

PART II

NATIONAL FRAMEWORKS AND PRACTICES OF THE ENFORCEMENT OF PRE-TRIAL DETAINEES' RIGHTS

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**BRIDGING
VIEWS FOR
A RIGHTS-BASED
APPROACH
TO PRE-TRIAL
DETENTION**



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Chapter 4

Access to Justice for Pre-Trial Detainees in GREECE: Law and Practices



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1 **INTRODUCTION**

ROADMAP OF NATIONAL CHAPTER

This national chapter examines the legal framework and practice concerning the rights of pre-trial detainees in Greece, with a particular focus on their access to justice to challenge conditions of detention and to enforce their rights while in custody. The analysis centres on how the law is applied in practice in prisons, and on the real impact of support mechanisms available to detainees. While the focus is on pre-trial detention, reference is occasionally made to the situation of convicted prisoners to highlight the contrast and further illuminate the position of remand detainees. The study is limited to penal institutions, with particular emphasis on remand prisons.

The chapter builds on both desk-based and field research to assess how the guarantees contained in Greek and European law translate into practice, and to what extent detainees are able to exercise the rights formally granted to them. It seeks to identify the systemic and practical obstacles that prevent pre-trial detainees from seeking remedies and to highlight the structural shortcomings that undermine effective access to justice.

The analysis begins by outlining the methodology used in the research before turning to the detention regime and the legal framework regulating pre-trial detention. It then reviews the bodies competent to receive complaints and assesses the effectiveness of available remedies, followed by an examination of the barriers detainees face when acting as litigants without legal representation. Subsequent sections address access to legal information, including the particular barriers posed by language and digital exclusion, and the scope and limitations of legal aid. The role of lawyers and bar associations is considered, with attention to practical challenges in providing legal assistance in places of detention. The chapter also explores the contribution of NGOs, legal clinics, and national monitoring bodies in supporting detainees and monitoring conditions.

METHODOLOGY

The research in Greece was carried out by the Centre for European Constitutional Law – Themistocles and Dimitris Tsatsos Foundation (CECL) through a combination of desk research and field research. The desk research was undertaken between November 2024 and January 2025, providing a detailed overview of the applicable legal framework, relevant jurisprudence, and existing secondary sources on detention and access to justice. The field research was subsequently conducted in May 2025, with the aim of complementing the desk-based findings and grounding them in the practical realities of detention.

For the field research, the CECL reached out to a wide range of stakeholders with first-hand knowledge of detention-related issues. These included lawyers with experience in providing legal support to detainees, representatives of state authorities and independent bodies, including the National Preventive Mechanism, and NGOs specialising in prison-related matters and the reintegration of convicted or formerly detained persons. To ensure broad participation and accommodate logistical constraints, all research activities were conducted online via the ZOOM platform.

Three main activities formed the basis of the field research. First, on 2 May 2025, a focus group discussion was held with four lawyers specialising in criminal and penitentiary law. This was followed, on 5 May 2025, by a second focus group involving six participants: two representatives from organisations supporting detainees and former detainees (EPANODOS and ONISIMOS), one representative of the Greek Ombudsman (NPM), one representative of the National Commission for Human Rights, and two former detainees. Finally, an in-depth interview was conducted over two sessions on 13 and 14 May 2025 with a criminologist and field practitioner representing EPANODOS. In addition, feedback on the themes of the project was provided in a focus group discussion conducted in the framework of the EU-funded project LGBTIQ detainees (JUST-2023-JCOO 101138243), implemented by CECL under the coordination of the Ludwig Boltzmann institute of fundamental and human rights (AT). The FG brought together state and CSO stakeholders, including the Ministry for Citizen Protection – General Secretariat for Anti-crime Policy (overseeing Greek prisons), the NPM, the Greek NHRI, the Athens Bar Association, criminal law lawyers, and representatives of CSOs working within prisons.

Taken together, these activities provided a multi-perspective insight into the operation of the detention system in Greece. The views of practitioners and officials were complemented by the testimonies of former detainees, allowing the research to capture both institutional perspectives and lived experience. Overall, the findings of the desk research were largely validated by the fieldwork, which also enriched the analysis with practical examples of systemic shortcomings, barriers to rights enforcement, and the challenges faced by detainees in seeking access to justice.

2 **OVERVIEW OF DETENTION REGIME FOR PRE-TRIAL DETAINEES**

LEGAL FRAMEWORK SHAPING RIGHTS OF PRE-TRIAL DETAINEES

Pre-trial detention in Greece is legally defined as a measure of last resort. It may be imposed only after an individual assessment finds a strong probability of guilt for a felony, or exceptionally for mass manslaughter, and the court issues a reasoned decision that restrictive measures or house arrest are insufficient to secure the accused's presence. Persons under house arrest with electronic monitoring are also considered pre-trial detainees. Detention may additionally be ordered to prevent further crimes in cases such as serial offences, organised crime, or crimes with multiple victims, or if previously imposed restrictions are violated. A detention order requires a judicial warrant, which may be revoked if the grounds cease to exist. Time spent in custody before execution of the warrant is counted, and disagreements between judge and prosecutor are settled by the judicial council, which also hears appeals.

Remanded prisoners are held in separate facilities or designated sections within penitentiary establishments (e.g., women's, men's, or special prisons for sexual offences) and, at least in principle, are not meant to have contact with convicted prisoners. They may be transferred to another facility for procedural reasons, but must remain in a facility or section of the same category. Where this is not possible, they may be held in a specially designated area of the local detention facility or police station. Contact with other categories of detainees

is formally prohibited. Transferred remand prisoners retain the same rights and restrictions as in their original facility, including the right to communication and visits, even when special security measures are required during transfer.

Rights Framework

The rights of pre-trial detainees in Greece are regulated through a range of legal instruments spanning both the criminal and penitentiary frameworks. Chief among these are the Penitentiary Code, the Code of Criminal Procedure, the Statute for the Operation of Detention Facilities,¹ and relevant ministerial decrees. In addition, several laws transpose the EU Roadmap Directives on the procedural rights of suspects and accused persons—most notably Law 3226/2004 on legal aid for low-income citizens (as amended by Law 4689/2020 transposing Directive 2016/1919 on legal aid) and Law 4236/2014 transposing Directives 2010/64 and 2012/13 on the rights to interpretation, translation, and information. These provisions have also been incorporated into the Code of Criminal Procedure and, where appropriate, the Penitentiary Code and other prison-related regulations.

The legal framework stipulates that the living conditions of remanded prisoners should, as far as possible, approximate those of free life, with restrictions permitted only where strictly necessary for the investigation or the secure functioning of the facility. It sets out that these restrictions may not prevent detainees from exercising their legal and constitutional rights.

Within this framework, detainees are guaranteed a broad range of protections.² They are entitled to dignity, non-discrimination, medical care equivalent to that available to the general population, and accommodation of specific needs such as disability or health conditions. They have the right to legal protection and assistance, to communicate with public authorities and international bodies, to maintain family and consular contact, and to receive visits and correspondence, subject only to security limitations. Pre-trial detainees may also apply for leave, transfers, and participation in education or work programmes, and are protected by procedural safeguards in disciplinary proceedings, including the right to appeal. Additional

1 Ministerial Decision 58819/7.4.2003, OGG Issue B 463/2003.

2 Ministerial Decree 58819/7.4.2003 O.G.G. Issue B 463 2003, Art. 31-32.

provisions ensure access to information on rights, personal hygiene, recreation, and cultural and religious activities, while also allowing detainees to maintain personal accounts and possessions.

On paper, the legal framework recognises an extensive catalogue of rights for pre-trial detainees, largely mirroring those afforded to convicted prisoners, and places an emphasis on minimising the restrictive impact of detention. However, our research, alongside publicly available information including reports by the CPT,³ paints an entirely different picture. In practice, the enjoyment of rights by detainees is severely undermined by structural and systemic obstacles. Limited funding prevents most facilities from offering recreational or other meaningful activities, while chronic understaffing makes it impossible to provide even basic services. A lack of awareness and interest in prison issues, including among the judiciary, often results in unfavourable decision-making and the routine rejection of applications related to the exercise of detainees' rights. Security considerations are consistently prioritised over rights, to the extent that the principle that only personal liberty is restricted in detention is rendered void. Overcrowding further aggravates conditions, undermining the separation of categories of detainees and the right to adequate accommodation.

Security and Disciplinary Regime

In addition to the systemic obstacles described above, their rights are further constrained by the security and disciplinary regime. Prison management retains the authority to restrict prisoners' rights for reasons of security and discipline. Each facility has a Disciplinary Board, chaired by the supervising prosecutor and including the prison director and senior social worker, which is empowered to impose sanctions under the Penitentiary Code. Disciplinary offences are divided into three categories of severity: Category A (e.g. violence, escape with force, drug offences, bribery, mobile phone possession), Category B (e.g. unauthorised possession of money, threats, organising prohibited games, self-harm to avoid obligations, insults or false complaints), and Category C (e.g. minor hygiene breaches, possession of lower-level prohibited items, encouraging others to offend).

3 See, for example, 2022 CPT report on the ad hoc visit to Greece on 8-11 November 2022, accessible at [LINK](#), as well as previous reports available on the same link.

Sanctions vary according to the category but may include solitary confinement of one to ten days, transfer to another facility, loss of access to work or vocational training, and the imposition of penalty points. More than one penalty may be applied concurrently for the same offence. Penalty points are recorded in a detainee's personal file and weigh heavily on their future rights, influencing decisions on conditional release, leave permits, and beneficial sentence calculation. This has particular importance for pre-trial detainees, who may request extraordinary leave (such as for a family funeral) or, if later convicted, benefit from favourable sentence calculations. However, once a prisoner accrues more than 100 points, these rights can only be exercised following a specifically reasoned decision by the Disciplinary Board, significantly raising the threshold for accessing such benefits.

