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**COMPARATIVE
REPORT**

**AT THE MARGINS: PLACES AND
CONDITIONS OF DETENTION**

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Germany	DE	Independent expert
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France	FR	Forum réfugiés
Greece	GR	Greek Council for Refugees
Croatia	HR	Croatian Law Centre
Hungary	HU	Hungarian Helsinki Committee
Ireland	IE	Irish Refugee Council
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Slovenia	SI	PIC
Ukraine	UA	Right to Protection
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Serbia	RS	Independent expert
Türkiye	TR	Independent expert

The information contained in this report is up to date as of December 2025, unless otherwise stated.

This report should be read alongside the companion report on the legal framework for detention of asylum seekers, which is available [here](#).

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GLOSSARY

Administrative detention	Deprivation of liberty based on administrative measure rather than a criminal conviction. This is notably the case of the detention of asylum seekers and third-country nationals for removal purposes.
Asylum seeker(s) or applicant(s)	People seeking international protection.
Criminal detention	Deprivation of liberty in connection with a crime in accordance with law.
Detention	Per Article 2(h) of the 2013 RCD and article 2(9) of the 2024 RCD, ‘confinement of an applicant by a Member State within a particular place, where the applicant is deprived of his or her freedom of movement’. This applies to EU Member States, with the exception of those who have opted out of the RCD. ¹
	Article 5 ECHR defines deprivation of liberty as a factual situation where a person is confined in a particular restricted space for a not negligible length of time and has not consented to this confinement. The distinction between a restriction on freedom of movement and deprivation of liberty is ‘one of degree or intensity, and not one of nature or substance’. ²
De facto detention	When a person is effectively deprived of their liberty in practice even if no formal detention order has been issued or if the situation is not formally recognised as detention by law. <i>De facto</i> opposes to <i>de jure</i> , i.e. detention recognised in national law as such.
National Preventive Mechanism (NPM)	Independent national monitoring body required under the Optional Protocol to the UN Convention against Torture to monitor places where persons are deprived of liberty (OPCAT).
Point of entry holding facilities or transit zone	According to EMN, ‘a clearly designated and limited area located in an airport, in a port or at the external land borders on the territory of a State, where a third-country national, who has not crossed a border control and has not yet passed a checkpoint, is temporarily placed until a decision concerning the entry or the refusal of entry into the territory of the State in question is taken by the competent authorities of that State’. ³
Reception Conditions Directive (2013 RCD)	Directive 2013/33/EU laying down standards for the reception of applicants for international protection (recast).
Recast Reception Conditions Directive (2024 RCD)	Directive 2024/1346 laying down standards for the reception of applicants for international protection (recast).
Return Directive	Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals.
Unaccompanied child	A third-country national under the age of 18 who is not in the care of an adult responsible by law or custom or who was left unaccompanied by such an adult.
Vulnerable people	As defined in Article 21 2013 RCD, includes minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation. It should be noted that the 2024 RCD no longer refers to the concept of vulnerability but rather special procedural or reception needs, however the Screening regulation still refers to vulnerability as well as special reception or procedural needs.

1. IE had opted out of the 2013 RCD until 2018, but has opted into the 2024 RCD from its inception; DK opted out of both the 2013 RCD and the 2024 RCD.
2. European Court of Human Rights (ECtHR), *Guide on Article 5 : Right to liberty and security*, updated 28 February 2026, available [here](#), 8ff.
3. EMN, *Currently applicable asylum procedures at the border in view of implementing the Pact on Migration and Asylum*, January 2026, available [here](#), 14.

People in a vulnerable position

This report uses the expression “people in a vulnerable position” to reflect the understanding that vulnerability is not an inherent or fixed characteristic, but may arise from a combination of personal circumstances, lived experiences and structural factors, including migration and asylum policies themselves. Vulnerability may evolve over time and be exacerbated by detention, displacement, legal uncertainty or inadequate reception conditions.⁴ However, where referring directly to EU legislation and standards, this report retains the terminology used in the relevant legal instruments, including “vulnerable persons” and “applicants with special reception needs”.

4. See VULNER project, available [here](#), in particular VULNER / Luc Leboeuf, *Lived Vulnerabilities in Asylum and Migration. Confronting the ‘Vulnerability’ Label with Migrants’ Experiences*, June 2023, available [here](#).

LIST OF ABBREVIATIONS

AIDA	Asylum Information Database
AMIF	The European Union's Asylum, Migration and Integration Fund
CATE	Centros de Atención Temporal de Extranjeros Centres for the Temporary Assistance of Foreigners (Spain)
CCAC	<i>Κλειστές Ελεγχόμενες Δομές</i> Closed Controlled Access Centres (of Islands) (Greece)
Charter	Charter of Fundamental Rights of the European Union
CIE	<i>Centros de Internamiento de Extranjeros</i> Foreigners' Detention Centres (Spain)
CIT-UHSA	<i>Centro de Instalação Temporária - Unidade Habitacional de Santo António</i> Temporary Installation Centre – San Antonio Housing Unit (Portugal)
CJEU	Court of Justice of the European Union
CoE	<i>Council of Europe</i>
CPR	Centro di Permanenza per il Rimpatrio Return Detention Centre (Italy)
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRA	<i>Centre de rétention administrative</i> Administrative detention centre (France)
EECIT	<i>Espaço Equiparado a Centro de Instalação Temporária</i> Detention facilities qualified as Temporary Installation Centres (Portugal)
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECRE	European Council on Refugees and Exiles
EU	European Union
HMIP	His Majesty's Inspectorate of Prisons (United Kingdom)
IGI	<i>Inspectoratul General pentru Imigrări</i> General Inspectorate For Immigration (Romania)
JRS	Jesuit Refugee Service
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and other sexual and gender minorities
LRA	<i>Lieu de rétention administrative</i> Place of administrative detention (France)
NCPT	<i>Commission nationale de prévention de la torture</i> or <i>Nationale Kommission zur Verhütung von Folter</i> National Commission for the Prevention of Torture (Switzerland)
NGOs	Non-Governmental Organisations
NPM	National Preventative Mechanism (see Glossary above)
OPCAT	Optional Protocol to the UN Convention against Torture to monitor places where persons are deprived of liberty.
PRDC	<i>Προαναχωρησιακά Κέντρα Κράτησης (Προ.Κε.Κ.Α)</i> Pre-removal Detention Centres (Greece)
2013 RCD	Reception Conditions Directive 2013
RIC	<i>Κέντρο Υποδοχής και Ταυτοποίησης</i> Reception and Identification Centre (Greece)
2024 RCD	Recast Reception Conditions Directive 2024
UN	United Nations
UNCAT	Subcommittee on Prevention of Torture on the United Nations
UNHCR	United Nations High Commissioner for Refugees

METHODOLOGY

The comparative report examines existing practices relating to places of detention and detention conditions across 26 European countries. It primarily draws from the European Council on Refugees and Exiles (ECRE)'s Asylum Information Database (AIDA) country reports, which provide up-to-date information and analysis of the legal framework and practice with regard to asylum procedures, reception conditions, detention and content of international protection in 27 countries,⁵ complemented by desk research.

It should be noted that, as of 2024-2025, some countries do not detain asylum applicants or do so only exceptionally. In those countries, information on detention conditions and practices may therefore sometimes be limited to few examples, based on practices regarding detention of non-asylum-seeking third-country nationals where the regimes and detention conditions are identical, or primarily based on the legal framework rather than established practice.⁶

This report examines places and conditions of detention in 26 countries, including 21 EU Member States. As such, they were bound by the 2013 RCD since its adoption, with the exception of Ireland. All 21 EU Member States are bound by the 2024 RCD, including Ireland. As this report, published in June 2026, examines detention practices in 2025 and early 2026, prior to the application of the Pact on Migration and Asylum, the analysis is based on the standards set out in the 2013 RCD. Since the 2024 RCD largely maintains these standards, the analysis remains relevant under the new framework. Each section includes a dedicated note indicating whether the relevant provisions remain unchanged under the new framework of the 2024 RCD or highlighting any significant modifications introduced by it. For the 5 non-EU countries as well as Ireland from 2013 to 2018,⁷ the standards on detention discussed in this report are also covered, beyond EU law, by international and European human rights law, which all countries covered by this research are bound by.⁸ Notably, all 26 countries covered by this report are parties to the ECHR, to European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

A rights-compliant detention regime requires that the needs of LGBTQIA+ people be taken into account across all aspects of detention policy and practice, including accommodation arrangements, family life, privacy, access to sanitary facilities, health care, staffing and training, protection from violence. The situation of LGBTQIA+ detainees should accordingly be considered an integral dimension of any comprehensive assessment of detention conditions, not a supplementary concern. For methodological and drafting purposes, the situation of LGBTQIA+ people is addressed in a specific section of this report rather than throughout to avoid repetition and to provide a coherent and concentrated account of the particular challenges faced by LGBTQIA+ detainees.

5. Egypt is not covered by this report. By default, when no other source is provided, information on state practices is taken from the Updates on 2024 and 2025 of the AIDA country reports, available [here](#).
6. 18 countries are reported as only rarely detaining asylum applicants in the regular asylum procedure (AT, BE, BG, HR, CY, CZ, FR, GR, HU, IT, NL, RS, SK, SI, SE, CH, UA, UK), 5 exclude it altogether (DE, IE, PT, RO, ES) while two use it frequently (MT, PL). In Dublin procedures, 8 countries frequently have recourse to detention (AT, BE, CZ, GR, HU, MT, PL, CH), 12 do so rarely (BG, HR, CY, FR, DE, IE, IT, NL, RO, SK, SI, SE), and 2 do not use it (PT, ES). For further information, see AIDA, *The Legal Framework for the Detention of Asylum Seekers*, to be published in July 2026.
7. Ireland opted into the 2013 RCD in 2018.
8. This report examines places and conditions of detention in 21 EU Member States (including IE which only opted into the RCD in 2018; all other 20 EU Member States covered in this report have been bound by the 2013 RCD since its adoption are all 21 are bound by the 2024 RCD, including IE) and 5 non-EU Member States (RS, CH, UA, UK, TR). Notably, all 26 countries covered by this report as parties to the ECHR and to European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

INTRODUCTION

The detention of people seeking international protection is a longstanding practice in the context of application of the EU legal framework on asylum, despite extensive evidence of its harmful effects on individuals and its limited effectiveness as a migration management tool. At the same time, it continues to be characterised by a high degree of opacity: places of confinement are designated through diverse and sometimes misleading terminology,⁹ while data on the scale and use of detention remains fragmented, difficult to compare, and often incomplete.

