup>9</sup> There is also growing agreement that there is no therapeutic justification for the prolonged use of restraints, and their use may constitute torture or ill-treatment.<sup>10</sup>

Human Rights Watch urges the Committee to use the upcoming review to:

- Request information on the steps taken by the government to improve the living and care conditions of all residents in the center, including ending the use of cage beds, systematic sedation and tying patients to their beds.
- Request information on whether such practices are found in other care institutions in Greece in which persons with disabilities are residents.
- Request information on the progress of the investigations conducted by the Ministry of Health and the Prosecutors office on the reported deaths and allegations of abuse.
- Request further information on mechanisms in place for monitoring and supervision of the care center and similar institutions.

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<sup>7</sup> See Committee against Torture, concluding observations on the fourth periodic report of the Russian Federation (CAT/C/RUS/CO/4), para. 18, the fourth periodic report of Estonia (CAT/C/EST/CO/4), para 24, and the third periodic report of Bulgaria (CAT/C/CR/32/6), paras. 5 (e) and 6 (e).

<sup>8</sup> Manfred Nowak, Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment to the UN General Assembly, A/63/175, 28 July 2008, para. 52. See Inter-American Court of Human Rights, *Ximenes Lopes v. Brasil*, judgement of 4 July 2006, paras. 132 and 150.

<sup>9</sup> Manfred Nowak, Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment to the UN General Assembly, A/63/175, 28 July 2008, para. 53.

<sup>10</sup> Manfred Nowak, Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment to the UN General Assembly, A/63/175, 28 July 2008, para. 52. See Inter-American Court of Human Rights, *Ximenes Lopes v. Brasil*, judgement of 4 July 2006, paras. 132 and 150.

- Request information on measures taken to:
  - Recruit sufficient qualified staff to fill permanent positions, including doctors and child psychiatrists; and,
  - Separate children and adults by adapting the premises and living environment according to age requirements set forth under Greek and international law.

## **Treatment of irregular migrants**

Human Rights Watch has monitored closely the treatment of irregular migrants in Greece over the past three years. We conducted research on the treatment of irregular migrants, in Greece's northern border region with Turkey in late November/early December 2010 and February 2011, and draw upon our findings gathered there in this submission.

We welcome the Greek government's repeatedly stated intention to overhaul its asylum system and to treat all migrants in a humane manner. We also welcome its efforts to bring its laws in line with international human rights and refugee rights standards, and note with appreciation that it has engaged in a wide consultation process with civil society groups prior to these reforms.

We further welcome the recent legislative change with the adoption of presidential decree 114/2010 that reinstated the appeals procedure for asylum seekers, almost all of whom have been routinely rejected in poorly conducted first-instance interviews. We also welcome law 3907/2011, adopted on January 18, 2011, that will establish first reception centers and an asylum service independent of the police.

Despite these repeated assurances and the ongoing reform process, the situation for migrants, including for unaccompanied migrant children, remains woeful and in some instances has worsened. The following sections provide an overview of the recent and ongoing human rights violations against migrants.

### ***Inhuman and Degrading Detention Conditions (Convention Article 16 in conjunction with Article 11)***

Migrants, including vulnerable groups, are held for weeks or months in detention conditions that amount to inhuman and degrading treatment, despite available alternative facilities that would offer adequate conditions. The European Court of Human Rights ruled

in the case of *MSS v. Belgium and Greece* in January 2011 that conditions of detention for migrants in Greece amount to inhuman and degrading treatment contrary to article 3 of the European Convention on Human Rights.<sup>11</sup>

During a research mission to the Greece/Turkey border at the end of 2010 we documented that up to 1,000 migrants, who had recently crossed from Turkey into Greece were held in extremely overcrowded detention conditions that failed to provide minimum hygienic standards for detainees. The number of migrants detained exceeded capacity limits in some facilities by more than three times. We visited the following places of detention: Venna detention center; Fylakio detention center; Tycherio police station detention cells; Feres police station detention cells; Soufli police station detention cells.<sup>12</sup>

Detainees in all detention facilities complained about the lack of adequate medical care and access to outdoor areas. One detainee told us that a doctor examined him through bars;<sup>13</sup> a 17-year-old boy from Eritrea said, “For five days I have been asking to see a doctor, but have not been able to see one yet;”<sup>14</sup> and in the Feres police station cell, one detainee showed us his skin rash which he said developed in detention.<sup>15</sup>

In one detention cell of the Tycherio police station, migrants had to sleep on cardboard and the concrete floor and remained without access to toilets. They showed us a corner where they urinated and one detainee showed us a bag that showed damage from mice. We further observed how guards escorted a group of migrants from the cells to a near-by field to defecate.