STATISTICS

According to the most recent statistics (1 January 2025), 2,925 prisoners were held on remand in Greek prisons, out of a total prison population of 11,484; by May 2025, this number had risen to 12,103. While disaggregated data on pre-trial detainees is unavailable, the overall prison population includes 609 women, more than half (5,973) foreign nationals, 80 minors, and 1,382 young adults (aged 18–25). However, there is no statistical information on other social characteristics of detainees, limiting a fuller understanding of the prison population. Greece's prison system is currently facing severe overcrowding, with numbers expected to increase further due to recent legislative changes that allow for the easier incarceration of minors and extend the use of pre-trial detention in cases of domestic violence, signalling a potential new "explosion" in the prison population.

During the field research, it was highlighted that one of the key drivers behind the high number of pre-trial detainees in Greece is the significant delay in criminal proceedings. Against the backdrop of growing penal populism, and the legislature's tendency to respond to media-driven public opinion by adopting harsher penal policies, the resort to pre-trial detention is steadily increasing. Another major factor is the disproportionate use of pre-trial detention against foreign nationals. At present, 64% of all pre-trial detainees are third-country nationals. Pre-trial detention is often imposed on

non-nationals under the pretext of them being a “flight risk,” due to their inability to establish permanent residence. Research participants noted that in many such cases, had the accused been a Greek national, detention would not have been imposed.

3 **BODIES COMPETENT TO RECEIVE COMPLAINTS AND EFFECTIVENESS OF REMEDIES**

In Greece, pre-trial detainees have access to a range of complaint mechanisms through both judicial and quasi-judicial bodies. A number of different authorities have competence to resolve complaints submitted by pre-trial detainees, depending on the grounds of their applications. Complaints may be filed in relation to individual as well as general detention conditions, and for restrictions or violations of detainees’ rights. The Prison Council, the supervising prosecutor, and the Court for the Execution of Sentences are the principal bodies competent to receive and adjudicate complaints, depending on their subject matter. These mechanisms cover issues such as detention conditions, disciplinary sanctions, transfers, and leave of absence. In addition, the Ombudsman, acting as the National Preventive Mechanism, may gather detainees’ testimonies during visits, though it does not have competence to handle formal complaints.

OVERVIEW

The Prison Council

The Prison Council is chaired by the prison director and includes as members the most senior social worker and the most senior expert professional in the facility (such as a lawyer, psychologist, agronomist, sociologist, or teacher). The supervising prosecutor and the concerned detainee may be invited to participate in its sessions, while the chief warden may also attend without voting rights, including during complaint proceedings.

Matters within its jurisdiction:

- a complaints against unlawful acts or orders at first instance; and
- b security measures imposed in disciplinary proceedings, such as handcuffing, solitary confinement, or other measures deemed necessary to maintain or restore order in the facility.

The Supervising Prosecutor

The supervising prosecutor acts as the competent member of the judiciary under the Penitentiary Code and the Statute on the Operation of Penitentiary Facilities. In this capacity, they oversee the legality of detention and exercise a range of supervisory, adjudicatory, and disciplinary functions.

Matters within its jurisdiction:

- a cooperating with the prison director and unit heads, and making recommendations on the serving of sentences;
- b exercising adjudicatory and disciplinary powers to ensure compliance with laws and regulations, including on individual detention conditions and enforcement of security measures;
- c chairing the Disciplinary Board, which hears disciplinary offences and grants educational leave (and regular leave, though not applicable to pre-trial detainees);
- d granting extraordinary leave of absence for urgent family, professional, or other unforeseen needs;
- e participating in hearings of the Prison Council, either on invitation or on their own initiative;
- f appealing decisions of the Prison Council before the Court for the Execution of Sentences at their discretion;
- g ordering medical procedures where a prisoner cannot or will not consent to treatment deemed necessary by a doctor; and
- h performing any other action provided for in special regulations and monitoring compliance with them.

The Court for the Execution of Sentences

The Court for the Execution of Sentences is a specialised division of the three-member misdemeanours court with jurisdiction in Athens, Thessaloniki, Piraeus, Patras, Larissa, and Heraklion, or the plenary of the court in smaller jurisdictions. It has authority to remedy, insofar as possible, the negative effects of unlawful acts affecting

prisoners. The Ministry of Citizen Protection, which is responsible for prison matters, must ensure that prison authorities comply immediately with the Court's decisions.

Matters within its jurisdiction include:

- a appeals against decisions of the Prison Council concerning complaints related to individual detention conditions;
- b complaints lodged by current or former detainees regarding general detention conditions, including the power to order remedial measures and award monetary compensation;
- c appeals against disciplinary sanctions and against decisions rejecting requests for leave.

COMPLAINTS CONCERNING INDIVIDUAL DETENTION CONDITIONS

Detainees have the right to file complaints in cases of unlawful acts or orders against them, provided no other remedy is available under the Penitentiary Code. Such complaints must be submitted in writing by the detainees themselves to the Prison Council, and within a “reasonable time” from the incident in question. Appeals may then be lodged before the Court for the Execution of Sentences: either within fifteen days of notification of the rejection of the complaint, or within one month of its submission if the Prison Council has failed to issue a decision.

Alongside this process, detainees also have the right to submit complaints directly to the supervising prosecutor on any matter concerning their detention conditions or the exercise of their rights, in accordance with Article 567 of the Code of Criminal Procedure (formerly Article 572). Requests can be filed in writing and detainees may meet the prosecutor during their weekly visits to the facility. The European Court of Human Rights has examined this mechanism on several occasions, but mainly in cases challenging its effectiveness in addressing general detention conditions. Following the creation of a new, specific remedy for such cases, this case law is now of more limited relevance.

These provisions contain significant gaps and limitations that undermine their effectiveness. First, key concepts remain vague and open to interpretation, such as the notion of “reasonable time”. Moreover,

the Prison Council is not bound by any deadline to issue a decision, which prolongs the period during which detainees may have to endure the unlawful act or order without effective protection. Second, the procedure does not guarantee legal assistance. This includes both representation before the Council and support in drafting the complaint itself. Many detainees lack the financial means to appoint a lawyer, may be unaware of their right to legal aid, or may not yet have had a legal aid lawyer assigned. In such cases, they must draft and submit the complaint independently, without formal support from prison staff. The situation is particularly problematic for detainees with limited education or those who cannot read or write in Greek, as translation and interpretation services are generally unavailable. In practice, fellow prisoners are often relied upon to fill this gap. This issue is especially acute in Greece, where non-nationals consistently make up around half of the prison population. Among pre-trial detainees, the proportion is even higher, since foreign nationals are more likely to be detained due to the absence of a fixed residence. As a result, the most vulnerable groups face a serious risk of being denied meaningful legal protection.

Further concerns arise from the presence of the chief warden during Prison Council proceedings. Although the warden has no voting rights, their attendance, especially where the complaint concerns actions of prison staff, creates a risk of intimidation and undermines the confidentiality of the process. Detainees may be reluctant to disclose information for fear of retaliation, which can negatively affect the outcome of their case.

These shortcomings also affect the appeal process. The Court for the Execution of Sentences does not have direct access to the facts and relies primarily on the record of the Prison Council's decision. In addition, legal representation is not mandatory at the appeal stage. The Court may either hear the detainee directly or through their lawyer. Where the detainee is to appear in person, the Court issues an order to the prison facility to transfer them, which must be carried out immediately and is exempt from the authority of the Central Committee of Transfers (see below). However, the Court may also consider the case file sufficient without further input from the detainee, particularly given the cost and time associated with transfers.

COMPLAINTS CONCERNING GENERAL DETENTION CONDITIONS

In 2022, Greece amended the Penitentiary Code to introduce, under Article 6A, a new complaint mechanism concerning general detention conditions. This reform was prompted by a series of judgments from the European Court of Human Rights to establish an effective remedy to this effect.⁴

The new provision applies to detention conditions that violate Article 3 of the European Convention on Human Rights, namely conditions that are inhuman, degrading, or amount to torture. Complaints must be submitted in writing either directly to the Court for the Execution of Sentences or, alternatively, to the prison director of the facility concerned. Where the detainee is held in a police department, the complaint may be lodged with the commander of the competent police directorate. In both of these latter cases, the authority receiving the complaint is required to forward it to the Court within seven days, accompanied by their written observations and any other relevant information. At the request of the detainee, and provided that specific reasons are set out in the complaint, the Court may order the detainee's transfer in order for them to appear in person and present their views. The Court must issue its decision within thirty days of the lodging of the complaint, and that decision is immediately enforceable.

If the complaint is upheld, the Court may order any appropriate measures to secure compliance with the required living standards. These measures may include transferring the detainee to a more suitable space within the same facility, or, where this is not possible due to the structure of the facility or lack of available accommodation, to the prison hospital, a public hospital, or another detention facility. In addition to, or instead of, such measures, the Court may also award monetary compensation for moral damage suffered, calculated at between five and thirty euros per day of violation depending on the seriousness of the breach. It may also grant a favourable calculation of detention time. Compensation is provided through a specific allocation in the state budget. Former detainees are also entitled to submit complaints relating to their detention conditions within four months of release. Decisions of the Court are

⁴ See P.S. v. Greece, no. 2500/22, 29 August 2023.

final, not subject to appeal, and must be enforced without delay. The Greek Ombudsman, in its role as National Preventive Mechanism, is notified of all decisions concerning the implementation of this remedy.