The detention of asylum applicants is subject to strict safeguards under EU primary law and human rights law, in particular Article 6 of the EU Charter of Fundamental Rights (the Charter), Article 5 European Convention on Human Rights (ECHR), and Article 9 International Covenant on Civil and Political Rights. Regardless of how it is labelled in domestic systems, detention must comply with the principles of legality, necessity and proportionality, be applied only for a legitimate purpose, used as a measure of last resort if alternatives to detention cannot be applied and for the shortest possible period, and be accompanied by appropriate material conditions and procedural guarantees.¹⁰

Central to these safeguards is the obligation to ensure an adequate standard of living, protecting both the physical and mental health of detainees. The Reception Conditions Directive (2013 RCD) codifies a number of minimum standards governing the detention of asylum seekers, including access to open-air spaces and contact with the outside world. Such guarantees apply irrespective of the formal classification of a facility and whether the applicable regime is formally designated as detention. In practice, the distinction between formal and *de facto* detention has significant consequences, with conditions in such settings often falling below applicable standards. As discussed in the companion report,¹¹ asylum seekers are sometimes detained under return procedures at the national level, for example when a person applies for asylum only after being detained pending return. Nevertheless, the Return Directive (2008/115/EC) also requires compliance with specific safeguards and standards on detention conditions. Where conditions deteriorate beyond a certain threshold, detention may engage the prohibition of inhuman or degrading treatment under Article 3 of the European Convention on Human Rights (ECHR), notably where individuals are subjected to hardship exceeding the unavoidable level inherent in detention.

The report identifies both positive practices and persistent structural shortcomings, assessing their compatibility with applicable legal standards, in view of the expanded grounds for the use of detention of asylum applicants foreseen under the Pact on Migration and Asylum. The content of the chapters is as follows:

- » Chapter I examines places of detention, analysing the facilities used by states to formally and *de facto* detain asylum applicants, as well as management and staffing of these facilities;
- » Chapter II assesses detention conditions, including material living conditions, detention regimes, services and activities and external access to detention centres;
- » Chapter III addresses the specific situation of people in a vulnerable position,¹² including women, (unaccompanied) children and other people in a vulnerable position.
- » The final section draws conclusions and makes targeted recommendations for the practice and implementation of the Pact.

9. See for example, as detention premises: 'Initial reception centre' at airports in AT and DE; 'closed reception centres/wards' in BG; 'transit reception centres' Trilj and Tovarnik in HR; 'Reception and Identification Centres' in GR; 'reception centres for foreigners' in RS.

10. ECtHR, *Guide on Article 5 : Right to liberty and security*, updated 28 February 2026, available [here](#), 8ff; *Explanations relating to the Charter of Fundamental Rights*, OJ 2007 C 303/17, 2007, available [here](#), explanation to Article 6; Court of Justice of the EU (CJEU), C-601/15 PPU, *J. N. v Staatssecretaris van Veiligheid en Justitie*, 15 February 2016, available [here](#); United Nations Human Rights Committee, *General Comment No. 35 on Article 9 ICCPR (Liberty and security of person)*, CCPR/C/GC/35, 2014, available [here](#).

11. For further details, see AIDA, *The Legal Framework for the Detention of Asylum Seekers*, to be published in July 2026.

12. See introduction to Chapter III for a discussion of the notion of vulnerability.

CHAPTER I - PLACES OF DETENTION AND MANAGEMENT

1. Places of detention

1.1. Legal framework

Article 2(h) 2013 RCD define detention as any situation of ‘confinement of an applicant by a Member State within a particular place, where the applicant is deprived of his or her freedom of movement’. This may include formal detention as mandated through a detention order, but also situations amounting in practice to *de facto* detention, such as persons held in specific areas during border controls, within transit zones at airports, or confinement to ‘reception facilities’ as part of the registration or asylum procedure, even where national legislation does not qualify these specific situations as ‘detention’.¹³ Under the case law of the European Court of Human Rights (ECtHR) and Court of Justice of the European Union (CJEU), the definition of detention or deprivation of liberty is determined by the factual situation of the individual concerned, rather than solely by the formal classification provided under national law.¹⁴

Places of detention

Article 10(1) 2013 RCD explicitly states that ‘Detention of applicants shall take place, as a rule, in specialised detention facilities’. Detained asylum applicants should, ‘as far as possible’, be separated from other third-country nationals who have not applied for international protection. Specialised detention facilities are also highlighted as the most appropriate solution by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).¹⁵ As a general principle regarding deprivation of liberty, the ECtHR highlights that Article 5(1) ECHR requires that ‘the place and conditions of detention must be appropriate’ and that ‘there must be a connection between the ground of detention relied upon and the place and conditions of detention’.¹⁶ The Return Directive (Article 16) establishes equal parameters: specialised detention facilities are the rule, and in cases of exceptional use of prison accommodation, third-country nationals must be separated from ordinary detainees.

However, in practice asylum applicants are sometimes detained in other premises, especially in case of *de facto* detention. In such cases, their appropriateness is assessed by international bodies such as the CPT or the European Court of Human Rights along the same standards used for any other detention facility.

Prisons

Article 10 2013 RCD states that if a Member State ‘is obliged to resort to prison accommodation’, they must keep detained asylum applicants separate from ordinary detainees. Moreover, they must still provide asylum applicants with the detention conditions required under the 2013 RCD.

Article 31 of the Geneva Convention specifies that asylum seekers shall not be penalised for claiming asylum. It has been ECRE’s longstanding position that detaining an international protection applicant in a prison instead of a specialised detention centre ‘undermines the principle of human dignity, particularly if they are imprisoned for extended periods of time’.¹⁷ The unsuitable nature of prison settings for asylum applicants and third-country nationals in general is also highlighted by United Nations High Commissioner for Refugees (UNHCR),¹⁸ as well as the CPT: ‘A prison is by definition not a suitable place in which to detain someone who is neither convicted nor suspected of a criminal offence’.¹⁹

13. This report focuses on places and conditions of detention. For further information on the definition of detention, grounds and legal safeguards, see AIDA, *The Legal Framework for the Detention of Asylum Seekers*, to be published in July 2026
14. See for instance CJEU, *FMS, FNZ, SA, AS junior v Országos Idegenrendészeti Főigazgatóság Dél-alföldi Regionális Igazgatóság, Országos Idegenrendészeti Főigazgatóság*, C-924/19 PPU and C-925/19 PPU, 14 May 2020, available [here](#), paras 216ff; ECtHR, ruling on “deprivation of liberty”, No. 19776/92, *Amuur v France*, 25 June 1996, available [here](#), paras 38ff and No. 36037/17, *R.R. v. Hungary*, 2 March 2021, available [here](#), paras 74ff.
15. CPT, *CPT standards*, March 2011, available [here](#), 54-55, para 29
16. Translation from French by author, ECtHR, 15297/09, 13 December 2011, *Kanagaratnam and Others v. Belgium*, available in French [here](#).
17. ECRE, *Reception and detention conditions of applicants for international protection in light of the Charter of Fundamental Rights of the EU*, January 2015, available [here](#), 59 (hereinafter *Reception and detention conditions*).
18. For example: UNHCR, *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, available [here](#), 29; UNHCR, *UNHCR’s Views on the Detention of Asylum Seekers: Using international law to advocate against detention of individuals seeking protection in the U.S.*, September 2022, available [here](#), 7.
19. CPT, *CPT standards*, March 2011, available [here](#), 54 para 28.

According to the Council of Europe and the CPT, exceptions to this rule should be limited to exceptional cases, for instance when there are ‘compelling reasons for the protection of national security, the protection of safety or the protection of other persons in administrative detention’,²⁰ or temporary accommodation in a prison health-care facility if ‘no other secure hospital facility’ is available. Immigration detainees should still be held separately from ordinary detainees.²¹ This position is shared by the CJEU, which ruled similarly in the context of the Return Directive: while emphasising that the rule is detention in specialised facilities, detaining a third-country national in ordinary prisons is allowed in exceptional circumstances, notably when the person poses a ‘genuine, present and sufficiently serious threat affecting one of the fundamental interests of society or the internal or external security of the Member State’. This must be a case-by-case assessment, and the Member State must still detain the third-country national separately from ordinary detainees.²²

In contrast, the fact that there are no specialised detention facilities in a part of the country is not a sufficient justification for holding third-country nationals in prisons for the purposes of their immigration detention.²³ Moreover, the CJEU highlighted that the separation requirement is not merely a procedural requirement but a mandatory safeguard, meant to ensure dignity and fundamental rights of third-country nationals, and thus Member States cannot rely on the individual’s consent to be held together with ordinary detainees to circumvent the requirement.²⁴

According to the CJEU, the mere fact that a place of detention is administratively and geographically connected to an ordinary prison does not automatically prevent this place of detention (e.g., a specific section of an ordinary prison) from qualifying as a specialised detention facility within the meaning of Article 16 Return Directive. Conversely, the mere separation of administratively detained third-country nationals and ordinary detainees within the same prison establishment is not sufficient to consider the specific section as a ‘specialised detention facility’. What matters in substance is that the constraint imposed on the third-country nationals must be ‘limited to what is strictly necessary in order to ensure an efficient removal procedure’ and the conditions of detention, as much as possible, avoid ‘resembling detention in a prison environment’, respect ‘the rights guaranteed by the Charter’ and the substantive detention conditions laid out in the Directive. The court notably highlighted as useful criteria: the arrangement of the premises dedicated to the detention of third-country nationals; the rules governing the detention conditions; specialised training, classification and duties of staff.²⁵

Other facilities

The ECtHR has ruled on multiple occasions that police stations are not appropriate premises for detention of asylum applicants,²⁶ a position shared by UNHCR²⁷ and by the CPT when referring to cases of administrative detention in general: in addition to their criminal detention nature, ‘conditions in police stations will frequently - if not invariably - be inadequate for prolonged periods of detention’.²⁸ Police stations are unsuitable due to the conditions they provide, which in cases of prolonged detention lead to violations of Article 3 ECHR (prohibition of torture and ill-treatment).²⁹

Lastly, asylum seekers are also (usually *de facto*) detained in **point of entry holding facilities** (also called **transit zones** in some cases), whether at land, sea or air borders. In April 2026, the CJEU ruled that a detention centre holding an asylum applicant whose application is processed under a border procedure does not have to be located at the border.³⁰ In *Riad and Idliab v. Belgium*, the ECtHR found that detaining the applicants for more than ten days in the transit zone violated Article 3 because these places, by nature, were intended to receive people for extremely short periods of time, and thus the conditions they forced applicants to endure ‘caused them considerable mental suffering, undermined their dignity and made them feel humiliated and debased’.³¹ The CPT similarly considers point of entry holding facilities to be inadequate for detention of

20. Council of Europe (CoE), *Administrative detention of migrants and asylum seekers: Guide for practitioners*, November 2023, available [here](#), 37 (hereinafter *Administrative detention: Guide for practitioners*).