Generally speaking, migrants are detained without regard to their vulnerability. We saw unaccompanied children, families with babies and small children held behind bars in unacceptable conditions as well as migrants who appeared to suffer from mental disorders. In Tycherio, Feres, and Soufli single women and mothers with children were detained in the same space with unrelated adult men in overcrowded conditions, and at great risk to their own safety.

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<sup>11</sup> European Court of Human Rights, Grand Chamber, *M.S.S. vs. Belgium*, no. 30696/09, 21 January 2011, available at [www.echr.coe.int](http://www.echr.coe.int), paras. 221-402.

<sup>12</sup> According to police officials, the Fylakio detention center held 450 detainees the day of our visit, and has a capacity for roughly 350 persons. The Venna detention center held 220 persons, which is equal to its maximum capacity. The Feres police station detention place held 97 persons in a place designed for 30; the Soufli police station lock-up held 125 migrants and has an official maximum capacity of 36; at the Tycherio police station lock-up 130 detainees were held in a ware-house type facility that offers capacity for 48.

<sup>13</sup> Human Rights Watch interview (I-14), Soufli police station, November 30, 2010.

<sup>14</sup> Human Rights Watch interview (I-17), Fylakio detention center, December 1, 2010.

<sup>15</sup> Human Rights Watch interview (I-3), Feres police station, November 29, 2010.

A 50-year-old woman from Georgia who had been detained for 12 days and said she came to Greece for medical treatment told us about her ordeal at Feres police station:

You cannot imagine how dirty and difficult it is for me here. It is not possible to shower; it is really difficult. I don't know what will happen.... All the men smoke inside. There are also younger women. It's not appropriate to be with these men. I don't sleep at night. I just sit on a mattress.<sup>16</sup>

In Fylakio, Soufli, and Feres unaccompanied migrant children were commingled with unrelated adults in the same overcrowded detention space. Two 16-year-old unaccompanied boys from Iran and Iraq who had spent 50 days in detention at the time we interviewed them described conditions inside Feres police station as follows:

I am sleeping inside the toilet and I sit on a box. During the day I sleep. The food is bad. I bought the soap [myself]. It costs one Euro. I have no toothpaste, and no clothes to change.<sup>17</sup>

For seven days I have been sleeping in the toilet because there is no space. Every night. The rest of the time I sit outside.<sup>18</sup>

A 14-year-old Afghan boy who had been detained for 43 days at the time we interviewed him described conditions in the Fylakio detention center:

We don't have any clothes. The toilet is broken. The sewage comes out. There's a very bad smell. If a person comes here, 100 percent he will get sick. There are no adults in our cell. The youngest boy is 12 years old... we're children but we're treated badly.<sup>19</sup>

Another 16-year-old Afghan boy who had spent two and half weeks detained in the Fylakio detention center at the time of the interview told us:

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<sup>16</sup> Human Rights Watch interview (S-2), Feres police station, November 29, 2010.

<sup>17</sup> Human Rights Watch interview (S-3), Feres police station, November 29, 2010.

<sup>18</sup> Human Rights Watch interview (S-5), Feres police station, November 29, 2010.

<sup>19</sup> Human Rights Watch interview (S-18), Fylakio, December 1, 2010.