Civil society organisations expressed serious concerns about the effectiveness of the new remedy during the consultation phase of the draft amendments. They questioned its capacity to address complaints concerning general detention conditions, given the structural problems affecting Greek prisons, particularly severe overcrowding. CSOs warned that the provision appeared designed primarily to appease international pressure rather than to provide a genuinely effective mechanism, and predicted that it would be difficult to implement in practice.⁵

The first years following the adoption of the measure have largely confirmed these concerns. According to data provided by the Ombudsman during our research (November 2024), 226 complaints were submitted under this mechanism between 2022 and 2024. Of these, courts have assessed approximately half, with 115 decisions issued to date. This demonstrates significant delays, which have an immediate and negative impact on detainees. Moreover, only nine of these decisions were in favour of the detainee, resulting in measures such as transfers to different facilities or awards of monetary compensation, while the remaining complaints were rejected.

The shortcomings in implementation have been acknowledged at higher judicial levels. The Arios Pagos Prosecutor's Office (Supreme Civil and Criminal Court of Greece) has issued a Circular concerning the interpretation and application of the new remedy by the Courts for the Execution of Penalties.⁶ The Circular emphasised that the rights of prisoners are increasingly regulated by international law, particularly the ECHR, and recalled that the purpose of the new provision was to address a long-standing gap in Greek law which had led to an excessive number of applications before the ECtHR and a large body of unfavourable judgments, many of which remain unexecuted. The Prosecutor's Office also stressed prosecutors' responsibility to safeguard the right to a fair trial by ensuring that their opinions are properly reasoned and aligned with the principles established in

⁵ See [LINK](#).

⁶ Circular No 3/2023, available in Greek at [LINK](#).

ECtHR case law under Article 3. To support a consistent, rights-based application of the remedy, the Circular annexed an abridged version of the relevant ECtHR jurisprudence.

Our field research confirms these shortcomings. Participants repeatedly stressed that the complaint mechanism introduced under Article 6A of the Penitentiary Code has produced no tangible results for detainees. According to the representative of the Greek National Commission for Human Rights (GNCHR), the remedy remains systematically underused, and when complaints are reviewed, courts often fail to engage with the substance of the issues raised. Instead, they tend to reproduce the statements of detention facility directors without offering further justification.

Procedural barriers further limit effectiveness. Requests by detainees to appear in person before the court are frequently denied, preventing them from directly presenting information in support of their petitions. In one case reported during a focus group, a complaint about unhygienic conditions was rejected for lack of evidence, despite the fact that the only way to obtain such proof would have been to photograph the cell—an act carrying the risk of a first-grade disciplinary offence. Participants also noted that, to their knowledge, legal aid has never been made available to support detainees in pursuing this remedy.

COMPLAINTS AND APPEALS IN TRANSFER DECISIONS

The Central Committee for the transfer of prisoners operates within the Ministry for Citizen Protection and is responsible for deciding on all matters relating to prisoner transfers, except those connected to criminal investigations or appearances before a court or other public authority. The Committee examines requests submitted both by prison authorities and by detainees. Priority may be given to applications based on serious family or health reasons, as well as to requests from prison authorities where transfers are required for the proper functioning of the facility, for the execution of European or other arrest warrants, or due to overcrowding. The Committee is also competent to review challenges brought by detainees against transfer-related decisions.

Detainees are restricted from reapplying for a transfer until three months have passed since the rejection of a previous request. If a transfer request is rejected twice consecutively, the detainee may lodge an appeal before the Court for the Execution of Penalties within ten days of receiving notification of the second rejection. Nevertheless, the Minister for Citizen Protection retains the power to override this process and order or prohibit a transfer on grounds of national security or public order. Similarly, the General Secretary for Anti-Crime Policy may take provisional decisions on transfers in urgent cases or where the security of a facility is at stake, with the matter then referred back to the Committee for confirmation.

These arrangements highlight the highly politicised nature of transfer decisions. Since the Ministry for Citizen Protection (effectively the Ministry for Police) assumed competence over prisons in 2019, most transfer requests have been decided centrally. There are documented instances where transfers were denied on political, ideological, or even personal grounds.⁷ The vagueness of the legal provisions, which neither specify grounds for rejection nor limit the use of broad concepts such as “public order”, creates ample scope for arbitrariness and abuse. Combined with the three-month restriction on resubmitting requests, as well as the absence of legal representation before the Committee, the system renders this remedy largely ineffective.

Moreover, the field research revealed that requests for transfer on health or family grounds are rarely approved. In practice, detainees with addiction issues often apply for access to therapeutic or rehabilitation programmes, but their applications are frequently delayed due to long waiting lists. As a result, many face trial before they have even begun treatment. Transfers between prisons also take place without prior notice to detainees or their legal representatives, typically justified on security grounds or for procedural reasons such as court appearances. Lawyers in our focus group reported that it is often

⁷ See, for example, the case of Dimitris Koufodinas, a former member of the terrorist organisation 17 November, convicted, among other offences, for the assassination of Pavlos Bakoyannis, brother-in-law of Prime Minister Kyriakos Mitsotakis. Koufodinas appealed against the decision of the then General Secretary for Anti-Crime Policy to transfer him from Korydallos Prison in Athens to the high-security facility in Domokos. He lodged two appeals, the second citing health reasons as he had by then undertaken a hunger strike. This claim was rejected on the basis that his health condition was self-induced. His petitions were never accepted, and he eventually abandoned the hunger strike and accepted the transfer. See: [LINK](#).

left to them to alert the detention facility not to move their client, so that they can meet and prepare adequately before the detainee is transferred to another city for trial.

DISCIPLINARY SANCTIONS AND THE RIGHT OF APPEAL

Detainees may appeal against decisions of the Prison's Disciplinary Board. Appeals are lodged with the Court for the Execution of Penalties, which sits in council formation and must decide within five days of the disciplinary decision. The Court's decision is final.

As disciplinary sanctions share many similarities with criminal ones,⁸ the procedure is more structured and contains a number of procedural guarantees for detainees. Prison staff must submit a written report on the alleged offence within ten days of its commission; reports submitted after this deadline are inadmissible. The Disciplinary Board is chaired by the supervising prosecutor, whose constitutional independence, along with the nature of the Board's functions, allows it to be considered a quasi-judicial body. The chair summons the staff member who filed the report and places them under oath, rendering them liable for perjury if false statements are made.

In addition, the detainee must be notified in writing of the alleged offence without undue delay and summoned to appear before the Board to present their defence. The law also provides for the presence of an interpreter if the detainee does not speak Greek. Decisions must be specifically reasoned and, where a sanction is imposed, recorded both in the prison register and in the detainee's personal file. The Board is also required to apply the principle of lenience when determining sanctions, taking into account the gravity and circumstances of the act, the prisoner's personality, the remaining sentence to be served, and any other relevant factors. The Board may also decide to refrain from imposing any sanction or to impose a lighter sanction than those provided by law.

Despite these safeguards, important gaps remain in the protection

⁸ See ECtHR's Engel criteria.

afforded to detainees. There is no provision for legal representation either before the Board or during the appeal stage, and the Court retains discretion over whether to summon and hear the detainee in person. Furthermore, the law allows for an expedited procedure whereby security measures such as handcuffing and solitary confinement may be imposed to “maintain and restore order within the penitentiary facility”. These may be ordered either by the Prison Council or, in cases of violent acts creating risks to staff or other prisoners, by the prison director. In both cases, the most severe disciplinary measures may be applied without the oversight of a judicial authority, unless the prosecutor is invited or chooses to participate.

Appeals before the Court for the Execution of Sentences do not automatically suspend the disciplinary sanction. As a result, penalties such as solitary confinement may be enforced immediately and fully executed, often before the Court has ruled. Given that solitary confinement may last between one and ten days, and that the appeal deadline is only five days, detainees may in practice serve the entire sanction before their appeal is considered. This raises serious concerns about access to remedies and the right to legal assistance, particularly since solitary confinement itself limits opportunities for contact with a lawyer.

Moreover, our field research revealed that hearings tend to be brief, raising concerns about due process and whether prisoners are genuinely given the opportunity to be heard. Lawyers noted that in only one known instance was a disciplinary decision successfully appealed, and this was due to legal advice provided by an external individual the prisoner contacted.

LEAVE OF ABSENCE: COMPETENT AUTHORITIES AND APPEALS

Pre-trial detainees are excluded from regular leaves of absence, which are tied to time served and reserved for convicted prisoners. Instead, they may only apply for extraordinary and educational leaves of absence from the penitentiary facility.⁹ The supervising prosecutor has competence to decide on the granting of extraordinary leave in cases involving family, professional, or other exceptional and unforeseeable needs where the conditions for granting regular leave are not met. Such leave may be granted to all detainees for a maximum duration of 24 hours, or, in exceptional circumstances, up to 48 hours by decision of the prosecutor. The prison director may also grant extraordinary leave in limited circumstances: (a) for the funeral of a spouse, civil partner, or relative up to the second degree; and (b) for visiting a spouse, civil partner, or relative up to the second degree in urgent and critical health situations. In these cases, the supervising prosecutor must be notified immediately.

Educational leave is decided by the Disciplinary Board. These leaves may be suspended as a result of disciplinary sanctions, and detainees may not submit a second application until two months have passed since the rejection of the previous one. Decisions rejecting applications for educational leave may be appealed before the Court for the Execution of Sentences, provided that two consecutive applications have been rejected. Appeals must be lodged within ten days of notification of the second rejection.