21. CPT, *CPT standards*, March 2011, available [here](#), 54, para 28.

22. CJEU, Case C-18/19, *WM v Stadt Frankfurt am Main*, 2 July 2020, available [here](#).

23. CJEU, Joined Cases C-473/13 and C-514/13, *Adala Bero v Regierungspräsidium Kassel and Ettayebi Bouzalmate v Kreisverwaltung Kleve*, 17 July 2014, available [here](#).

24. CJEU, Case C-474/13, *Thi Ly Pham v Stadt Schweinfurt*, 17 July 2014, available [here](#).

25. CJEU, Case C-519/20, *K v. Landkreis Gifhorn*, 10 March 2022, available [here](#).

26. See for example ECtHR, 70427/11, *Horshill v Greece*, 1 November 2013, available in French [here](#); or, most recently, ECtHR, 54796/16, *J.B. v. Greece*, 26 May 2026, available [here](#).

27. UNHCR, *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, available [here](#), point 48(i).

28. CPT, *CPT standards*, March 2011, available [here](#), 54, para 27.

29. For example, among many others: ECtHR, No. 47920/12, *Haghilo v Cyprus*, 26 March 2019, available [here](#); ECtHR, No. 14606/20, *Muhammad v. Greece*, 25 April 2024, available [here](#).

30. CJEU, Joined Cases C-50/24 to C-56/24, *Danané and Others*, 16 April 2026, available [here](#).

31. ECtHR, 29787/03 and 29810/03, *Riad and Idliab v. Belgium*, 24 January 2008, available [here](#).

third-country nationals, especially for extended stays.³²

1.2. Places of detention

In several countries, places of formal and/or *de facto* detention are not clearly identified as such by their name, and may instead be referred to for example, as 'reception centres'.³³ This does not affect their qualification as places of detention which, as previously noted, is fact-based. In practice, asylum seekers may be detained in a wide variety of settings, including border transit zones and holding facilities, hotspots and hotspot-like premises, (pre-)removal centres, closed reception centres, police stations and prisons, as well as other ad hoc facilities. In all 26 countries, asylum seekers are detained together with other third-country nationals who have not applied for asylum in at least some places of detention.

Specialised detention premises

Asylum seekers are detained together with other administrative migrant detainees mainly in the context of airport transit zones or holding facilities (see below), hotspot-like premises,³⁴ and/or (pre-)removal centres.³⁵ In **Ireland**, **Romania** and **Malta**, legislation foresees that asylum applicants should, within the same facility, be held separately from other third-country nationals, but this is not the case in practice.

The majority of cases where a detention premise, not part of a larger prison complex, exclusively hosts asylum seekers are situations of *de facto* detention, either applied automatically for all arrivals or individually as a disciplinary measure in reception centres, as illustrated below.

Asylum seekers are *de facto* detained at the early stages of the asylum procedure in first reception centres in **Cyprus** (Pournara), **Czechia**, **Greece** (upon arrival, in Reception and Identification Centres (RICs) and Closed Controlled Access Centres (CCACs)), and **Slovenia** (Asylum Home). They are either not allowed to leave the centre (and sometimes physically unable to do so), or leaving the reception centre grounds entails negative consequences for asylum seekers. For instance, in **Slovenia**, if asylum applicants leave before lodging their application, they will be processed as foreigners and thus can be detained in the Centre for Foreigners and processed in the return procedure. In the **UK**, those who enter via the Channel are formally detained at the Manston asylum processing centre upon arrival.

In a 2017 report, the **Irish** Human Rights and Equality Commission indicated that Direct Provision (Ireland's asylum reception system) could be considered *de facto* detention due to a variety of factors, notably isolation.

In three countries, domestic law provides for disciplinary measures within reception centres that are not formally considered detention under national law, but may nevertheless amount in practice to deprivation of liberty:

- » In **Switzerland**, the legal framework *inter alia* foresees, as disciplinary measures, the prohibition of exiting the centre for one or several days, and/or placement in the 'reflection' room until the arrival of the police, for a maximum of 2 hours;
- » In **Slovenia**, asylum applicants can be 'accommodated' in a special, separate room of the reception centre for up to 3 days as a punitive measure in case of violation of house rules;
- » In the **Netherlands**, asylum seekers can be placed in the "Enforcement and Supervision Location", designed for those 'who have caused tension or any form of nuisance' at a regular asylum centre, which is considered by lawyers to constitute *de facto* detention. The Dutch Council of State has ruled it is merely restriction to the freedom of movement rather than deprivation of liberty as applicants are legally allowed to leave the centre (but, in doing so, forfeit their right to reception).³⁶

In **Romania**, asylum seekers may be placed in specific closed spaces of the reception centre due to specific circumstances (e.g., national security grounds). This is formally recognised as detention at the national level.

32. CPT, *CPT standards*, March 2011, available [here](#), 54, para 26.

33. 'Initial reception centre' at airports in AT and DE; 'closed reception centres/wards' in BG; 'transit reception centres' Trilj and Tovarnik in HR; 'Reception and Identification Centers' in GR; 'reception centres for foreigners' in RS.

34. GR, IT, ES.

35. All but Ireland, because they do not have specialised administrative detention facilities: AT, BE, BG, HR, CY, CZ, FR, DE, GR, HU, IT, MT, NL, PL, PT, RO, RS, SI, SK, ES, SE, CH, TR, UA, UK.

36. Dutch Council of State, ECLI:NL:RVS:2024:3564, 11 September 2024, available in Dutch at: <https://bit.ly/4fo8H0C>.

Hungary has a formal detention centre dedicated to asylum detainees in Nyírbátor, as does **Bulgaria** with the closed reception ward of the Busmantsi pre-removal centre.

Use of criminal detention premises (prisons and police stations)

Ireland, outside of the airport Garda Station, does not have a specialised administrative detention facility for the detention of asylum seekers and other third-country nationals on the territory. The International Protection Act 2015 (Places of Detention) Regulations 2016 (amended by the Reception Conditions Regulations 2018) designates places of detention as ‘Every Garda Síochána Station [and] Cloverhill Prison’, a situation regularly criticised by international monitoring bodies. Thus, by default, asylum seekers detained on the territory will be detained in an ordinary prison or in police stations.³⁷ Moreover, there are reports that, within the prison, asylum seekers and/or immigration detainees are detained together with the general prison population.³⁸

In **Switzerland**, according to the Federal Supreme Court, detention for immigration-related purposes in a non-specialised facility (even in a separate administrative section) is only admissible for a short time, in exceptional and well-founded cases, when necessary for logistical or operational reasons (such as imminent organisation of a deportation) and provided that strict separation from ordinary prisons is enforced. In practice, asylum seekers are rarely detained during the asylum procedure but when they are, asylum seekers may be regularly detained in prisons or pre-trial detention facilities as there are very few detention centres designed exclusively for administrative detention.

In **Germany**, while detention of asylum seekers and immigration detainees normally occurs in specialised detention facilities since the 2014 *Bero & Bouzalmate* CJEU ruling,³⁹ between August 2019 and June 2022, a temporary legal change allowed detention pending removal, which may in some cases affect asylum seekers, to be carried out in regular prisons. Available statistics indicate Federal States made little use of this provision in practice (10 cases recorded as of March 2021).

In most other countries, the detention of an asylum seeker in a prison would only occur in specific circumstances, usually when the person is already subject to criminal detention (whether pre-trial detention or execution of a sentence) and then applies for international protection.⁴⁰ However, criminal detention is sometimes related to the person’s administrative status or to an irregular border crossing.

In **Czechia**, this can notably occur where a person presents themselves at the border with falsified documents, is prevented from lodging their asylum application and put in prison in the context of the criminal procedure linked to the falsified documents.

In **Serbia**, third-country nationals may be charged and sentenced for the misdemeanour of unlawful border crossing or irregular stay on Serbian territory and thus detained in prison.

In **England and Wales**, some third-country nationals are detained under Immigration Act powers in prisons (usually at the end of their prison sentence), rather than transferred to specialised detention facilities. However, it is not recorded how many (if any) are asylum seekers.

In **Sweden**, legislation foresees that by way of exception, administrative detainees, including asylum seekers, who pose a real threat to others, can be transferred to a prison, a remand prison or into police custody, a situation repeatedly criticised by Non-Governmental Organisations (NGOs) and the CPT.⁴¹

37. In general, Ireland places very few international protection applicants or migrants in administrative detention; data on people detained who subsequently apply for international protection is not collected.

38. CPT, *Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 16 to 26 September 2014*, 17 November 2015, available [here](#), 18; CPT, *Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 4 October 2019*, 24 November 2020, available [here](#), 17.

39. CJEU, Joined Cases C-473/13 and C-514/13, *Adala Bero v Regierungspräsidium Kassel and Ettayebi Bouzalmate v Kreisverwaltung Kleve*, 17 July 2014, available [here](#).

40. BE, BG, CZ, FR, RO, RS, ES, UK. In Spain, they remain in prison until a decision on their admission to the asylum procedure has been reached. Similarly in the UK, where a person serving a prison sentence claims asylum, they may remain in prison during the processing of their asylum claim.