The bed here is dirty, really dirty. On two beds four of us are sleeping... In 18 days they took us out only once.<sup>20</sup>

A 14-year-old unaccompanied boy from Eritrea, who had been held for 26 days in Fylakio detention center when we met him, described similar conditions:

For three days in the beginning I was sleeping on the floor. Now I'm sharing a bed with another other five persons... we use the bed in shifts. Some use the bed during the day and others at night. We are 83 persons in a room with 30 beds.<sup>21</sup>

A 17-year-old Eritrean boy, who had been held in Feres police station detention cells, said that the “drinking” water was dirty, that they were not taken to a doctor after requesting one, and that they did not have access to telephones:

There is not enough water. Sometimes we spend hours without water, and then they give us dirty water to drink. For five days I was asking to see a doctor, but was not able to see one yet. Recently we had a strike here, because they did not provide us with access to phones or doctors. Yesterday there were problems again, and again we went on strike. They took everyone outside and did a search on us.<sup>22</sup>

An adult migrant from Georgia characterized conditions inside Fylakio detention center as follows:

They are aggressive in Fylakio.... The police don't look at us as humans but as animals. They don't care. They just throw the food inside [the cell] and they don't care if people kill one another over the food. Those who are stronger eat. The others don't.<sup>23</sup>

An Iraqi man who had been detained for 48 days when we spoke with him described the situation for detainees at Tychemo police station as follows:

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<sup>20</sup> Human Rights Watch interview (S-19), Fylakio detention center, December 1, 2010.

<sup>21</sup> Human Rights Watch interview (I-18), Fylakio detention center, December 1, 2010.

<sup>22</sup> Human Rights Watch interview (I-3), Feres police station, November 29, 2010.

<sup>23</sup> Human Rights Watch interview (S-22), Venna detention center, December 2, 2010.

I am originally from a land at war, but I never saw suffering like I see here. Unless you faint they will never let you see a doctor.... There is no electricity and no water. We drink from the urinal.<sup>24</sup>

In the Fylakio detention facility, the largest detention facility for migrants in Greece's northeast region (the facility has a capacity for 350 persons but held 450 detainees on the day of our visit), the floor was flooded with sewage from broken toilets. The atmosphere in the center was tense following a riot the previous day; according to police riots happen frequently and have led to damage to the center's infrastructure.

These detention centers were clearly overcrowded to the extent that the well-being and safety of detainees were immediately at risk. Yet the Greek government did not consider alternatives to detention, nor did it transfer detainees to other facilities. At the time of our visit to these facilities in Greece's northeast, the detention facilities on Samos and Chios Islands remained functioning but empty. The Samos detention facility for migrants, a newly built center which offers space for roughly two hundred persons, stood empty. Given the crisis situation we encountered in detention centers in the northeast, we urged the Greek government to immediately transfer detainees to the Aegean Islands and to consider alternatives to migrants' detention. In early February, a Ministry official told us that no decision had been made on our proposal.

Human Rights Watch visited two detention facilities for migrants at Athens' old airport Ellinikon in April 2010, which held 133 migrants the day of our visit. Migrants kept in the older of the two facilities were mostly deprived of natural light and detainees said they had only once been let into an adjacent courtyard for 15 minutes for the past two months, and were not given any access to the outside yard during the entire winter. Cells in the newer of the two facilities were overcrowded and dirty, and in at least one cell, detainees had to share beds. Both facilities lacked medical personnel, and detainees furthermore complained that they had not been given items for personal hygiene such as toothbrush, soap, shampoo, and washing powder.

We immediately alerted the Greek government that conditions at these two facilities may amount to inhuman and degrading treatment, and called for migrants' release or transfer to appropriate facilities. The Ministry informed us in August 2010 that light bulbs are changed when necessary, the facilities cleaned twice a day, that detainees have access to the outside area once a day, and that a request for medical services has been made to the

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<sup>24</sup> Human Rights Watch interview (I-13), Tycherio police station, November 30, 2010.

Ministry of Health.<sup>25</sup> We have serious concerns that these measures did not sufficiently address the shortcomings we identified.

The Greek government states in its submissions (paragraphs 27 – 29) that only illegal migrants, where repatriation is possible, are transferred to detention centers, while vulnerable groups and groups of illegal migrants, whose return is not possible are released. It further claims that migrants subject to deportation are held only for 15-20 days.