The law does not provide for an emergency appeal procedure against decisions concerning extraordinary leave. Instead, detainees must rely on the general complaint procedure, either before the Prison Council (with potential delays of up to 30 days) or before the supervising prosecutor, in accordance with the procedure for unlawful acts. Both avenues lack clarity, as there is no provision defining the

⁹ Pre-trial detainees are a priori excluded from regular leaves, which are tied to time served, and are reserved for convicted prisoners. This can be problematic in light of the potential duration of pre-trial detention – which is up to 1.5 years, and can be well over the temporal threshold established for convicted detainees. It should be noted that the granting of regular leaves can be subject to restrictive measures (such as appearing before a police station or being monitored with electronic means) that can apply to pre-trial detainees and mitigate the flight risk or the risk of committing additional crimes, which are among the conditions for granting the leave.

grounds for rejecting an appeal or imposing time limits for action, leaving a wide margin of discretion to the authorities.

While applications for extraordinary leave are generally viewed more favourably, there have been documented cases of rejection, particularly concerning non-nationals, who may require more than 24 hours to travel outside Greece to attend a funeral or visit a critically ill relative.¹⁰ Educational leave has also been subject to politicisation, with detainees affiliated with anarchist groups frequently resorting to hunger strikes to secure permission to pursue their education.¹¹ Furthermore, as in other appeal procedures before the Court for the Execution of Sentences, detainees are not guaranteed legal representation, nor is the Court obliged to hear them in person.

Our field research revealed that access to leaves of absence for pre-trial detainees in Greece is extremely limited, far more so than for convicted prisoners. In practice, leave for pre-trial detainees is almost entirely excluded, except in rare emergency situations such as attending a funeral, and even then approval is uncommon. Lawyers participating in our focus groups further noted that for certain serious offences, including robbery, extortion, or participation in a terrorist organisation, prison leave is generally not granted for the first five years.

The decision to grant or deny leave rests with the detention authorities, who assess whether the detainee is considered “safe” by the facility and whether they have a reliable support network. According to all participants in our field research, educational leave is never provided to pre-trial detainees. Many detained university students are denied permission to attend classes, despite submitting repeated applications and complaints. Leaves for urgent reasons were reported in only two cases. In one of these, a detainee was informed by the authorities that they had decided the matter by “heads and tails” when considering his request to attend a funeral. This illustrates the unsystematic and superficial way in which prison leave applications can be handled, raising concerns about arbitrariness and fairness in decision-making.

¹⁰ See e.g., Case of G.T. v. Greece, no. 37830/16, 13 December 2022, which found a violation of Art. 13 in conjunction with Art. 8 ECHR due to the refusal of the prosecutor to grant the applicant leave to visit their mother in the hospital.

¹¹ See, e.g., [LINK](#), [LINK](#).

4 **ORGANISATION OF ACCESS TO LEGAL SUPPORT**

OBLIGATION TO INFORM DETAINEES OF THEIR RIGHTS

The obligation to provide detainees with information on their rights is enshrined in both the Penitentiary Code and the Statute for the Operation of Detention Facilities. Under Article 24 of the Penitentiary Code, detainees must, no later than the working day following their admission, be escorted before the Director of the Penitentiary Facility, the doctor, and a social worker or another professional from the prison's social services. Each has a distinct responsibility to inform detainees about different aspects of their rights and prison life.

The medical doctor is responsible for examining the detainee and informing them of any health findings in line with good medical practice. The social worker conducts a private interview addressing personal, family, or professional issues arising from detention, informs the detainee of available support through social services, and provides assistance at the outset of confinement. A report is drafted following this interview but remains confidential and may only be presented to a court with the detainee's consent.

The Statute for the Operation of Detention Facilities complements these provisions with detailed rules on the right to information. Detainees must be informed about their rights, options, and everyday aspects of prison life. This includes matters of hygiene and disease prevention, freedom to decorate personal space, access to personal or facility-provided bedding and towels, participation in educational, training, cultural, and recreational activities, contact with religious representatives, the ability to engage in work, and access to correspondence and visits. Detainees are also informed of rights relating to travel subsidies for approved leave, transfers to other facilities, rehabilitation services, suspension or pardon of solitary confinement, and the possibility of being awarded for laudable acts while detained.

The framework has existed since 1999, influenced by the European Prison Rules. According to the explanatory report to the law, proper information of detainees in a language they understand is a prerequisite for the smooth operation of facilities, and the publication and distribution of a booklet outlining rights and obligations was intended to meet this goal. Special provisions also exist for non-nationals: while they may request consular assistance, their consent is required before their detention is disclosed to their national authorities.

Despite the clear legal framework, implementation has proved inconsistent and ineffective. According to former detainees and practitioners interviewed during the field research, any official procedures to inform detainees about their rights are either not implemented or followed performatively. There is no substantial or personalised communication that takes into account language needs or specific vulnerabilities of individual detainees. As one former prisoner observed, the process of informing detainees is “completely basic”, with “talk to your lawyer” being the standard response when further information is sought.

The old Prisoner’s Handbook (Alfavitari tou Kratoumenou), a simplified version of the Penitentiary Code, is outdated and currently unavailable across the board. Even in the past it was never systematically distributed, as one former detainee recalled: “Those of us who got the Prisoner’s Handbook, found it in a pile, by chance.” Some initiatives to promote information on rights and complaints mechanisms—such as leaflets from the Greek Ombudsperson or civil society organisations—exist in certain facilities, but these are not systematically provided to detainees upon arrival. Instead, the main source of information for most remains an informal mentoring system of older inmates, a method that can be unreliable, inconsistent, and even dangerous as it creates grounds for exploitation.

In general, several interviewees mentioned that prisoners “laugh” when asked about their rights in detention, highlighting deep distrust in the system. As reported by the practitioners and the former detainees who participated in the research, only those with power, economic capital or connections can actually exercise their rights in detention.

COMMUNICATION AND INFORMATION TOOLS

Greek law formally provides for certain legal information and communication tools for detainees, though their practical availability remains limited. Under the Penitentiary Code, the Ministry of Citizen Protection is required to produce and distribute an official information leaflet outlining prisoners' rights. In practice, no such leaflet is currently available in any language. A 50-page booklet produced in 2016 has become outdated and is no longer distributed, leaving detainees without access to a standardised, up-to-date legal guide.

Prison libraries generally contain some legal literature, but collections are frequently outdated and incomplete. While detainees may request legal books from outside sources, subject to the facility's internal rules, there is no systematic effort to provide comprehensive or current legal texts.

Access to digital resources is even more restricted. Detainees do not have access to online legal databases or portals, as unsupervised internet use is prohibited across all prisons. Internet access is permitted only in narrowly defined contexts, such as during educational or vocational training programmes, and never for legal research. The use of mobile phones is strictly prohibited, further limiting the possibility of accessing legal information electronically.

As a result, while the law envisages the provision of legal guides and access to information, the absence of updated written material combined with the prohibition on digital access means that detainees lack meaningful access to legal information tools.

Our field research confirmed these shortcomings and revealed further barriers to communication and access to information. In Greek detention facilities, mobile phone use is prohibited and classified as a first-degree disciplinary offence. Prisoners must therefore rely on prepaid phone cards, which are costly: a €10 card allows only about 1 to 1.5 hours of talk time to landlines, and just 10 to 15 minutes to mobile phones. This makes phone cards one of the most significant expenses for detainees. In addition, infrastructure deficiencies often restrict communication. In Korydallos prison, for

example, many of the public telephones were reported to be broken or out of service, leaving prisoners with few alternatives other than resorting to prohibited mobile phones.

Controlled internet access is permitted only for inmates enrolled in university programmes. During the COVID-19 pandemic, virtual visitation through Skype was introduced nationwide to compensate for the suspension of family visits. According to the Ministry of Citizen Protection's 2022 response to the Committee for the Prevention of Torture (CPT),¹² this system was intended to help maintain family ties. Dedicated spaces were equipped with the necessary technological infrastructure across all prisons. However, our field research indicated uncertainty about the continued availability of this service. One focus group participant reported that foreign detainees in particular face significant obstacles in accessing electronic visitation, primarily due to identification requirements. These challenges become even more pronounced when trying to connect with family members or contacts located abroad.

PROVISION OF LEGAL SUPPORT TO FOREIGN PRISONERS

The provision of legal support to non-native speakers in Greek prisons is a deeply problematic area, a concern made all the more acute by the extremely high proportion of foreign nationals in the prison population. Although the law formally provides for the use of interpreters and for detainees to be informed of their rights in a language they understand, in practice this is very rarely the case.

The official information leaflet on detainees' rights is not available in Greek or in any other language, and prison staff generally provide only very limited information to newly admitted detainees, often because they feel unequipped and fear liability for errors. When communication is deemed essential, it is usually attempted in English, provided that both staff and the detainee have at least a

¹² Ministry of Citizen Protection, General Secretariat for Anti-Crime Policy, Response to the observations of the Report of the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 14 June 2022, available in Greek, accessible at [LINK](#).

basic understanding, or otherwise carried out informally by fellow inmates who speak the same language. Such practices raise serious concerns about accuracy, confidentiality, and consistency.