41. CPT, *Report sent to the Swedish Government on the visit to Sweden from 9 to 18 June 2009*, 11 December 2009, available [here](#), paras 63-64; reiterated in CPT, *Report to the Swedish Government on the visit to Sweden carried out from 18 to 29 January 2021*, 9 September 2021, available [here](#), para. 28.

In September 2025, **Greece** adopted new legislation under which rejected asylum seekers are to face prison terms of 2 to 5 years if they do not leave Greece within 14 days. The legislation also extends the maximum duration of detention from 18 to 24 months, and increases fines for “illegal entry” to 10,000 euros (30,000 in case of re-entry after rejection).⁴² UNHCR has highlighted that the legislation “risk[s] penalizing persons in need of international protection or whose international protection needs have not yet been assessed, including for example asylum-seekers whose claims have not been assessed on the merits but have been rejected as inadmissible on the grounds of the ‘safe third-country’ concept”.⁴³

Moreover, many countries used re-purposed prisons as specialised detention facilities, and/or apply prison-like conditions and environment to specialised detention facilities (see [Prison-like characteristics](#)).

In addition, a few countries use police stations to detain asylum seekers.⁴⁴

This is a regular practice in **Cyprus**, with 24 police holding cells used to detain asylum applicants in 2024 and 2025. Persons are often detained there for long periods of time, in inadequate conditions, due to lack of capacity in the island’s only administrative detention centre, Menogia.⁴⁵

In **Greece**, people are regularly detained in police stations,⁴⁶ including in the context of pushbacks, as illustrated in the *A.R.E. v. Greece* case before the ECtHR, where the applicant was arbitrarily *de facto* detained before their pushback across the Evros river.⁴⁷

In **France**, while asylum seekers are not technically detained in the police cells themselves, several specialised administrative detention premises (Administrative detention centre / Places of administrative detention) are located inside police stations (such as in the basement).⁴⁸ For example, at the Menton and Montgenèvre police station close to the Italian border, where particularly poor detention conditions have been documented.⁴⁹

Detention in airport facilities

Lastly, while it might not be the case at all border crossing points, most AIDA countries have facilities at airports where third-country nationals may be held. Depending on the country and/or the airport, these facilities range from a dedicated set of rooms within the international area of the airport to fully-fledged separate facilities within or close to airport grounds, and thus conditions vary greatly (see [Chapter III – Detention conditions](#)).

Country	Detention at airports
Austria	<i>De facto</i> detention at the EAST (initial reception centre) located at the airport
Belgium	Although detention facilities are legally foreseen by law at five regional airports, they have not been used since 2012. Unless removal is imminent, third-country nationals are transferred to one of Belgium’s six closed centres, two of which are located near Brussels-Zaventem airport. Families are sent to return houses (see Detention of families and accompanied children).
Bulgaria	Sofia Airport transit hall
Cyprus	Holding facilities at Larnaca and Paphos International Airports
Czechia	Transit zone at Václav Havel Airport in Prague
Germany	Airport detention facility at Frankfurt Airport, Munich Airport, Berlin and Brandenburg Airport

42. Balkan Insight, ‘Greece Passes Law Potentially Jailing Rejected Asylum Seekers’, 3 September 2025, available [here](#); Infomigrants, ‘Detention and fines at core of Greece’s new migration law’, 4 September 2025, available [here](#).

43. UNHCR, ‘UNHCR Comments on the Draft Law of the Ministry of Migration and Asylum’, 29 August 2025, available [here](#).

44. HR, CY, FR, GR, IE, IT, SI (usually maximum 12 hours) ES (maximum 72 hours), TR (maximum 48 hours).

45. Throughout the report, detention conditions in the Menogia detention centre will be discussed as it has been the only formal detention centre in Cyprus for the last several years. It should be noted that the centre closed in spring 2026 and detainees were moved to the new Limnes centre, however information on detention conditions is not yet available.

46. Mobile Info team, *No Beds, No Light, No Rights: New Findings on Greece’s Illegal Use of Police Stations to Detain Migrants*, 16 April 2025, available [here](#).

47. ECtHR, 15783/21, *A.R.E. v. Greece*, 7 January 2025, available [here](#).

48. Forum Réfugiés et al, *Centres et locaux de rétention administrative : 2024 rapport national et local*, 29 April 2025, available in French [here](#).

49. ANAFE, ‘Des associations demandent la fin de l’enfermement indigne aux postes de la police aux frontières de Menton et de Montgenèvre’, 4 March 2026, available in French [here](#).

Spain	'Non-admission rooms' (<i>Sala de Inadmisión de Fronteras</i>) in Madrid Adolfo Suárez Barajas Airport, Barcelona El Prat Airport, Málaga Airport
France	Asylum applications were registered in 14 airport ' <i>zone d'attente</i> ' (waiting zones) in 2024. It should be noted however that there are more airport waiting zones, although their exact number is unknown.
Greece	Athens Airport transit zone
Croatia	Places of deprivation of liberty for the accommodation of migrants in an irregular situation at Zagreb Airport and at Dubrovnik Airport; at other airports, the international departure space is also used for detention purposes
Hungary	Budapest Airport transit zone
Ireland	Garda Station at Dublin airport
Italy	Airport border offices and transit zones
Malta	N/A
Netherlands	Judicial Complex Schiphol at Amsterdam Airport
Poland	Transit zone
Portugal	Detention facilities qualified as Temporary Installation Centres (EECIT) at Lisbon, Porto and Faro airports
Romania	Airport transit zone in Otopeni Airport in Bucharest,
Sweden	N/A
Slovakia	N/A
Slovenia	N/A
Ukraine	MTTs at airports
UK	Short-term holding facilities at airports
Switzerland	Transit zones at Geneva and Zurich airport
Serbia	Transit zone at Nikola Tesla Airport
Türkiye	Border facilities exist for persons refused entry ('inadmissible passengers') at all airports open to international flights. Detention primarily takes place at Istanbul Airport and Istanbul Sabiha Gökçen Airport.

By way of exception, in three countries, when a person expresses their intent to apply for international protection at the airport, they are not detained / released from detention at the airport and redirected to the relevant authorities:

- » In **Malta**, although there is a holding space at Malta international airport, NGOs state that, to their knowledge, persons requesting asylum at the airport are referred to the International Protection Agency;
- » In **Slovenia**, persons requesting asylum are brought to the Asylum Home, where they will however be *de facto* detained during the early stages of their procedure until formal lodging of the application;
- » In **Sweden**, people seeking asylum at an airport or a port are referred to the Swedish migration agency to register their claim.

Waiting zones exist not only in airports, but also at other border crossing points. For example:

- » In addition to waiting zones in at least 14 of its airports, **France** also foresees administrative detention premises in international ports and train stations;
- » **Belgium's** external border includes 6 ports and the Eurostar terminal of Bruxelles-Midi train station.⁵⁰

50. Myria, *Retour, détention et éloignement des étrangers en Belgique: Un regard sur le monitoring des éloignements*, 2021, available [here](#), 46.

Other places of detention

Several countries use premises that are structurally unsuitable for detention:

Greece uses a former factory warehouse (Thessaloniki Aliens Directorate) for prolonged detention.

Italy detains people in hotspots, including some that are former military barracks. The country also operates two centres (currently destined to pre-removal detention) in Albania. The compatibility of these centres with EU law is currently under the evaluation of the CJEU.⁵¹

Türkiye operates a container centre at Iğdır, as does **Croatia** in Dugi Dol.

Lastly, there are multiple reports of highly concerning practices of unregulated, *de facto* detention in a variety of places unsuitable for such purposes, outside of clear legal frameworks and without access to the right to seek asylum. Because such practices occur outside of any legal framework, third-country nationals, including asylum seekers, often report particularly poor conditions and violent practices: denial of food and water, verbal and physical violence, theft by the authorities and *refoulement*.⁵²

In **Türkiye**, for the last 6 years, stakeholders have been reporting *de facto* detention of people in places such as sports halls, without a detention order, prior to being transferred to a Removal Centre or to signing voluntary return documents, with no clear authority in charge.

Third-country nationals report *de facto* detention upon interception at the **Croatian** border. For instance, in 2020 the Croatian National Preventive Mechanism (NPM) and NGOs reported to the CPT ‘that migrants were detained for many hours including overnight in a garage adjacent to the custody area, where they would have to sleep on the floor on dirty mattresses in unsanitary conditions’.⁵³

Third-country nationals and **Serbia’s** NPM have reported informal detention in poor conditions in abandoned houses, a warehouse and police station garage.⁵⁴

In January 2023, investigations revealed pushbacks from **Italy** to Greece being conducted by detaining asylum seekers in hidden rooms (toilets, rubbish rooms, metal structure at garage level) of ferries operating between the two countries.⁵⁵

In 2024, UNHCR reported 22 cases of people ‘allegedly subjected to incommunicado detention in undisclosed locations, including in police cars and warehouses’, including 11 children, after crossing the buffer zone, in or near First Reception Centre Pournara in **Cyprus**, and who were then returned to the buffer zone.⁵⁶

In **Bulgaria**, investigations revealed asylum seekers being ‘routinely locked in a small, cage-like structure next to a border police station in Sredets’ resembling ‘a disused dog kennel’, near the Turkish border.⁵⁷

In **Hungary**, testimonies indicate that asylum seekers were detained overnight in shipping containers and a petrol station before being pushed back to Serbia.⁵⁸

51. See cases C-414/25, C-706/25 and C-707/25 before the CJEU, available [here](#), including CJEU, Opinion of the Advocate General, C-414/25, 23 April 2026, available [here](#).

52. Lighthouse reports, ‘Europe’s black sites’, 8 December 2022, available [here](#).

53. CPT, *Croatia: Visit 2020*, CPT/Inf(2021)29, available [here](#), para 38.

54. Global Detention Project and Collective Aid, *Serbia: Submission to the UN Committee on the Elimination of Racial Discrimination*, March 2026, available [here](#), 7; Border Violence Monitoring Network, *Illegal pushbacks and border violence reports – Detention – monthly report*, May 2025, available [here](#), 17.

55. Solomon, ‘The secret pushback “prisons” on the ferries of the Greece-Italy route’, 18 January 2023, available [here](#).

56. UNHCR, *Submission by the Office of the UNHCR in the cases of Z.A. and Others v. Cyprus (No. 32295/24) and E.A. and Others v. Cyprus (No. 5455/25)*, 5 November 2025, available [here](#).

