

COUNTRY FACTSHEET — GREECE

Access to Justice for Pre-Trial Detainees

Greece's prison population has been rising, and pre-trial detainees are held on remand for exceptionally long periods compared to the rest of Europe. The DIGNITY research combined desk research (Nov. 2024 – Jan. 2025) with field research conducted by CECL in May 2025, including focus groups with defence lawyers, NGOs, the Ombudsperson, and formerly detained persons.

Key Facts & Figures

- ▶ Prison population: 12,351 people (September 2025), a rate of 118.7 per 100,000 inhabitants — in the Council of Europe's "high" category (CoE average: 121.7; median: 104.8).
- ▶ A 9% rise in the prison population between mid-May and mid-December 2024, which authorities partly attribute to Law 5090/2024, which introduced stricter Penal Code provisions.
- ▶ Overcrowding: an average 114% occupancy rate, affecting 23 of 35 prison facilities — reaching 247% in Tripolis and 189% in Kos.
- ▶ Pre-trial detention accounts for 27.6% of the prison population (close to the European average of 29.4%), but the average length of remand custody — 28.3 months — is more than 25% above the European median, placing Greece in the "very high" category.
- ▶ 54.1% of the prison population are foreign nationals (2024) — more than double the European average — and 64% of pre-trial detainees specifically are third-country nationals.

Barriers to Access to Justice

- No explicit provision ensures that legal aid covers detention-related complaints (disciplinary appeals, complaints about conditions), leaving a legal vacuum for enforcing rights in custody.
- Many detainees are unaware of their right to legal aid; there is no standardised application form, and requests must be forwarded informally through the prison director.
- Strict eligibility rules exclude many detainees in practice: an annual income threshold of around €6,000 for a single person, a requirement to have already received a court summons, and a 48-hour application deadline at the pre-trial stage that is unrealistic given prison conditions.
- Lawyers' fees are reimbursed only after trial, with delays of two to three years, and annual compensation is capped at €15,000 — discouraging lawyers from taking on lengthy prison cases. Pro bono legal work is generally prohibited.
- Legal representation is not mandatory in complaints about detention conditions, so detainees — including those with psychosocial disabilities and the many foreign nationals without access to interpreters — largely navigate these procedures alone.

Legal Safeguards & Procedural Rights

- Complaints may be brought before the Prison Council, the Supervising Prosecutor, or the Court for the Execution of Sentences, depending on their subject matter.

- Article 6A of the Penitentiary Code (introduced by Law 4985/2022) created a dedicated complaint mechanism for alleged Article 3 ECHR violations, giving detainees access to the Court for the Execution of Sentences with enforceable decisions required within 30 days.
- The Ombudsman, acting as National Preventive Mechanism, can visit facilities and gather detainees' testimonies, though it cannot decide individual complaints.
- The European Court of Human Rights has repeatedly found Greece in violation of Article 3 ECHR over detention conditions (e.g. Peers v. Greece, 2001; Nisiotis v. Greece, 2011; Martzaklis and Others v. Greece, 2015), driving the 2022 legislative reform.

RECOMMENDATION / GOOD PRACTICE FROM THE REPORT

Proposition on establishing a "Prison Advocate" in each detention facility to inform detainees of their rights, giving legal-aid beneficiaries the right to choose their own lawyer (with the state covering costs), and having local bar associations monitor service quality and provide training and incentives for lawyers to take on this work.

COUNTRY FACTSHEET — PORTUGAL

Access to Justice for Pre-Trial Detainees

The Bar Association itself acknowledged the lack of legal advice in prisons as a major structural gap. The DIGNITY research, carried out by Forum Penal – Associação de Advogados Penalistas, combined desk analysis with interviews conducted between 2024 and 2025, concluding that legal assistance for people deprived of liberty remains insufficient both in regulation and in practice.

Key Facts & Figures

- ▶ Prison population: 12,207 people (31 December 2024), a rate of 114.6 per 100,000 inhabitants — in the "high" category — with prison density at 99 inmates per 100 places.
- ▶ As of 31 December 2023, 25 of Portugal's 49 prisons were operating at 100% occupancy or above.
- ▶ As of 31 December 2024, pre-trial detention accounted for 22.4% of the prison population (2,739 of 12,207 people) — below the European average of 29.4% — but the average length of remand custody, 11.9 months, is more than 25% above the European median.
- ▶ Foreign nationals are disproportionately held pre-trial detention: as of 31 December 2022, 50.7% of foreign women and 37% of foreign men held in custody were on remand, compared with 19.6% of Portuguese women and 16.4% of Portuguese men.
- ▶ 80% of applications lodged against Portugal currently pending before the European Court of Human Rights concern detention conditions.

Barriers to Access to Justice

- In a public statement of 22 June 2024, the Portuguese Bar Association itself said that "one of the most obvious gaps in the Portuguese prison system is the lack of legal advice," meaning many inmates do not access the legal mechanisms available to them.
- Legal aid, once granted for criminal proceedings, automatically ends once the judgment becomes final. Prisoners who want representation during the execution of their sentence must reapply through a Social Security application process that many are unaware of or cannot navigate.
- Access to legal advice is constrained both by the inherent restrictions of imprisonment (limited movement and communication) and by the structural vulnerabilities of the prison population — economic hardship, low literacy, addiction, undocumented status, or displacement from home regions.
- Information reaching prisoners is largely limited to practical routines (visiting hours, timetables) rather than substantive legal rights, and is mostly available only in Portuguese.

