

COUNTRY FACTSHEET — GREECE

Access to Justice for Pre-Trial Detainees

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

Key Facts & Figures

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

Barriers to Access to Justice

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

Legal Safeguards & Procedural Rights

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

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

RECOMMENDATION / GOOD PRACTICE FROM THE REPORT

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