57. Lighthouse reports, ‘Europe’s black sites’, 8 December 2022, available [here](#).

58. Lighthouse reports, ‘Europe’s black sites’, 8 December 2022, available [here](#).

Considerations on Pact implementation

The rules governing places of detention do not substantially change under the Pact on Migration and Asylum, as Article 10 of the 2024 Reception Conditions Directive largely reproduces the provisions contained in Article 8 of the 2013 Reception Conditions Directive. Nevertheless, the use of detention is likely to become more widespread due to the introduction of the Screening Regulation,⁵⁹ the expansion of the grounds triggering the application of border procedures, some of which are mandatory rather than optional under the previous framework, as well as the introduction of additional grounds for detention.⁶⁰

The Pact introduces the possibility for Member States to impose restrictions on applicants' freedom of movement, notably through Article 9 of the 2024 RCD. In principle, this provision seeks to distinguish such restrictions from detention. In practice, however, serious concerns remain that screening and border procedures may often be carried out in highly restrictive settings amounting, in substance, to de facto detention, particularly where applicants are unable to leave designated facilities or border zones freely.⁶¹ The distinction will ultimately depend on the factual circumstances and degree of restrictions imposed in practice, as highlighted by longstanding case law.⁶²

For many countries, this will require a significant expansion of detention capacity, given that, as of January 2026, according to the European Migration Network (EMN), 13 Member States did not apply border procedures.⁶³

Recommendations:

- » States should never use prisons or police stations for administrative detention of asylum seekers;
- » Situations amounting in practice to deprivation of liberty must be formally recognised as detention and subject to the safeguards applicable under EU and international law;
- » Detention facilities should be located in places that allow effective access to services, health care, legal assistance, oversight bodies and family members;
- » States must immediately cease using *ad hoc* or structurally unsuitable detention sites, including warehouses, garages, containers, military barracks;
- » The European Commission and oversight bodies should closely monitor the implementation of Article 9 2024 RCD to ensure that restrictions on freedom of movement are not used in practice to create detention-like regimes without the safeguards attached to deprivation of liberty.

2. Management of facilities

Neither EU law nor international law prescribes which authorities should manage detention facilities for asylum applicants. However, administrative detention must remain non-punitive by nature, and detained asylum applicants should not be treated like ordinary detainees.⁶⁴

In a significant number of AIDA countries, administrative detention facilities are managed by the national police and/or prison authority, raising concerns regarding the guarantee that administrative detention remains non-punitive and ensuring detainees are not treated like criminal detainees.

59. Screening formalises the hotspot approach of Greece and Italy, where de facto detention takes place, in very poor conditions. For further information, see among others ECRE, *The implementation of the hotspots in Italy and Greece*, December 2016, available [here](#).

60. For further information, see AIDA, *The Legal Framework for the Detention of Asylum Seekers*, to be published in July 2026.

61. See, *inter alia*, Ulrike Brandl, 'Mix and Match. Detention, "De-Facto Detention" or just Restrictions of Freedom of Movement in the New Pact' (EU Migration Blog, 14 October 2024, available [here](#).

62. CJEU, *FMS, FNZ, SA, AS junior v Országos Idegenrendészeti Főigazgatóság Dél-alföldi Regionális Igazgatóság, Országos Idegenrendészeti Főigazgatóság*, C-924/19 PPU and C-925/19 PPU, 14 May 2020, available [here](#), paras 216ff; ECtHR, No. 19776/92, *Amuur v France*, 25 June 1996, available [here](#), paras 38ff and No. 36037/17, *R.R. v. Hungary*, 2 March 2021, available [here](#), paras 74ff.

63. BG, CY, EE, HR, HU, IE, LT, LU, MT, PL, SE, SI, SK according to EMN, *Currently applicable asylum procedures at the border in view of implementing the Pact on Migration and Asylum*, January 2026, available [here](#).

64. Among others: UNHCR, *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, available [here](#), 29; UNHCR, *UNHCR's Views on the Detention of Asylum Seekers: Using international law to advocate against detention of individuals seeking protection in the U.S.*, September 2022, available [here](#), 7; CPT, *CPT standards*, March 2011, available [here](#); CoE, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), 16, 67. See also Chapter I – Places of detention and Prison-like characteristics.

Detention facilities managed by:	
Specialised authority for the detention of migrants	MT
Asylum (reception) authority	Formal detention: CZ (formal detention centres), RO (closed wards within reception centres) In cases of informal detention: AT (Vienna airport facility, in conjunction with the police), BG (closed reception ward for asylum seekers), CY (Pournara), CZ (in reception centre), GR (RICs and CCACs), NL (Enforcement and Supervision Location), SI (Asylum Home)
Immigration (reception) authority	BE, BG (pre-removal centres) Same authority in charge of asylum and migration policy: HU (National Directorate-General for Aliens Policing), RO (General Inspectorate For Immigration, IGI), SE, TR (the Presidency of Migration Management), UA (State Migration Service)
Ministry of Interior - directly or through the (border) police	AT (for the police detention centres, i.e. 3 of the 4 centres), CY, HR, FR, DE, GR, PL, PT, SK, SI (Foreigners' centre), ES, RS
Prison authority	DE, IE, NL, RS ⁶⁵
Private actors	Private companies: AT (Vordenberg), IT, UK Social enterprises (<i>Cooperativa sociale</i>): IT
Other	CH

In **Switzerland**, detention facilities are under the responsibility of the cantons. The relevant department within the canton administration (migration, execution of sentences, institutions, etc.) varies depending on the canton.

Involvement of private actors in the management and day-to-day operation of administrative detention facilities

The involvement of private actors in the management and/or day-to-day operation of administrative detention facilities varies across Europe, ranging from limited-service provisions to full management of such centres by private companies. Several reports have highlighted concerns linked to the privatisation of detention, including profit-driven management practices that adversely affect detention conditions, as well as a tendency towards the development of large-scale facilities rather than smaller, more humane alternatives.⁶⁶

Czechia, Germany (for example, Munich airport facility), **Greece**⁶⁷ and **Portugal** (EECIT Lisbon) use private security companies to handle security inside (some of) their administrative detention facilities.

While management of administrative detention centres remains the prerogative of the border police, in **France**, private companies are involved in the day-to-day operation of the centre for activities such as catering, cleaning, hygiene of detainees, etc.⁶⁸

In **Austria**, private company G4S manages the Vordernberg detention facility, replicating the management style of the same company in the UK.⁶⁹

In the **UK**, private companies have been managing immigration detention facilities since at least 1971 and continue to do so today.

65. For the latter, when serving custodial sentences after having been prosecuted for the misdemeanour of irregular border crossing.

66. Lydie Arbogast, *Migrant detention in the European Union: A thriving business*, July 2016, available [here](#); Journalismfund Europe, 'The Booming Border Industry in Europe', 15 October 2025, available [here](#); Jane Lethbridge / Public Services International and European Public Service Union, *Privatisation of Migration & Refugee Services & Other Forms of State Disengagement*, March 2017, available [here](#); Michael Flynn and Cecilia Cannon, *The Privatization of Immigration Detention: Towards a Global View - A Global Detention Project Working Paper*, September 2009, available [here](#).

67. Jane Lethbridge, *privatisation of Migration and Refugee Services and Other Forms of State Disengagement*, March 2017, available [here](#).

68. Lydie Arbogast, *Migrant detention in the European Union: A thriving business*, July 2016, available [here](#).

69. Federica Infantino, *How do private companies shape responses to migration in Europe? Informality, organizational decisions, and transnational change*, 2 August 2023, available [here](#).

In **Italy**, management of CPRs has also long been the remit of the private sector. While they were traditionally entrusted to social cooperatives, these have recently been joined by private companies who manage detention centres or services in prisons across Europe. This happened in parallel with a global tendency to minimise the costs of managing the CPRs in favour of profit maximisation, as visible in the outline of the tender specifications by the Ministry of Interior since 2018, and which have resulted in a drastic decrease in services for people within CPRs.

3. Training and behaviour of staff

Arrangements should also take into account the safety and dignity of LGBTQIA+ detainees (see [Detention of other people in a vulnerable position](#)).

Article 29 of the 2013 RCD obliges Member States to ensure that staff implementing the Directive, whether it is the authorities directly or other stakeholders, including organisations, 'have received the necessary basic training with respect to the needs of both male and female applicants'. The staffing of detention facilities plays a key role in ensuring that the environment is non-custodial and non-punitive. In case of mixed-gender facilities, staff of both genders should be present at all times to ensure the needs of all detainees can be met. Staff must be adequately trained, both through initial and continuous training, on topics including human rights training, vulnerability screening for any staff in direct contact with detainees and appropriate use of force.⁷⁰ Some AIDA countries explicitly highlight the training received by detention staff:

In **Austria**, private staff managing the Vordernberg detention facility receive a series of trainings, including 36 hours on human rights.

In **Belgium**, security personnel receives training on the use of coercion.

In **Ireland**, staff entering the prison service receive basic training including equality, diversity, cultural and social awareness, as well as human rights and ethical dimensions to custodial care.

In **Poland**, the CPT highlighted deficiencies in the training of staff regarding languages commonly spoken by detainees, inter-cultural communication, implementation of the Istanbul Convention and Protocol, etc.

Member States must also ensure that detained applicants are not subject to ill-treatment, notably by the staff. If ill-treatment is alleged, this should be investigated promptly, thoroughly and effectively by an impartial party, independent of the suspected perpetrators and the agency they serve.⁷¹

Instances of ill-treatment by detention staff have been reported across 15 AIDA countries,⁷² ranging from racist comments to serious physical violence.

Physical ill-treatment and excessive use of force have been documented in **Greece**, where the CPT reported receiving "once again" credible and consistent allegations of deliberate physical ill-treatment by police officers; **Malta**; **Italy**, mainly in the management of critical events such as escape attempts and protests requiring the intervention of special inter-force groups; **Türkiye**; and the **UK**.

Discriminatory and degrading treatment short of physical violence has been documented in **Czechia** (racist or transphobic comments by private security staff), **Malta**, **Sweden** (serious concerns in 2023 regarding discriminatory treatment of detainees, threats of coercive measures and potentially excessive use of body searches, but improvements noted in 2024), and the **UK**.