Legal Safeguards & Procedural Rights

- Complaint and remedy mechanisms include internal administrative complaints, external administrative/monitoring bodies, judicial remedies, and compensatory remedies.

- Legal representation is always permitted before the courts for the execution of sentences and becomes mandatory when questions of law arise, including judicial review of prison-administration decisions, and for prisoners under forensic internment measures.
- In *Petrescu v. Portugal* (2019), the European Court of Human Rights found that overcrowding and poor material conditions were structural, with no domestic preventive or compensatory remedy available — a turning point in Strasbourg’s scrutiny of Portugal.
- The Bar Association, Forum Penal – Associação de Advogados Penalista and the Directorate-General for Reintegration and Prison Services have discussed setting up legal counselling offices in prisons where lawyers could provide free information and advice, back in time, following a 2016 CPT visit, but there have been no tangible developments since then.

RECOMMENDATION / GOOD PRACTICE FROM THE REPORT

The Portuguese Government and the Portuguese Bar Association have already expressed their willingness to promote the establishment of a specific legal advice system for prisoners, although the project did not go ahead. It would be important to revive the project.

See also: the accompanying Portugal infographic in [DIGNITY_Country_Infographics.pptx](#).

COUNTRY FACTSHEET — UKRAINE

Access to Justice for Pre-Trial Detainees

Ukraine's justice and penitentiary systems are undergoing reform while operating under martial law. The DIGNITY research, carried out by ZMINA, combined desk research (Nov. 2024 – Jan. 2025) with fieldwork (Jan. – March 2025), including 19 semi-structured interviews with lawyers, facility administrations, civil society, and one formerly detained person.

Key Facts & Figures

- ▶ Prison population: 37,119 people (1 January 2025), an incarceration rate of 98 per 100,000 inhabitants — below the European median.
- ▶ The report cites two figures for pre-trial detention on the same date: Council of Europe (SPACE I) statistics record 9,521 people (25.64%), below the European average of 29.4%; the Ukrainian Ministry of Justice's Statistical Bulletin separately records 15,505 people in pre-trial-type facilities. Both figures are reproduced here as reported, reflecting differing institutional definitions.
- ▶ The prison population has fallen by about 83% since 2000 and 49% since 2015, driven by a 2012 procedural reform and, more recently, by the slowdown of police/court activity and the voluntary recruitment of prisoners into the armed forces since the full-scale invasion.
- ▶ Prison density is unusually low at 53.9 inmates per 100 places (European average: 87.3), and foreign nationals make up just 1.9% of the prison population, compared with a European average of 25%.
- ▶ Between 2017 and 2019 alone, special prison forces were deployed 2,765 times, a practice the UN Committee Against Torture had already urged Ukraine to restrict in 2007.

Barriers to Access to Justice

- Although national law formally exempts correspondence with courts, the prosecutor, the Ombudsman, defence counsel, and international bodies from censorship, monitoring reports found this largely theoretical: in twelve institutions, no sealed appeals reached the Ombudsman, the prosecutor's office, or human rights organisations over the entire monitoring period, and in a further nineteen, fewer than five appeals were recorded.
- Detainees who complain risk retaliation. In *Sergey Volosyuk v. Ukraine*, the European Court of Human Rights found that punishing a detainee for sending a complaint to the Prosecutor General outside formal censorship channels was retaliatory and unlawful.
- A Soviet-era criminal offence for "persistent disobedience to the lawful demands of prison authorities" is vague enough that it allows administrations to convert minor disciplinary infractions into criminal charges — repeatedly condemned by the CPT and the UN Working Group on Arbitrary Detention.
- Since the full-scale invasion, human rights organisations have faced a sharp rise in workload (documenting war crimes, supporting deported prisoners) while resources for penitentiary-

related work have fallen. The 2025 U.S. suspension of USAID funding (roughly 82% of active contracts cancelled by 10 March 2025) further threatened support for detainees.

Legal Safeguards & Procedural Rights

- Pre-trial detention is an exceptional preventive measure under the Criminal Procedure Code, applied only when less restrictive measures cannot address specific, defined risks (absconding, destruction of evidence, obstruction of justice, and similar).
- Recently adopted legislation created a Detention Conditions Commission empowered to review complaints about detention conditions from detainees, convicts, relatives, or lawyers, with Commission decisions appealable in court.
- Meetings with defence counsel are unlimited in number and duration and must take place under conditions ensuring confidentiality.
- In *Sukachov v. Ukraine* (2020), the European Court of Human Rights delivered a pilot judgment requiring Ukraine to reduce overcrowding, improve material detention conditions, and introduce effective preventive and compensatory remedies. The Constitutional Court separately struck down, in July 2024, a wartime provision allowing automatic extension of detention without a hearing.

RECOMMENDATION / GOOD PRACTICE FROM THE REPORT

The report highlights the new Detention Conditions Commission as a significant recent reform, and stresses the need to ensure genuinely confidential correspondence with courts and oversight bodies, to prevent retaliation against complainants, and to sustain funding for the civil-society organisations that monitor detention and support detainees despite the pressures of war.