Permission may be granted for an interpreter to enter the penitentiary facility, for example, to assist communication between a detainee and their lawyer, but this depends on security clearance and must be arranged and funded by the detainee. More broadly, neither the Penitentiary Code nor the Statute for the Operation of Detention Facilities contains provisions ensuring the systematic translation or interpretation of rights for those who do not speak Greek. The Statute refers to interpretation only in the limited context of disciplinary proceedings, without specifying the procedure for appointment. Similarly, although the Code of Criminal Procedure establishes the right to interpretation and translation, this applies exclusively to specific stages of pre-trial proceedings before the courts and does not extend to the prison context.

As a result, many detainees report receiving little or no information on their rights and obligations in a language they can understand. As one focus group participant pointed out, “if there is no one in the ward or cell who speaks their language... I don’t know how these people can even understand that their court is coming.”

The lack of a structured framework for language support in prisons leaves foreign prisoners reliant on ad hoc solutions, such as other detainees or staff with basic language skills. “Some can speak some Greek but cannot write and this is the case not only for foreigners but also for Roma detainees.... As I am educated, they were constantly coming to me to write letters and applications on their behalf...” mentioned one former detainee. This situation of dependency to fellow inmates can however lead to “exploitation, dependence, and information distortion.”

This gap effectively excludes non-native speakers from meaningful access to legal information and undermines their ability to exercise their rights while in detention.

ACTORS PROVIDING LEGAL INFORMATION AND ADVICE

Under the Penitentiary Code and the Statute for the Operation of Detention Facilities, the prison director is responsible for informing detainees of their rights and obligations, as well as of the internal regulations of the facility. In practice, however, this role is carried out by the warden or the penitentiary staff admitting the detainee. This first encounter is often the only official opportunity for detainees to receive information on their rights, as they do not otherwise have access to up-to-date legal resources.

There is currently no structured framework for the provision of legal information by the prison authorities. The Prison Social Services may provide some relevant guidance, and in facilities where criminologists are employed, detainees may be able to access more accurate legal information. As showed by the field research however, chronic understaffing, is a significant obstacle to the effective implementation of the obligation to inform detainees about their rights. Some facilities lack even a single social worker, making it impossible to provide meaningful support. As one NGO representative explained, professionals working in detention facilities often make significant efforts, but the overwhelming number of detainees leaves them unable to meet demand and frequently results in burnout. Beyond understaffing, prison staff report feeling ill-equipped to provide detainees with adequate information and receive no guidance from the Ministry of Citizen Protection. Although the Penitentiary Code requires the provision of an information leaflet issued by the Ministry, no such leaflet is currently available in Greek or any other language. A 50-page booklet produced in 2016 by a previous government has not been updated or distributed.¹³

In principle, detainees may also consult the supervising prosecutor and request information on their rights, although this tends to occur in the context of a complaint procedure, rather than on a preventive basis. Information is often incomplete, fragmented, or not provided at all.

13 Available in Greek at [LINK](#).

The absence of a dedicated service, such as the proposed but unrealised “prison counsel” scheme, leaves detainees without an institutional source of legal guidance within facilities. As a result, access to legal information and legal supports depends heavily on detainees’ ability to engage external lawyers, which may disadvantage those without financial means or established legal representation. Lawyers, bound by confidentiality under their professional code of conduct, play here a critical role in ensuring that detainees can access reliable and accurate information and assistance on matters concerning them.

5 LEGAL AID SCHEME

SCOPE OF LEGAL AID TO PRISON LITIGATION

Although the Greek legal framework provides for legal aid in criminal, civil, and administrative proceedings under Law 3226/2004 (as amended), its application to prison litigation remains extremely limited. The law formally allows detainees to request legal aid at all stages of criminal proceedings, including during pre-trial detention and until an irrevocable decision of the Court of Cassation. In principle, this coverage could extend to detention-related matters in pre-trial detention, yet in practice legal aid does not apply in any meaningful way to complaints or proceedings concerning detention conditions, disciplinary sanctions, or unlawful acts by prison staff. Indeed, this was confirmed during the field research, where both lawyers and former detainees reported that they had never encountered a single case in which legal aid was granted specifically for the exercise of rights related to detention conditions- , such as the right to submit a report in the Prosecutor or the director of the detention facility or to apply for the remedy foreseen in article 6A of the Greek Penitentiary Code regarding the general conditions of detention.

As pointed out by a lawyer during the field research, detainees cannot apply for legal aid if they don’t have a specific summon to appear before the judicial authorities or the court. That means that they do not have legal support to exercise their rights while in detention, and additionally, due to lack of sufficient information about the right to apply for legal aid, they lose the ability to exercise rights that

are applicable in the pre-trial stage, with significant impact on the court procedures (e.g., loss of appeal rights, lack of understanding of the charges). Crucially, their right to have their lawyer participate in certain investigative acts.

In relation to the complaint procedure under Article 6A of the Penitentiary Code, which allows detainees to bring complaints before the Court for the Execution of Sentences or directly to the prison director, legal representation is not mandatory, and the framework contains no explicit provision granting prisoners access to legal aid. As a result, detainees must usually pursue such complaints on their own, with little or no professional legal support. The situation is similar in disciplinary proceedings, where prisoners must conduct their own defence, and appeals to the Court for the Execution of Sentences can be lodged without the assistance of a lawyer. The legal aid scheme does not provide coverage for these proceedings, leaving a significant gap between formal guarantees and practical protection.

Complaints to the supervising prosecutor or prison administration present similar obstacles. While prisoners are entitled to address requests and complaints to these authorities, there is no legal basis ensuring that they receive legal aid in drafting or submitting them. Requests and statements are typically submitted in writing to the prison director, who records and forwards them to the competent authority. For legal purposes, they are considered lodged from the moment they are submitted to the prison authorities. Yet the absence of legal support or translation services means that detainees, particularly foreign nationals, struggle to frame their claims in a legally effective manner.

Field research confirmed these legislative and practical gaps. Participants across focus groups, including lawyers and former detainees, reported that legal aid has never been applied in practice to complaints relating to prison conditions or disciplinary measures. Several interviewees highlighted that detainees cannot access legal aid unless they are summoned to appear before judicial authorities, which excludes most detention-related claims. The combination of these factors creates a structural vacuum. Legal aid in Greece was designed primarily with criminal trial proceedings in mind and has not been adapted to the specific needs of prison litigation. Representation by a lawyer is not guaranteed, expenses for legal support are not covered, and detainees are left to conduct proceedings themselves.

HISTORY OF LEGAL AID REGIME

Legal aid in criminal proceedings was first introduced in 1999, in order to bring Greek law into compliance with the obligations stemming from Article 6(3)(c) ECHR. The current framework was established in 2004 with the adoption of Law 3226/2004, enacted specifically to address Greece's obligations under the ECHR and following the case of *Biba v. Greece* (2000).¹⁴ In that case, the ECtHR found a violation of Article 6 §1 in conjunction with Article 6 §3(c) due to the absence of free legal aid for a foreign national which made it impossible for him to lodge an appeal to the Court of Cassation. The Court stressed that the seriousness of the charges, the severity of the sentence, and the complexity of proceedings required the provision of legal assistance in the interests of justice, particularly given the applicant's lack of means and inability to speak Greek. Prior to this, provisions on legal aid had appeared in the 2003 Statute for the Operation of Detention Facilities, though these were limited in scope.

Legal aid in Greece is formally regulated under Law 3226/2004, as amended by Law 4689/2020, and applies across civil, criminal, and administrative proceedings. Pre-trial detainees may request legal aid directly through their penitentiary facility, with applications forwarded to the competent judicial authority.

LEGAL FRAMEWORK AND FUNDING OF LEGAL AID

Legal aid in Greece is primarily regulated by Law 3226/2004 on legal aid for citizens with low income.¹⁵ The scheme extends to all categories of proceedings – civil, criminal, and administrative – but in criminal matters the applicable conditions differ in line with the specificities of criminal law and procedure. For serious offences that may result in pre-trial detention, the investigating judge may appoint a lawyer *ex officio*. Eligibility for the scheme covers low-income EU citizens as well as third-country nationals lawfully residing

¹⁴ *Biba v. Greece*, no. 33170/96, 26 September 2000.

¹⁵ Official Government Gazette Issue No A' 24/04-02-2004.

in Greek territory. Law 4689/2020,¹⁶ which transposed Directive (EU) 2016/1919 on legal aid, introduced certain amendments to strengthen the framework initially established under Law 3226/2004. Provisions concerning the scope of legal aid in criminal proceedings, the procedural requirements for applying, and related guarantees are also set out in the Code of Criminal Procedure, the Penitentiary Code, and the Statute for the Operation of Detention Facilities.

The scheme is financed through a dedicated entry in the State Budget under the Judicial Buildings Fund. This Fund is responsible for covering the compensation of lawyers and other justice professionals engaged in the provision of legal aid. In addition, 20% of all legal costs awarded to, or exempted and collected by, the State in judicial proceedings are diverted to the Fund. These resources are then used, in part, to sustain the operation of the legal aid system and ensure the reimbursement of services rendered under it.

LIMITS AND EXCEPTIONS IN THE PROVISION OF LEGAL AID

Legal aid may be requested at any stage of the criminal process, including during the pre-trial phase, and it extends to the entirety of the trial until a final (“irrevocable”) decision is delivered by the Court of Cassation. In cases involving European Arrest Warrants, legal aid is available until the full conclusion of the criminal proceedings, including extradition or enforcement proceedings. This includes any issues that may occur in relation to pre-trial detention and the rights of the detained accused. Legal aid may also be requested and appointed within the penitentiary facility.