In **Türkiye**, complaints of ill-treatment, from hate speech to physical violence to rape, as well as punishment by denial of food or placement in cold chambers, were reported in detention countries across the country, notably to pressure detainees into signing voluntary repatriation forms.

By contrast, **Portugal** stands as a positive outlier: according to an IOM survey, migrant detainees mostly gave a positive evaluation of the police officers running the detention centre.

70. CoE, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), 68ff.

71. ECRE, *Reception and detention conditions*, January 2015, available [here](#), 62, detailing ECtHR jurisprudence.

72. BE, BG, CZ, FR, GR, HU, IT, MT, PL, RO, ES, SK, SE, TR, UK. All mentioned in AIDA country reports except BE: Coalition Move, *Monitoring des centres de detention belges – 2024*, 19 December 2025, available in French [here](#), 16; BG: CPT, *Bulgaria: Ad hoc visit, 16-23 September 2024*, CPT/Inf(2025)26, available [here](#); FR: Forum Réfugiés et al, *Centres et locaux de rétention administrative : 2024 rapport national et local*, 29 April 2025, available in French [here](#), 73 and 117; IT: CPT, *Report on the visit to Italy from 2 to 12 April 2024*, CPT/Inf(2024)34, available [here](#), 11.

Considerations on Pact implementation

The Pact does not introduce significant changes to these rules, as EU law does not set out mandatory rules as to the authorities/entities entrusted with managing detention facilities for asylum applicants.

However, the provision on staff training is broader under the 2024 RCD: while Article 29(1) 2013 RCD focused on 'necessary basic training with respect to the needs of both male and female applicants', Article 33(1) 2024 RCD requires Member States to ensure staff receives 'the necessary training with respect to the needs of applicants, including minors'. Article 33 2024 RCD further specifies how Member States should ensure this, i.e. by using 'relevant core parts of the European asylum curriculum' in their staff training.

Similarly, regarding staff capacity, while Article 29(2) 2013 RCD merely states that Member States 'shall allocate the necessary resources', Article 33(2) 2024 RCD is more detailed: these necessary resources include 'necessary staff, translators and interpreters [...] taking into account seasonal fluctuations in the numbers of applicants' and necessary resources must also be provided to civil society or international organisations who contribute to the directive's implementation (which was implicit under 2013 RCD).

Recommendations:

- » States should avoid privatising the management of administrative detention centres, given recurring concerns regarding profit-driven management practices, accountability and negative impacts on detention conditions; where outsourcing is used by states, the authorities should foresee frequent monitoring with sanctions directly applicable to contractors and independent monitoring guarantees (see [Complaints and monitoring mechanisms](#)) should be particularly reinforced;
- » Any expansion of detention capacity must be accompanied by adequate funding, staffing levels and operational safeguards to ensure full compliance with human rights standards;
- » States should ensure comprehensive and mandatory training for all staff on detention standards, the distinction between administrative and criminal detention, vulnerabilities, mental health, de-escalation techniques, and the lawful use of force;
- » Management authorities should prioritise de-escalation and non-coercive approaches, ensuring that the use of force remains strictly exceptional, necessary and proportionate;
- » Allegations of ill-treatment must be independently, promptly and effectively investigated, with appropriate disciplinary and criminal consequences where necessary.

CHAPTER II - DETENTION CONDITIONS

The 2013 RCD provides limited practical guidance on detention conditions for asylum seekers. Per Article 17(2) 2013 RCD, material reception conditions, including during detention, must guarantee an ‘adequate standard of living, which guarantees their subsistence and protects their physical and mental health.’ Article 10, entitled ‘conditions of detention’, regulates places of detention and segregation from third-country nationals and ordinary detainees (see [Chapter I – Places of detention](#)), access by UNHCR, access to family, legal advisors or counsellors and NGOs. The only specific information on material detention conditions is Article 10(2), which requires that detained applicants have access to open-air spaces. Nevertheless, preamble 18 2013 RCD recalls that detained asylum applicants ‘should be treated with full respect for human dignity and their reception should be specifically designed to meet their needs in that situation’.

Similarly, the ECtHR highlights ‘the authorities must ensure that a person is detained in conditions compatible with respect for human dignity’, protect the person’s health and well-being and that the detention must not ‘subject the person concerned to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention’.⁷³ If a State is unable to ensure detention conditions that meet the requirements of Article 3, they must release detainees to reduce their total number in order to better comply with basic standards.⁷⁴

The ECtHR also recalls that this must be a global assessment, taking into account ‘the cumulative effects of [detention] conditions’, as well as duration of detention under these conditions.⁷⁵ While substandard conditions are never acceptable, their cumulative and compounding effects over time may amount to a violation of the prohibition of torture and inhuman or degrading treatment principle.

The difference between formal and *de facto* detention can have a direct impact on actual living conditions to which asylum seekers are subject, as countries that do not recognise a specific situation (e.g., holding applicant at the border) as detention will operate facilities with standards falling short of those applicable to detention centres as described in this chapter.⁷⁶

The overall state of some countries’ administrative detention facilities is reported as particularly concerning:

Mid-2023, having visited all places of detention in recent years, **France’s** Ombudsperson for places of deprivation of liberty concluded that the living conditions, in the majority of cases, ‘seriously undermine the dignity and fundamental rights of those detained’.

Similarly, **Italy’s** National Guarantor, regarding CPRs, described the ‘modalities of detention as seriously and physiologically problematic’ due to the regulatory gaps, the structural and management issues, and the very poor quality of life. The living conditions in Italian hotspots have been condemned by the ECtHR as violations of Article 3 in several cases,⁷⁷ and stakeholders report that the practices found in hotspots and informal facilities make these findings still relevant up to the present.

Considerations on Pact implementation

Rules on detention conditions do not change significantly under the Pact, given that that EU law contains few specific provisions on detention conditions, as evidenced throughout this chapter. Article 12 of the 2024 RCD reproduces Article 10 of the 2013 RCD ensuring that basic guarantees including access to open-air spaces and contact with UNHCR, lawyers, NGOs, and family members are provided to detained asylum applicants. The requirement to ensure an ‘adequate standard of living’, which was in preamble 19 of the 2013 RCD and refers to CJEU jurisprudence, is now directly included in Article 19(2) of the 2024 RCD, with an explicit reference to the Charter.

73. ECtHR, *Guide on Article 3 of the European Convention on Human Rights*, 31 August 2025, available [here](#), para 53.

74. ECtHR, 17885/04, *Orchowski v. Poland*, 22 October 2009, available [here](#), paras 120 et 153. For further detailed analysis of caselaw see ECRE, *Reception and detention conditions*, January 2015, available [here](#), 58ff.

75. ECtHR, *Guide on Article 3 of the European Convention on Human Rights*, 31 August 2025, available [here](#), 54.

76. AIDA, *Boundaries of liberty: Asylum and de facto detention in Europe*, 2018, available [here](#).

77. Among others, ECtHR, 18911/17 and two others, *A.E. and others v. Italy*, 16 November 2023, available [here](#).

As discussed above, the application of Pact rules could lead to an increased use of detention.⁷⁸ If Member States implement screening and border procedures through the use of detention, many will need to substantially expand their detention infrastructure and operational capacity. This raises concerns not only regarding the physical conditions of the infrastructures, but also in relation to adequate staffing, access to services, and effective safeguards. Creating and running large-scale detention infrastructures require significant financial investment for, *inter alia*, infrastructure, adequate detention conditions, and staffing. These have been denounced as disproportionate in comparison with the migration control objectives it pursues.⁷⁹ The costs are even more significant when administrative detention centres are partly or completely outsourced.⁸⁰ Without sufficient investment and structural reform, there is a risk that existing deficiencies - well documented across Europe - will be replicated or further exacerbated in newly created or adapted facilities. Ensuring compliance with fundamental rights standards will therefore depend less on the legal framework, which remains largely unchanged, and more on its effective implementation in a context characterised by an expanded use of administrative detention.

1. Living conditions in detention and basic needs

Arrangements should also take into account the safety and dignity of LGBTQIA+ detainees (see Detention of other people in a vulnerable position).

1.1. Physical infrastructure and accommodation conditions

State of repair and physical condition of buildings

4 AIDA countries document detention facilities in a poor state of physical repair:⁸¹

Austria's Vienna facilities were described by the CPT as in 'an appalling state of repair' with dilapidated and dirty corridors, cells and sanitary annexes. The Vordenberg facility, however, is in excellent condition.

The state of **Belgium's** Bruges centre, described as in a 'very bad' condition, has prompted government plans for a replacement facility, although there is no clarity on the start and end date for the construction. The Vottem centre is also in particularly poor condition.⁸²

The **UK's** Harmondsworth was described as 'decrepit' by His Majesty's Inspectorate of Prisons (HMIP) in 2024.

Greece's CPRs document broken doors, windows, heating systems and beds across multiple facilities.

Conversely, the renovation of EECIT Lisbon in **Portugal** was praised by the National Preventive Mechanism as positive overall, having successfully taken into account relevant concerns such as security, privacy and contact with the exterior. **Romania's** Arad centre relocated to a modern, well-equipped, clean new building in December 2024.

Sleeping conditions

Poor sleeping conditions, notably lack of beds or mattresses on the floor, are reported in 7 countries⁸³ including:

- » **Croatia:** bunk beds without mattresses or bedding in the Dugi Dol container centre;
- » **Türkiye:** people forced to sleep on the floor due to overcrowding; children without their own beds; people forced to sleep in outdoor courtyards or covered sports fields amid litter;⁸⁴

78. For further information, see AIDA, *The Legal Framework for the Detention of Asylum Seekers*, to be published in July 2026.

79. See inter alia AIDA, *The detention of asylum seekers in Europe: Constructed on shaky ground?*, June 2017, available [here](#); Lydie Arbogast, *Migrant detention in the European Union: A thriving business*, July 2016, available [here](#); the Migration Observatory, 'Immigration Detention in the UK', 12 December 2024, available [here](#).