Our findings from the December visit to police station detention cells in northern Greece contradict those assertions. Migrants are being held for months in police station cells, in inhuman and degrading conditions, for the sole reason that they crossed irregularly into Greece. Among them are numerous unaccompanied children who have spent as much as 50 days in squalid conditions, despite their vulnerable situation and asylum seekers who were discouraged by Greek detention guards from lodging asylum claims. A guard – in our presence, using our interpreter – told a detainee wanting to apply for asylum that he would spend another six months in detention if he applied for asylum.<sup>26</sup>

Alternatives to detention for unaccompanied children and other vulnerable groups are limited by lack of accommodation space and resources. The Feres police station director explained that unaccompanied children are detained until a place in a reception center becomes available, which as a rule takes at least one week. When we asked him what the maximum length of time children would be held for, he explained that an unaccompanied boy had been held for an extended period because he was ill with hepatitis, and the reception center refused to accept him as it lacked adequate services to care for him.<sup>27</sup>

We found that unaccompanied children were often detained for longer periods than adults because of the lack of suitable alternatives. For example, while adult Afghans are released after a few days as they cannot be deported to Turkey under the Greece-Turkey readmission agreement, Human Rights Watch spoke with unaccompanied Afghan children among the 120 children held in the Fylakio detention center at the time of our December 2010 visit who said they had been there for 40 days and longer. Children are detained because they can only be released once they are assigned a place in a care center. And because the Greek government has failed to create more open places in care centers, children remain detained for prolonged periods.

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<sup>25</sup> Letter from Michalis Chryssochoidis, Minister of Citizen Protection, to Human Rights Watch, August 3, 2010. The letter is on file with Human Rights Watch.

<sup>26</sup> Human Rights Watch visit to Soufli police station, November 30, 2010.

<sup>27</sup> Human Rights Watch interview with Spiridon Daskaris, director, Feres police station, November 29, 2010.

***Ill-Treatment and Lack of Accountability (Convention Article 16 in conjunction with Article 12)***

We gathered credible testimonies from migrants who told us they had been ill-treated at the hands of Greek law enforcement officers. Those who reported ill-treatment included unaccompanied children.

A 16-year-old unaccompanied boy was caught after a foiled escape attempt in late October 2010, and described the stress position and ill-treatment he suffered at the hands of Greek police officers at Soufli border police station:

Once I tried to run away. They caught me after five minutes. They beat me after that. They beat me a lot on my neck, legs, and head. They kicked me.... For four hours they tied up my hands. They tied my hands to the bars; for four hours. And they threw water on me. It was in Soufli. Then they took me to the place where the other detainees were. I was beaten for 30 minutes or one hour.... I was not taken to the doctor.... For two weeks I could not sleep I was in such pain.<sup>28</sup>

Another 16-year-old unaccompanied Afghan boy described the ill-treatment he experienced in 2010 in Fylakio detention center:

One night they took me out and beat me. I don't know why. They took us into the room where the telephones are. In the small room and they beat us. First they were two, then two others joined. It happened at night. We were four or five [detainees] who made noise. We were shouting because all people became crazy and we were in bad conditions. They took us out because of that.... They hit me with a stick. Three or four police officers hit me on my upper leg two or three times. They didn't punch me but slapped me with their hands... for two to three hours they locked us into the telephone room. Then they poured alcohol [on the floor] and lit it. It was under the door. It was a lot [of alcohol]. The door was locked. We were scared and we tried to put out the fire but couldn't - then it went out by itself.<sup>29</sup>

Others told us that guards beat or kicked detainees for random reasons, including because they asked for water, or were late for the headcount.<sup>30</sup> These testimonies are consistent with findings during previous research mission by Human Rights Watch. They are also in

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<sup>28</sup> Human Rights Watch interview (S-3), Feres police station, November 29, 2010.

<sup>29</sup> Human Rights Watch interview (S-19), Fylakio detention center, December 1, 2010.

<sup>30</sup> Human Rights Watch interviews (I-7, I-9, I-12), Tichero police station, November 30, 2010.

line with findings published by the Council of Europe's Committee for the Prevention of Torture (CPT).<sup>31</sup>

Although the Greek government has pledged to hold perpetrators of violence accountable, in practice we have seen little evidence of meaningful steps towards this goal. We have instead found a continuing climate of impunity and widespread reluctance by victims to file complaints due to an absence of a safe complaints mechanism, insufficient numbers of interpreters, and a lack of trust in authorities.