16 Greece, Law 4689/2020 “Transposition into Greek Legislation of Directives (EU) 2016/800, 2017/1371, 2017 / 541,2016 / 1919, 2014/57 / EU, ratification of the Memorandum for Administrative Cooperation between the Ministry of Justice of the Hellenic Republic and the Ministry of Justice and Public Order of the Republic of Cyprus, amendments to Law 3663/2008 (A’99) for the implementation of Regulation (EU) 2018/1727 and other provisions (Ενσωμάτωση στην ελληνική νομοθεσία των Οδηγιών (ΕΕ) 2016/800, 2017/1371, 2017/541,2016/1919, 2014/57/ΕΕ, κύρωση του Μνημονίου Διοικητικής Συνεργασίας μεταξύ του Υπουργείου Δικαιοσύνης της Ελληνικής Δημοκρατίας και του Υπουργείου Δικαιοσύνης και Δημόσιας Τάξεως της Κυπριακής Δημοκρατίας, τροποποιήσεις του ν. 3663/2008 (Α’99) προς εφαρμογή του Κανονισμού (ΕΕ) 2018/1727 και άλλες διατάξεις), (Ο.Γ. Α’ 103/27.5.2020).

Each lawyer may be appointed for only one case. A matter will be treated as a single case if several proceedings involve the same person or multiple persons tried together, either because they appear before the same court, are parties to the same case, or because the proceedings are otherwise connected. In civil and commercial matters, separate applications for legal aid must be filed for each stage of the proceedings. Exceptionally, however, a lawyer who has previously handled the same case under the legal aid scheme may be re-appointed upon request.

However, in criminal proceedings, the appointment of a legal aid lawyer covers all stages of the proceedings until an “irrevocable” (final) decision is issued by the Court of Cassation (Arios Pagos), or until the deadlines for the submission of the relevant appeals and remedies have expired. In the case of European Arrest Warrants, it covers the entire proceedings related to the issue or the execution of the EAW. An exception is made in cases of arrest and temporary detention for in flagrante offences, where the person concerned is not able to procure the necessary evidence that renders them eligible for legal aid. In this case a legal aid lawyer is assigned to them for the duration of the in flagrante procedure, unless they submit, in the meantime, the documents necessary to prove their financial situation.

COVERAGE AND SCOPE OF COMPENSATION

Legal aid covers lawyers’ fees, the cost of copies of the case file, and travel expenses incurred by the lawyer. These expenses are borne by the state and reimbursed after the conclusion of the trial.

The compensation of legal aid lawyers is calculated based on their participation in proceedings, evidenced through a special legal fees collection note submitted for each court appearance. Fees are capped at €15,000 per year, with no reimbursement for amounts exceeding this ceiling. Lawyers involved in lengthy criminal trials are entitled to additional compensation, and social security and tax obligations are included in the remuneration, which is withheld and transferred to the relevant authorities. The Minister of Justice may,

by decree, modify the compensation rates for legal aid professionals, including lawyers, notaries, and judicial officers.

There is no disaggregated data available on the remuneration of legal aid lawyers providing services specifically in prison-related cases. According to the most recent figures from the Judicial Buildings Fund,¹⁷ a total of €11,056,656.68 has been paid to legal aid lawyers out of a total budget of €22,416,134.14 for 2024. It remains unclear, however, whether this amount covers services rendered exclusively during 2024 or also includes compensation for work carried out in previous fiscal years. In practice, legal aid lawyers consistently report significant delays in payment, with reimbursements often taking two to three years from the time their compensation applications are submitted.

Our field research found that legal aid covers lawyers' fees, the cost of obtaining copies of the case file, and any travel expenses incurred by the lawyer. However, reimbursement is only provided after the trial and is often subject to significant delays, in some cases exceeding a year after the legal act has taken place.

Lawyers are generally prohibited from providing legal services free of charge (pro bono).¹⁸ Exceptions apply in cases involving close family members or other lawyers, and only in relation to personal matters. Lawyers who act in a manner deemed to undermine professional dignity may face disciplinary consequences. However, our field research did uncover that despite this, certain law firms do provide pro bono legal services in selected areas, such as the promotion of fundamental rights, environmental protection, or support for vulnerable social groups.

¹⁷ Available in Greek at [LINK](#).

¹⁸ Article 82 of Law 4194/2013 (Code of Legal Practice).

EXEMPTION OF COSTS

Copies of the essential parts of the case file, interpretation and translation are covered by the courts *ex officio*, when they are related to the criminal proceedings (either at the pre-trial stage, when so specified, or before the courts). Certain expert fees may also be covered, for example when the court orders an expert consultation following a petition by the defendant. Legal aid may cover some additional costs on a case-by-case basis, but, overall, these expenses are not included in the scheme as there is already a legal obligation to provide them free of charge in the context of the criminal proceedings.

ELIGIBILITY

Eligibility for legal aid in Greece extends to low-income Greek and EU citizens, as well as third-country nationals or stateless persons lawfully residing in Greek territory, provided that their legal case is not inadmissible or manifestly unfounded. Certain categories are granted automatic eligibility regardless of financial status: children and victims of specific crimes such as human trafficking, kidnapping, child abuse and molestation, child pornography, and sexual exploitation, in line with Directive 2011/93/EU.

Applicants must submit a legal aid request that includes details on the subject matter of the case and evidence of financial status. The application procedure is free of charge and may be initiated directly by the applicant; a lawyer is not required to file it, though this remains possible. Unfavourable decisions must be reasoned, and a new application may be submitted if circumstances change. The judge may also revoke or limit legal aid if eligibility conditions cease to apply or are found never to have existed.

In criminal proceedings, specific income and case-related thresholds apply:

- a **Income criteria:** Over the past three years, the average annual income must not exceed €6,000 for a single person (plus €1,000 for each dependent child, up to four), or €8,000 for a married/cohabiting couple (also plus €1,000 per dependent child, up to four).

b **Case criteria:** Legal aid is available where (a) the offence carries a maximum custodial penalty of at least two years, and the accused is required to give explanations or statements, or is subject to investigative acts (such as identification parades, cross-examination, or crime-scene re-enactments); (b) the main trial at first instance concerns an offence punishable by a maximum custodial sentence of more than two years; (c) appeals or legal remedies concern an offence with a maximum custodial sentence of more than two years, or where the applicant has already received a custodial sentence of at least six months.

An additional safeguard applies for the long-term unemployed: if an applicant has been unemployed for more than 12 months at the time of the application, they remain entitled to legal aid even if their income slightly exceeds the statutory limit (up to one-third above). Welfare and social benefit payments are excluded from income calculations, but bank deposits in Greece or abroad are taken into account alongside taxable income.

APPLICATION PROCEDURE

The procedure for applying for legal aid differs between criminal, civil, and commercial proceedings. The following outlines the rules applicable to criminal proceedings.

According to the law on legal aid,¹⁹ the person concerned must submit an application, together with the necessary supporting documents, to the competent judge. The applicable deadlines vary depending on the stage of the proceedings: (a) at the pre-trial stage, the application must be submitted within forty-eight hours of being informed of the right to legal aid; (b) during court proceedings, it must be submitted one month before the case is heard, or, in cases of shortened deadlines, at least seven working days before the hearing; and (c) in the case of legal remedies, within a reasonable timeframe that allows for their effective exercise. The decision on the application must then be communicated to the applicant, with due regard to their potential vulnerabilities.

¹⁹ Law 3226/2004, Article 7.

However, our field work uncovered that there is no specific legal aid form available to detainees. Instead, detainees may submit a general application addressed to the director of the detention facility, explaining their need for legal aid. The director is then responsible for forwarding the application to the competent judicial authority at the court where the detainee's case is pending.

A rejection of an application may be appealed before the President of the Court of First Instance conducting the investigation or before the court hearing the case. This must be done within forty-eight hours of notification of the decision, or within the time limit required for the effective exercise of an appeal or other legal remedy.

In proceedings relating to the execution of a European Arrest Warrant (EAW), the requested person deprived of liberty following arrest may apply for legal aid immediately upon being informed of the right to do so, before the competent Prosecutor of the Court of Appeal. Where it is objectively impossible to provide supporting documents, legal aid may be granted on the basis of the applicant's statement alone, provided they declare that they meet the financial eligibility criteria.

The Statute for the Operation of Detention Facilities also contains provisions regarding legal aid.²⁰ If a detainee declares financial inability to exercise their rights of defence, the scientific staff of the detention facility must invite them to submit an application along with supporting evidence of their financial state (e.g. tax declarations, welfare allowance certificates, unemployment benefit certificates, records from judicial authorities, or other documents indicating previous lack of legal representation). The application is addressed to the supervising prosecutor of the detention facility and must be accompanied by reports from the prison's social and financial services confirming the applicant's financial hardship or vulnerability.

The supervising prosecutor, with the assistance of the facility's specialised staff, then examines the application. They may request additional documentation (e.g. affidavits, bank account statements), or, if the evidence provided is deemed sufficient, forward the application to the competent judicial authority. "Every effort" must be made to ensure the application is submitted at least fifteen days before

²⁰ Ministerial decree 58819/7.4.2003, Article 33.

the investigative measure or judicial act for which legal aid is sought. Detainees must be informed of the outcome at least five days before the relevant act. In cases of rejection, the detainee has the right to appeal within three days before the immediate superior of the judge who issued the initial decision.

Moreover, the law establishes a general procedure that does not supersede the specific provisions on criminal legal aid. An exception is made for persons with a disability of over 67⁰/₀, who are exempted from the financial eligibility criteria described above.