80. Lydie Arbogast, *Migrant detention in the European Union: A thriving business*, July 2016, available [here](#); Journalismfund Europe, 'The Booming Border Industry in Europe', 15 October 2025, available [here](#); Jane Lethbridge / Public Services International and European Public Service Union, *Privatisation of Migration & Refugee Services & Other Forms of State Disengagement*, March 2017, available [here](#).

81. AT, BE, GR, UK.

82. Move, *Les centres de détention administrative*, 19 December 2025, available [here](#), 36ff.

83. HR, IT, PL (*de facto* border detention centres), PT (airport premises), TR, RS (airport premises), SK (Medved'ov).

84. Regarding the last example: Melvyn Ingleby et al, 'Inside Turkey's EU-Funded Deportation Machine', 12 October 2024, available [here](#).

- » **Italy**: people forced to sleep on the floor in hotspots; sleeping areas made of concrete facing small courtyards surrounded by high metal bars in some CPRs.⁸⁵

Conversely, in **Slovakia**, upon the NPM's second visit less than one year later, material conditions showed signs of gradual improvement, including planned renovation of accommodation areas, replacement of mattresses and lockers, and investments foreseen thanks to national Asylum, Migration and Integration Fund (AMIF) programming.

Lighting, heating and ventilation

European standards and ECtHR jurisprudence highlight that acceptable detention conditions include natural light, heating, cooling and ventilation systems.⁸⁶ However, issues are reported on both fronts.

Insufficient access to natural light or problematic artificial lighting is documented in multiple countries.⁸⁷

Regarding **Cyprus**, it is documented that windows in police station cells are covered with metal mesh, wooden boards or opaque glass, preventing natural light and fresh air from entering. The airport holding facilities and Limassol police holding cells have no windows or insufficient lighting. Similarly, screened windows block natural light in some CPRs in **Italy**, and lights inside the rooms/cells could only be turned on and off from the outside, thus detainees had no control over it.

Some of **Spain's** Centres for the Temporary Assistance of Foreigners (CATEs) reportedly lack proper lighting, while **Türkiye's** Arnavutköy centre has lights on 24 hours a day. Similarly, **Serbia's** transit premises use constant artificial lighting. **Poland's** rigorous centres involve permanent cell monitoring with no individual control over lighting.

Problems with inadequate heating and ventilation are also reported across multiple countries,⁸⁸ including in extreme climatic situations.

Heating is not (regularly) provided in **Greece, Türkiye, Spain, and Italy**. The problem was reported as fixed in **Bulgaria** in 2021. In **Italy**, detainees in Lampedusa hotspot in 2023 were forced to resort to bonfires to compensate for the lack of heating.

In parallel, the lack of ventilation, air conditioning and other cooling measures is reported in multiple centres in **Türkiye**, hotspots in **Italy**,⁸⁹ CCACs and Pre-removal Detention Centres (PRDCs) in **Greece**,⁹⁰ the Bruges facility in **Belgium**, **Spain's** CATE, **Serbia's** airport transit premises, Marseille CRA in **France**.⁹¹

Use of facilities unsuitable for prolonged detention

Conditions in airport and transit zone facilities across different countries appear generally inadequate for prolonged stays. **Portugal, Serbia, Poland, Spain, Italy and Cyprus** all document particularly poor conditions in airport and/or border facilities, especially in cases of large numbers of arrivals that led to overcrowding:

In **Portugal**, due to unaddressed overcrowding at the end of 2023 and early 2024, people were forced to sleep on benches for up to seven days, with access to hygiene dependent on police escort and no systematic access to personal items. The authorities have publicly confirmed that there is no limit to the number of people that can be detained in the airport premises. Stakeholders highlight that the transit zone at Lisbon airport is inadequate for any type of detention, be it prolonged or not. It occurs due to significant capacity constraints at EECIT-Lisbon and in overall administrative detention centres in Portugal.⁹²

85. Amnesty International, *Liberty and Dignity: Amnesty International's Observations on the Administrative Detention of Migrant and Asylum-Seeking People in Italy*, 3 July 2024, available [here](#), 11.

86. CoE, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), 35; ECtHR, 28524/95, *Peers v. Greece*, 19 April 2001, available [here](#).

87. CY, IT, PL, RS, ES, TR.

88. BE, GR, IT, RS, ES, TR.

89. Elena Mazzalai et al, *A review of the living conditions in administrative detention centres for migrants in Italy from a public health perspective*, 20 November 2025, available [here](#).

90. Refugee Support Aegean, 'Chios', available [here](#); Legal Centre Lesbos, 'As Heat Wave Hits Greece, Lesbos CCAC Residents Continue To Be Denied Access To Clean Water And Food', 2 July 2024, available [here](#).

91. Forum Réfugiés et al, *Centres et locaux de rétention administrative : 2024 rapport national et local*, 29 April 2025, available in French [here](#), 72.

92. Information received from Portugal Refugee Council, May 2026.

Poland has two ‘centres for foreigners’ registration’ at the Polish-Belarusian border, which operate as *de facto* detention facilities for people forbidden from leaving the premises, where the living conditions are reported as ‘critical’.

Since 2023, conditions in the ‘non-admission room’ at Madrid Barajas Airport in **Spain** have been consistently criticised for serious deficiencies, including poor hygiene and maintenance and severe overcrowding. Despite measures announced by the authorities, these shortcomings persisted into 2024, at times leading to incidents such as escapes and the suspension of support services by the Spanish Red Cross. Concerns re-emerged later in 2024 amid rising arrivals, pointing to ongoing structural inadequacies in the facility.

Conditions are also consistently substandard in police station detention cells,⁹³ especially considering that, in some countries (i.e. **Greece** and **Cyprus**), such facilities are regularly used to detain for periods of time exceeding a few days.

In **Cyprus**, monitoring by the Ombudsperson and the CPT of police holding cells highlights deficiencies, including a lack of outdoor access and fresh air, poor hygiene and cleanliness, inadequate infrastructure, insufficient lighting, an absence of natural light, overcrowding, lack of privacy, and some individuals forced to sleep on mattresses on the floor. Recommendations go unimplemented: problems identified in a Council of Europe 2017 visit to Limassol holding cell remained unaddressed as of 2024.

In **France**, NGOs reported the following regarding detention conditions in police stations at the Italian border: ‘In Menton, people sleep on mattresses laid on the floor, without blankets or pillows, in containers that give off a foul odour. In Montgenèvre, according to witnesses, more than twenty people, including minors and adults, can be locked up in the same dirty 20 m² container.’⁹⁴

Similarly in **Greece**, police stations were described as ‘totally unsuitable’ for detention beyond 24h by the CPT in 2016, a situation that remains the same according to stakeholders, with no outdoor access, poor sanitary conditions, lack of sufficient natural light, no provision of clothing or sanitary products, insufficient food, no interpretation services and no medical services.⁹⁵

People detained in police stations after arriving in **Spain** by sea are reported to face dire conditions.

Recommendations:

- » States must ensure that all detention facilities meet minimum standards of habitability, including adequate living space, lighting, ventilation, heating/cooling, sanitation, bedding, furniture, food and clothing, and overall be maintained in a good state of repair;
- » Short-term premises such as airports and police stations must be used for prolonged administrative detention, given that conditions are consistently substandard.

1.2. Hygiene and sanitation

Hygienic conditions of detention facilities

Detention premises should be clean as well as in a good state of repair.⁹⁶

A small number of countries report that facilities are cleaned on a regular basis. **Croatia**, **Cyprus’s** Menogia centre, **Portugal’s** Temporary Installation Centre – San Antonio Housing Unit (CIT-UHSA) and **Serbia’s** facilities all report regular cleaning as standard practice. At Menogia specifically, cleaners are present seven days a week and communal areas including toilets, showers and television rooms are cleaned twice daily. **Czechia** reports no complaints from detainees regarding insufficient cleaning in recent years, and **Serbia’s** DC Plandište describes hygiene in rooms as at a good level with daily cleaning.

93. Countries using police station cells to detain asylum seekers: HR, CY, GR, IE, IT, SI (usually maximum 12 hours) ES (maximum 72 hours), TR (maximum 48 hours).

94. ANAFE, ‘Des associations demandent la fin de l’enfermement indigne aux postes de la police aux frontières de Menton et de Montgenèvre’, 4 March 2026, available in French [here](#).

95. For the most recent finding violation of Article 3 due to detention in a police station, see ECtHR, 54796/16, *J.B. v. Greece*, 26 May 2026, available [here](#).

96. CPT, *CPT standards*, March 2011, available [here](#), 65.

In several other AIDA countries, however, poor hygienic conditions and lack of cleanliness are documented.⁹⁷

A recurring concern is the state of mattresses and bedding: mattresses in some Italian CPRs were reported to be worn-out and mouldy; the CPT's 2023 visit to **Malta** found dirty mattresses at Safi; clean mattresses and blankets are lacking in CATEs in **Spain**; responding to the Ombudsperson's concerns, in January 2025 **Romania's** IGI specifically committed to addressing the provision of proper bedding.

Pest infestation, which represents a particular public health concern, have been reported in **Belgium, Bulgaria, Greece, Italy** and **Serbia**, most commonly involving bedbugs and cockroaches.

The poor hygienic conditions in detention centres, often at times compounded by overcrowding, have in several documented cases escalated into disease outbreaks with direct public health consequences:⁹⁸

In **Türkiye**, detainees faced a scabies outbreak at the Tuzla detention centre, and epidemic diseases, scabies and skin diseases occurred at the Pehlivan köy centre in 2022 and 2023 due to poor maintenance of hygiene, including limited access to water.

In **Greece**, a lack of hygiene in CCAC Samos in 2024 and 2025 led to outbreaks of skin diseases, mostly scabies, including unaccompanied children, which in turn cannot be treated because of the lack of water, laundry and basic hygienic conditions.⁹⁹

The **UK's** Manston facility saw the spread of infectious diseases in conditions of overcrowding and inadequate sanitation, culminating in one death from suspected diphtheria in November 2022.

