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Study | 05.07.2023

A legal vacuum - the systematic criminalisation of migrants for driving a boat or car to Greece

A study by borderline-europe, commissioned by the Greens/EFA

This study is also available in DE *and* GR

This report aims to give new and in-depth insights about the criminalisation of people on the move for "smuggling" in Greece, analysing the current legal framework as well as its practical enforcement.

It shows that instead of protecting the rights of smuggled migrants and asylum seekers, these policies criminalise them and expose them to long prison sentences with the accusation of smuggling, all simply for having crossed the border by boat or car.

This is made possible both by the legal framework set up in Greece and the EU, which is formulated very broadly, and further reinforced by an implementation that is characterised by gross rights violations such as arbitrary arrests, torture, abuse, coercion, and lack of access to legal support and interpretation.

Individuals are typically arrested immediately upon arrival, held in pre-trial detention for months, and have very limited options to defend themselves and access support. The trials that tackle these accusations are very short and flout basic standards of fairness.

The report examines a total of 81 trials of 95 people who were arrested and tried in Greece for smuggling in eight different locations, namely in Komotini, Thessaloniki, Rhodes, Samos, Lesvos, Crete, Syros and Kalamata. The findings are alarming:

- On average, trials last for 37 minutes, which drops to 17 minutes in trials with state-appointed lawyers; the shortest trial we documented lasted 6 minutes
- Trials lead to an average prison sentence of 46 years and a fine of 332.209 Euros
- Judgements are issued on the basis of limited and questionable evidence, such as the testimony of a single police or coast guard officer; the police or coast guard officers who provided the testimony on which the indictments were based did not appear in 68% of all documented cases to be cross-examined
- People convicted of smuggling form the second largest group by crime in Greek prisons, with almost 90% of them being third-country nationals.

- READ THE FULL REPORT

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Responsible MEPs



Erik Marquardt

Member

Contact person



Nina Walch

Stakeholder Engagement Officer

Attached documents

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