The case of Mohammed Zadar, 17-year-old unaccompanied Iraqi who was hospitalized on October 22, 2009 and alleged that police severely beat him in the Lesvos detention center showcases the absence of accountability for perpetrators of violence against migrants.<sup>32</sup>

The Greek government informed us that an internal disciplinary investigation was launched into the incident, but concluded that there was no evidence to support the allegation of abuse.<sup>33</sup> We have not been informed of the outcome of the criminal investigation but were told by the Prosecutor General that the same Lesvos police body whose member was the alleged perpetrator carried out the investigation.<sup>34</sup>

We are concerned that the Greek government, despite its repeated assurances, still has not set up an independent complaints mechanism that would allow victims of police abuse, including migrants, to submit a complaint prompting an immediate and impartial investigation. Although the establishment of an office responsible for addressing misconduct within the Ministry of Citizen Protection is a positive measure we are concerned that its mandate is limited to ruling on the admissibility of complaints. Cases will then be transferred to the relevant disciplinary bodies of the security forces for further investigation. We are furthermore concerned that the Greek government in its submission to the Committee considers the complaints of ill-treatment received from migrants between 2005-2009 as isolated cases, despite repeated and consistent reports of ill-treatment gathered by Human Rights Watch and others, notably the CPT.

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<sup>31</sup> The Committee's reports on Greece can be found here: <http://www.cpt.coe.int/en/states/grc.htm>

<sup>32</sup> The incident has also been reported by the BBC news service, <http://news.bbc.co.uk/2/hi/europe/8328746.stm>.

<sup>33</sup> Letter from Michalis Chryssochoidis, Minister of Citizen Protection, to Human Rights Watch, August 3 2010. The letter is on file with Human Rights Watch.

<sup>34</sup> Human Rights Watch meeting with Ioannis Tentes, Prosecutor General, April 13, 2010. Mr. Tentes informed us that his office had issued an instruction to ensure investigations into allegations of ill-treatment by police are carried by an independent body, and not by the concerned police unit.

The fact that Greece faces an economic crisis, an unfair and inadequate EU system (Dublin II Regulation) for allocating responsibilities for examining asylum claims, and a significant burden due to the continued influx of migrants and asylum seekers does not relieve Greece of its obligation to protect vulnerable groups and to ensure that migrants in the country are treated in a humane way.

Our findings show that Greece's efforts remain insufficient across the board. The government continues to keep migrants in appalling and inhuman conditions despite available alternative places that offer acceptable conditions. And it is not meeting minimum requirements for protecting unaccompanied children, who by any standards, should be among the first to benefit from protection and care.

We urge the Committee to take these findings into account when discussing Greece's report. In particular, we recommend that the Committee request the Greek government to provide information that demonstrates how its legal reforms and assurances for improving detention conditions and for providing accommodations to asylum seekers and members of vulnerable populations will contribute to concrete improvements in the treatment of migrants generally, as well as asylum seekers, unaccompanied migrant children, and other vulnerable groups.

In particular, we urge the Committee to:

- Request specific information on the number of disciplinary and/or criminal investigations into law enforcement officials for allegations of ill-treatment of migrants in 2010 and 2011, and the number of cases in which sanctions have been imposed as well as the nature of these sanctions.
- Urge the Greek government to create an independent and confidential complaints mechanism in conformity with international standards, to allow victims of police abuse, including migrants, to report cases of ill-treatment.
- Request information on the number of available care places for unaccompanied migrant children in the country, the number of unaccompanied migrant children present in Greece, and the number and timeframe for establishment of planned places for unaccompanied migrant children.
- Urge the Greek government to amend its legislation to prohibit the detention of migrant children for the sole reason that they have crossed irregularly into Greece.

- Urge the Greek government to adopt immediately a policy of not detaining migrant children, until such as time as legislative reform is enacted.
- Urge the Greek government to limit the detention of migrants by considering alternatives, creating open reception centers for asylum seekers and members of vulnerable groups, such as children, and to refrain from detaining asylum seekers and members of particularly vulnerable groups, such as disabled migrants and victims of trafficking.
- Urge the Greek government to immediately improve detention conditions, and immediately reduce overcrowding by using alternatives facilities and alternatives to detention as much as possible.