EVALUATION AND GRANTING OF APPLICATIONS

In criminal cases, the competent authority for examining applications for legal aid is a designated district judge of the court conducting the investigation at the pre-trial stage, or the judge or president of the chamber adjudicating the case at the trial stage. For details on the procedural requirements, see section 3.8.

Decisions rejecting legal aid applications must be specifically reasoned. The applicant may lodge an appeal against such a decision before the President of the Court of First Instance responsible for the investigation, or before the court hearing the case. This must be done within forty-eight hours of notification of the decision, or within the timeframe necessary for the effective exercise of an appeal or other legal remedy. The decision on appeal is final and cannot be further challenged.

STRUCTURAL AND PRACTICAL SHORTCOMINGS OF THE LEGAL AID SYSTEM

Overall, interviewees in our field research emphasised that the legal aid scheme is severely undermined by systemic flaws. As one former prisoner observed, “legal aid is a joke; most lawyers have neither the skills nor the time to defend their clients.” The most obvious gap, as noted above, is the absence of any explicit provision

ensuring that legal aid applies to detention-related complaints. This creates a legal vacuum, leaving prisoners to pursue such proceedings, such as complaints about detention conditions, disciplinary appeals, or petitions under Article 6A of the Penitentiary Code, without legal assistance.

A further shortfall lies in the lack of awareness among detainees regarding their right to apply for legal aid. This results in serious consequences, including missed appeal deadlines, and the absence of lawyers during critical investigative acts. As there is no established framework for informing detainees of their legal aid rights within detention facilities, foreign detainees are primarily made aware of these rights through fellow prisoners who are more familiar with the Greek language. These challenges are compounded by the absence of a standardised legal aid application form. In practice, detainees must submit a general request to the prison director, who is then responsible for forwarding it to the competent judicial authority. This indirect and informal process creates uncertainty and inconsistency, leaving detainees dependent on the diligence of prison staff.

There are also significant eligibility barriers. The strict income thresholds (for example, €6,000 annually for a single person) exclude many detainees who, while technically above the threshold, still lack the resources to pay for a lawyer. Moreover, detainees may only apply for legal aid if they have received a formal summons to court. This excludes situations in which support is most urgently needed during detention, such as when filing complaints, challenging disciplinary sanctions, or pursuing remedies for unlawful detention conditions. Added to this are procedural hurdles: applications often require supporting documentation that detainees cannot easily obtain from inside prison, and strict deadlines, such as the requirement to apply within forty-eight hours at the pre-trial stage, are unrealistic in practice.

Problems also arise in relation to compensation and funding. Lawyers' fees are reimbursed only after the conclusion of the trial, with delays frequently extending up to two or three years. In addition, annual compensation is capped at €15,000, which discourages lawyers from taking on lengthy or complex cases.

The prohibition of pro bono work further limits access. Lawyers are generally barred from offering legal services free of charge, with only narrow exceptions for family members or colleagues. While some law

firms voluntarily provide pro bono support in areas such as human rights or refugee protection, this remains rare and does not address systemic needs in the prison context.

Finally, there is a serious lack of monitoring and accountability. No systematic mechanism exists to evaluate the quality of services provided under the legal aid scheme. Bar associations play only a limited role in supervision or training, and incentives for lawyers to participate are weak. As a result, the quality of representation remains inconsistent, with detainees often perceiving legal aid services as inadequate or ineffective.

A focus group discussion with legal aid lawyers generated several recommendations to strengthen the provision of legal aid for detainees. Participants proposed the establishment of a “Prison Advocate” in each detention facility— a lawyer regularly present to inform detainees of their rights in detention, in court proceedings, and in relation to disciplinary offences and procedures. They also emphasised that beneficiaries of legal aid should be given the opportunity to choose their lawyer, as this is a fundamental element of effective representation, with the state bearing the associated costs and fees. To ensure the quality of services, participants suggested that local bar associations should operate a monitoring system to supervise the delivery of legal aid, while safeguarding the independence of lawyers. Finally, bar associations were seen as having a key role in providing training for legal aid lawyers and creating incentives to encourage greater participation in the scheme.

6

INVOLVEMENT OF LAWYERS IN PROCEEDINGS CONCERNING DETENTION CONDITIONS

PRISONERS AS SELF-REPRESENTED LITIGANTS

Legal representation is not mandatory in proceedings concerning detention conditions or the exercise of associated rights. As noted in both desk and field research, this omission leaves a legal vacuum: there is no established right to have a lawyer present in complaints proceedings under the Greek penitentiary framework.

In practice, without legal representation detainees are left to navigate complex procedures largely on their own. Complaints regarding detention conditions, disciplinary sanctions, or unlawful acts by prison staff are almost always pursued without professional support. Even where detainees are entitled to bring claims, such as under Article 6A of the Penitentiary Code before the Court for the Execution of Sentences, representation by a lawyer is not required and, in most cases, is therefore not provided. Similarly, disciplinary proceedings must be conducted by prisoners themselves, with appeals to the Court for the Execution of Sentences handled without the assistance of counsel.

The absence of guaranteed legal assistance creates a significant gap between the formal right to lodge complaints and detainees' ability to pursue them effectively. Research participants, including lawyers and former prisoners, consistently reported that lawyers rarely assist in detention-related cases, and where they do, involvement is minimal. This gap disproportionately affects prisoners with psychosocial disabilities, as well as the large proportion of foreign nationals, who face additional barriers in the absence of legal assistance, including the lack of interpretation services. Interpreters are not provided in detention facilities unless the detainee is able to cover the cost themselves.

This important gap is all the more detrimental, than even when prisoners are aware of the possibility to complain on their own, significant barriers remain. Former detainees emphasised the climate of

fear: “Being a prisoner, being deprived of your freedom is in itself a huge vulnerability. So even if there is the possibility... fear prevails. You can’t go against a thing that can swallow you up. I have never heard of anyone submitting a complaint in the detention facility.” Another noted that “it is structured in such a way that it does not serve the interests of prisoners to claim their rights by submitting complaints.” Prison staff often advise detainees to speak with their lawyers for any problem, while the supervising prosecutor, though formally responsible, is not regarded as approachable or impartial. Prisoners also fear retaliation or stigma if they raise complaints, and reported learning from older inmates that “difficult” detainees risk being transferred to facilities with poor reputations, such as Corfu prison.

Finally, even when a complaint is successful, the outcome may be contrary to the prisoner’s wishes. The Ombudsperson observed that prisoners requesting better conditions risk being transferred to another prison, which may result in separation from their families. This reality further deters detainees from seeking to assert their rights through the complaint system.

In this general context of both an absence of mandatory legal representation in proceedings concerning detention conditions and fear of reprisals by detainees engaging in complaints on their own, the research confirms the essential role to be played by lawyers.

DESIGNATION OF LEGAL AID LAWYERS AND BENEFICIARIES’ OPTIONS

Legal aid lawyers are appointed from lists issued by the Bar Association of the competent court of jurisdiction. Separate lists are maintained for criminal cases and for civil and commercial cases. In criminal matters, eligibility for registration on the legal aid list requires that lawyers have appeared at least five times as defence counsel or as representatives of third parties in criminal proceedings. For cases before the Court of Cassation (Areios Pagos), lawyers must also hold the right of audience before that Court.

Beneficiaries of legal aid may refuse representation by the lawyer initially appointed, provided they submit a reasoned statement. In such cases, the appointing authority revokes the appointment and

designates another lawyer from the list. This right of refusal can only be exercised once. If the beneficiary also declines the second appointment, there is no further obligation to provide a legal aid lawyer. In exceptional circumstances, however, the beneficiary may request the reappointment of a lawyer who has already handled their case at an earlier stage of the proceedings.

A beneficiary of legal aid may refuse, once, to be represented by the lawyer initially appointed to their case. This must be done through a reasoned statement. In such circumstances, the appointing authority is required to revoke the appointment decision and designate a new legal aid lawyer. If the beneficiary also refuses representation by the newly appointed lawyer, no further obligation exists for the authority to assign another lawyer under the legal aid scheme. Moreover, in exceptional cases, beneficiaries may request that the lawyer who represented them at an earlier stage of the proceedings be reappointed to their case.

During the field research, participants repeatedly identified the inability of defendants to choose their legal aid lawyer as a significant disadvantage, further noting that although the law allows beneficiaries to request a change of the assigned lawyer, this is permitted only once and does not provide sufficient alternatives.

CONTACT AND VISITATION

According to Article 47 of the Greek Penitentiary Code (PC), detainees have the right to receive visits from their lawyers without limitation as to number or duration. The frequency and format of such visits, as well as visitor security checks, are determined by the internal regulations of each detention facility. An important qualification exists: internal prison regulations ultimately set limits on the number and length of visits, the mode of communication, and the security checks applied. If visitation rights are denied or restricted, detainees may appeal to the Prosecutor supervising the facility.

Representatives of civil society organisations, scientific associations, and cultural or religious groups may also be granted access, subject to prior approval from the Prison Council and notification of the Ministry of Citizen Protection.

The secrecy of lawyer–client consultations is formally guaranteed by Article 52 PC, which stipulates that visits must take place in appropriate spaces, with only visual supervision by guards. In practice, however, facilities rarely provide suitable conditions for confidentiality. Visits are often conducted simultaneously for multiple detainees in shared spaces, making it difficult to ensure the privacy of exchanges.

Under Article 48 PC, pre-trial detainees additionally enjoy the right to unlimited telephone communication with their lawyer. Letters, phone calls, and other forms of telecommunication are not subject to monitoring. While detainees are normally required to cover the costs of communication themselves, social services within the facility may assume the cost in cases of indigence, as reported by participants in our field research.

ISSUES IDENTIFIED IN PRACTICE

Field research revealed several recurring challenges. Although legislation sets minimum conditions for lawyers to register on the legal aid list, these requirements do not guarantee sufficient expertise in criminal or penitentiary law. Both former detainees and practitioners consistently described the overall quality of legal aid services as low, with only a few positive examples of strong representation cited, which were considered exceptions rather than the rule. Detainees frequently perceived legal aid lawyers as less competent than privately retained counsel, referring to them dismissively as “lawyers of the list”.

Another recurrent issue, primarily observed in criminal trials but carrying broader implications, concerns the timing of appointments and the lack of adequate preparation. Appointments are frequently made only shortly before the hearing, in some cases even on the day, at which point lawyers may receive the case file for the first time. Even when appointments are made in advance, participants noted that legal aid lawyers rarely visit their clients in prison prior to trial, leaving detainees with little to no opportunity to establish proper communication with their counsel or to prepare their case effectively.

ORGANISATION OF BARS' AND LAWYERS' ACTION IN DETENTION

In Greece, the organisation of bars and lawyers' action in detention is limited and fragmented. Although Bar Associations formally hold the authority to monitor prison conditions, this role is not exercised in practice, with no reported visits, statements, or legal actions concerning detention conditions or prisoners' rights. Their main involvement relates to the administration of the legal aid scheme, based on a 2020 Athens Bar Association regulation now applied nationally, which governs the updating and maintenance of lists of eligible lawyers. Separate lists exist for criminal and civil cases, with minimum experience requirements in criminal matters, but there are no statutory qualifications in penitentiary law and no mandatory training, with occasional seminars organised infrequently and poorly attended.

BAR ASSOCIATIONS AND THE MONITORING OF PRISON CONDITIONS

Bar Associations in Greece, including the Athens Bar Association, formally hold the authority to monitor prison conditions. During our field research, however, none of the interviewees were aware of any visits by Bar representatives to detention facilities. Lawyers participating in our focus group likewise could not recall any instance where a Bar Association had issued a statement or initiated legal action regarding detention conditions or the rights of prisoners.

REGULATION OF BARS' INVOLVEMENT IN LEGAL SUPPORT TO DETAINEES

The Bar Associations are responsible for issuing and maintaining the lists of lawyers available to provide services within the legal aid scheme. In 2020, the Athens Bar Association adopted

a Regulation on the Functioning of the Legal Aid Scheme,²¹ aimed at modernising the procedures related to the selection and appointment of legal aid lawyers. This Regulation is in practice followed by Bars across the country.

According to the Regulation, the legal aid lists are updated during the first ten days of September each year and are accessible through the online portal of the Plenary of Greek Bar Associations. Lawyers must update their enrolment during this period, but the lists remain open to new admissions throughout the year.

There are separate lists for criminal cases and for civil and commercial cases. In criminal cases, lawyers must have appeared at least five times as defence counsel or as representatives of third parties in criminal proceedings in order to be eligible for registration. For cases before the Court of Cassation (Areios Pagos), lawyers must also meet the requirement of having the right to appear before that Court.

There are no statutory qualifications for lawyers specialising in penitentiary law specifically, in terms of the organisation of the legal aid scheme.

ORGANISATION OF EDUCATIONAL AND TRAINING INITIATIVES

When it comes to educational and training initiatives for legal aid lawyers, our field research revealed that although the Athens Bar Association occasionally organises seminars, these are infrequent and attendance is generally low.

²¹ Available in Greek at [LINK](#).

PRACTICAL ARRANGEMENTS FOR CARRYING OUT LEGAL ASSISTANCE MISSIONS

There are no specific practical arrangements established by law or internal regulations regarding legal assistance missions in prisons. General provisions allow civil society organisations to visit detainees, subject to authorisation by the Prison Council. Lawyers do not have unrestricted access to detention facilities; they may only meet their clients in specially designated areas.

Lawyers are entitled to receive information concerning their clients' case files and the personal data contained therein. However, they do not have access to classified documents related to the execution of the sentence or to the broader status of the detention.

7

ROLE OF NGOS, LEGAL CLINICS, AND NATIONAL MONITORING BODIES OF PRISON CONDITIONS

In Greece, the role of NGOs, legal clinics, and monitoring bodies in supporting prisoners remains fragmented and inconsistent, with no overarching national framework governing their engagement with detention facilities. The correctional system remains highly fragmented. Each detention facility operates in isolation, and rules for cooperation with external actors differ depending on the prison administration. This results in inconsistent access to services for detainees and a lack of transparency. There is currently no national framework or protocol governing NGO engagement with prisons. Several stakeholders have called for the creation of a national protocol and a certified registry of NGOs authorised to provide services, to allow for more structured involvement and improved quality of support.

Access to prisons by NGOs or legal clinics requires prior authorisation from the Prison Council, and practices vary considerably between facilities. In practice, their presence is limited, irregular, and often focused

on psychosocial or material support rather than sustained legal assistance. Legal clinics do not operate within prisons, and legal support is provided almost exclusively by NGOs, whose capacity depends heavily on their resources and location. The National Preventive Mechanism, operating within the Ombudsman's Office, conducts monitoring visits and issues recommendations on detention conditions, but its mandate is preventive and does not extend to providing legal advice or representing detainees in individual cases.

TYPES OF SUPPORT PROVIDED

Most NGOs focus on psychosocial activities, such as counselling or small-scale material initiatives (e.g. holiday gift-making workshops). Some organisations occasionally assist with legal matters, particularly in urban prisons like Korydallos and Thebes, where NGO activity is more visible and includes meaningful time-use programmes. Legal clinics do not exist within the prison system; legal support in detention facilities is provided solely by NGOs.

Our field research uncovered that NGOs and the Greek Ombudsperson also disseminate some information materials in detention facilities, such as leaflets on rights and complaints mechanisms. However, since these initiatives are neither systematic nor consistent.

KEY ORGANISATIONS

EPANODOS: A state body operating under private law under the supervision of the Ministry of Citizen Protection, and the only official body in Greece dedicated to reintegration of former detainees. EPANODOS collaborates with social services in detention facilities to provide counselling and legal assistance, helps inmates and their families with legal and social issues, and informs them about labour rights, benefits, and employability programmes. It has reintegration liaisons in each detention facility, enabling direct support. EPANODOS has tried to build cooperation with bar associations and legal professionals, but these remain ad hoc and largely dependent on individual initiative. It organises annual online meetings with reintegration liaisons and representatives of all correctional facilities to exchange updates and good practices.

Prisoners' Support Association "Onisimos": Founded in 1982 to provide material and moral support to impoverished prisoners. It offers free legal representation and covers court expenses for indigent detainees, supports the welfare funds of prison social services, and contributes to establishing and enriching prison libraries across Greece.

Rehabilitation services used to be provided by NGOs (KETHEA, OKANA). However, these services have now been undertaken by a newly established public body, EOPAE, supervised by the ministry of health.

Other NGOs: Several organisations provide support for specific groups of prisoners, such as foreign detainees, who are considered especially vulnerable. A CSO representative underlined the importance of collaborating with experienced NGOs in this field and highlighted that formal partnerships between NGOs and the public sector, under appropriate supervision, would enhance effectiveness. Drawing on European models, such cooperation could be developed at the local level between municipalities and bar associations to strengthen coordination and resource-sharing.

THE OMBUDSMAN (NATIONAL PREVENTIVE MECHANISM)

The Greek Ombudsman functions as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). In this capacity, the Ombudsman conducts monitoring visits to penitentiary facilities, during which staff members may interview detainees and incorporate their testimonies into reports on detention conditions and the functioning of prison facilities.

The NPM's mandate is essentially preventive: it does not extend to adjudicating individual legal cases or providing legal advice to detainees. While the Ombudsman may receive complaints in its broader institutional capacity, in its role as NPM it is not authorised to act as a formal complaints mechanism nor does it systematically transmit grievances disclosed during its monitoring visits to judicial or administrative bodies. Nevertheless, the Ombudsman's Office does receive a number of individual and collective complaints concerning detention conditions. According to representatives interviewed, these often reflect the immediate

priorities of the prison population. Rather than primarily demanding improvements to material conditions, detainees more frequently seek assistance with issues such as obtaining conditional release, avoiding pre-trial detention, or securing transfers to rural prisons. As one Ombudsman representative observed: “They are not primarily asking for better living conditions, they just want to get out of detention.”

MANDATES AND ACCESS OF NGOS, LEGAL CLINICS, AND MONITORING BODIES

The Greek National Preventive Mechanism (NPM), operating within the Ombudsman’s Office, has the authority to visit prisons without prior authorisation, though its mandate does not extend to providing individual legal advice.

Other organisations, including NGOs and legal clinics, must request permission from the Prison Council to visit detainees. Once authorised, members may provide legal advice if formally appointed by the detainee. By law, detainees are entitled to confidential communication and correspondence with both national and international organisations. NGOs and legal clinics may distribute written materials such as guides, brochures, and legal information, but these documents are subject to screening by prison staff upon entry.

STANDING OF NGOS

Greek jurisprudence has so far recognised NGO standing primarily in environmental cases. Abstract or impersonal legal norms, such as legislation, cannot be challenged through NGO action. Nonetheless, many NGOs maintain legal aid departments staffed with lawyers, through which they provide legal assistance to vulnerable groups, including detainees.

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DIGNITY

**BRIDGING
VIEWS FOR
A RIGHTS-BASED
APPROACH
TO PRE-TRIAL
DETENTION**



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