Sanitary facilities

Access to appropriate sanitary facilities is an essential element of any humane detention environment.¹⁰⁰ Persons deprived of liberty must be granted free regular access to showers, free access to toilets at any time including during the night. Sanitary facilities should be in a good state of repair, provide hot and cold water, and separate shower and toilet facilities ensuring privacy, in sufficient numbers.¹⁰¹ International standards also require that detained persons be provided with basic toiletries free of charge on a regular basis.¹⁰² The additional Yogyakarta principles (principle 35) include the right for LGBTQIA+ people to safely and with dignity access adequate sanitation facilities without discrimination on grounds of sexual orientation, gender identity, gender expression or sex characteristics.¹⁰³

Belgium, Cyprus, Czechia, Malta, the Netherlands, and Romania do not seem to suffer systemic deficiencies regarding access to hygiene facilities or their maintenance.

However, a range of concerns arise in other countries, particularly regarding the condition and adequacy of sanitary infrastructure. Overall, 'poor sanitary conditions' have been documented in **Greece**, notably in police holding cells, as well as in **Serbia**, where the National Preventive Mechanism reported deteriorated sanitary facilities in the Padinska Skela and Plandište centres.

In some contexts, the number of available toilets and showers is insufficient, constituting a problem that is exacerbated in situations of overcrowding.

This has been noted in **Bulgaria** (especially in earlier periods of overcrowding), **Türkiye**, and **Croatia**. Similar concerns have been raised in **Italian** hotspots, where sanitation facilities are not proportionate to actual occupancy, given the frequent overcrowding.

97. CY (police holding cells), FR, GR, IT, MT, PL, RO, RS, ES, SK, TR, UK. Regarding France (CRA the Mesnil Amelot): Forum Réfugiés et al, *Centres et locaux de rétention administrative : 2024 rapport national et local*, 29 April 2025, available in French [here](#).

98. BE, BG, GR, IT, TR, UK, UA.

99. Refugee Support Aegean, 'Not again in 2024: Call for upholding human rights in the Samos Closed Controlled Access Centre', 31 January 2024, available [here](#); Solomon, 'Unaccompanied children sleep on the floor in shifts in Greece's 'model camps'. The EU is aware', 31 March 2025, available [here](#).

100. ECtHR, 40119/09, *Canali v. France*, 25 April 2013, available in French [here](#).

101. CoE, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), citing numerous ECtHR cases, including for instance ECtHR, 53541/07, *S.D. v. Greece*, 11 June 2009, available in French [here](#), paras 49-54; ECtHR, 16483/12, *Khlaifia and Others v. Italy*, 15 December 2016, available [here](#), para 146.

102. For example, ECtHR, 53541/07, *S.D. v. Greece*, 11 June 2009, available in French [here](#), paras 49-54; CPT, *Report on the 2014 visit to 'the former Yugoslav Republic of Macedonia'*, CPT/Inf(2016)8, 17 March 2016, available [here](#).

103. *The Yogyakarta principles plus 10: Additional principles and state obligations on the application of international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics to complement the Yogyakarta principles*, November 2017, available [here](#), 12-13.

Access to sanitary facilities is, in certain cases, restricted in practice, disregarding basic physiological needs.

In **Bulgaria**, communal toilets in the Lyubimets centre are locked at night. In **Poland**, there are no toilets in the cells of closed centres; as a consequence, detainees must request access to toilets from staff, sometimes facing prolonged waiting times. Similarly, in **Portugal's** airport transit zone, detainees sometimes lack access to personal hygiene facilities as they are dependent upon escort by Police to access hygiene facilities for showering and personal hygiene, which are in an unauthorised access area at the airport. In **Türkiye**, detainees have reported not being allowed to use the showers.¹⁰⁴

Cleanliness and maintenance issues also affect sanitary facilities in several AIDA countries.¹⁰⁵

In **Serbia**, facilities in Dimitrovgrad are reported to be clean and in good condition, but those in the Plandište centre have broken taps and showers, making them regularly unusable. In **Bulgaria**, while facilities for men are in good condition, sanitary facilities for women and families have been found to be dilapidated, dirty, and flooded. In **Malta**, a 2023 visit by the European Committee for the Prevention of Torture documented unsanitary toilets and non-functional showers in Safi and Hal Far. In the **UK**, standards of cleanliness and repair are reported as uneven, with some centres well maintained, while others are in a poor condition.

Facilities in several countries do not offer hot water, or experience shortages: such is the case in several **Greek** CCACs and PRDCs, in **Spain's** CATE facilities, **Belgium's** Vottem, and in **Italy's** Turin CPR.

Privacy is also a recurring issue mentioned in **Poland's** Krosno Odrzańskie centre, where toilets and washing cabins are only partially enclosed up to 1m high, severely limiting privacy. In **Portugal**, shared sanitary facilities and lack of privacy in showers have been reported; as well as in **Italy**, due to absence of doors in sanitary areas of some facilities.

At least 11 AIDA countries provide basic hygiene products.¹⁰⁶ This provision is sometimes reserved to those who cannot afford it.¹⁰⁷

In the **Netherlands**, regulations specifically state that the institution must provide shampoo, soap, toothpaste, toothbrushes, combs, toilet paper, shaving equipment for male detainees and sanitary pads for female detainees.

In **Romania**, the provision of such products relies on donations from the Jesuit Refugee Service (JRS) Romania and faith-based groups.

On the contrary, there is a shortage or absence of hygiene products reported in **Bulgaria**, **Greece**, **Slovakia** and **Türkiye**.

In **Türkiye**, hygiene products are generally provided, but some removal centres may apply arbitrary procedures that result in delayed or inconsistent distribution. Detainees have reported being forced to sign a document stating they received hygienic products, but in reality did not receive them.¹⁰⁸

In **Slovakia**, during their second visit to detention centres, the NPM noted that structural administrative barriers persisted regarding the procurement of hygiene items.

Recommendations:

- » Detainees must have free and unrestricted access to well-maintained, functioning toilets, showers, hot and cold water, including at night;
- » Regular cleaning, pest control, and public health monitoring must be ensured, including bedding inspections and rapid outbreak response;
- » States should provide detainees with adequate hygiene products from the first day of detention, including gender- and age-appropriate items with regular replenishment, free of charge.

104. Melvyn Ingleby et al, 'Inside Turkey's EU-Funded Deportation Machine', 12 October 2024, available [here](#).

105. BG, GR, IT, MT, RS, UK.

106. AT, CY, CZ, HR, IE, MT, NL, PT, ES, RS, SI, SE.

107. AT, RS.

108. Melvyn Ingleby et al, 'Inside Turkey's EU-Funded Deportation Machine', 12 October 2024, available [here](#).

1.3. Overcrowding and privacy

Overcrowding

While EU law does not specify a minimum standard of space, each detained person should be afforded a minimum sufficient living space to ensure respect for human dignity (Article 1 Charter and ECHR). The adequacy of the amount of space allocated to each detainee is also influenced by other elements of detention conditions such as access to outdoor spaces, physical exercise, duration of detention and the health situation of the specific detainee.¹⁰⁹

In *Aden Ahmed v Malta*, the Court considered that the extreme lack of space in a prison cell was a significant factor in their assessment of whether the detention conditions amounted to degrading treatment under Article 3 ECHR. The court ruled that each detainee must have at least 3 square metres of floor space, as well as their own individual sleeping place within the cell and that, overall, the cell should be big enough to allow them to move freely between the furniture.¹¹⁰ For example, in the migration context:

- » The Court found a violation of Article 3 due to the overcrowded conditions at the Menogia detention centre (Cyprus) where the applicant was confined with only 2.29 square meters of personal space;¹¹¹
- » The Court also found a violation of Article 3 due to the detention conditions of an applicant in a Cypriot police station, where they did not have access to outdoor exercise, the cell was unsanitary, with no access to natural light or fresh air, the detained person had less than 4 square meters of personal space, and was confined with persons suspected of having committed criminal offences;¹¹²
- » Also regarding a police station, where 42 detainees were held in 70 square meters, the Court ruled that holding that many people in such a small space, even for one day, constituted severe overcrowding and that the detention conditions were thus contrary to Article 3;¹¹³
- » In *M.S.S. v. Greece and Belgium*, the court also found a violation of Article 3 as, among other factors, most people had to sleep on the bare floor as there was only one bed for 14-17 people and 110 square meters for 145 detainees.¹¹⁴

In the context of prison establishments, the CPT requires a minimum 6 square meters for single-occupancy cells, and 4 square meters per detainee in multiple-occupancy cells, with at least 2 meters between the walls of the cell and at least 2.5 meters between the floor and the ceiling of the cell.¹¹⁵

A few countries did not, or do not, comply with the minimum living space standard set by the ECtHR (3 square meters) and thus with that of the CPT (4 square meters in case of multi-occupancy):

Poland permits the limitation of personal space to as little as 2m² per person in detention centres.

Cyprus's Menogia centre originally operated at a capacity that would have provided only approximately 2.25m² per person, falling below international standards, before the CPT recommended having occupancy from 256 to 128 places in 2014.

In **Italy**, single rooms in some CPRs do not comply with the minimum living space standard set by the ECtHR.

In practice, overcrowding is reported as a persisting problem as recently as 2024 in 9 countries,¹¹⁶ and was also documented in another 3 countries¹¹⁷ in previous years.

109. ECtHR, *Guide on the case-law of the European Convention on Human Rights – Prisoners' rights*, 31 August 2025, available [here](#), para 28 (hereinafter *Prisoners' rights*).

110. ECRE, *Reception and detention conditions*, January 2015, available [here](#), 59 citing ECtHR, 55352/12, *Aden Ahmed v Malta*, 23 July 2013, available [here](#), para 87.

111. ECtHR, 37139/13, *Monir Lotfy v. Cyprus*, 29 June 2021, available [here](#).

112. ECtHR, 47920/12, *Haghilo v Cyprus*, 26 March 2019, available [here](#).

113. ECRE, *Reception and detention conditions*, January 2015, available [here](#), 55 citing ECtHR, 50213/08, *Abdolkhani and Karimnia v. Turkey (No. 2)*, 27 July 2010, available [here](#).

114. ECRE, *Reception and detention conditions*, January 2015, available [here](#), 60 citing ECtHR, 30696/09, *M.S.S. v. Belgium and Greece*, 21 January 2011, available [here](#).

115. CPT, *Living space per prisoner in prison establishments: CPT standards*, C PT/Inf (2015) 44, 15 December 2015, available [here](#).

116. BG (The NYT, 'The migrants detained at the 'end of the world'', 27 February 2026, available [here](#)), CY (police holding cells), GR (multiple PRDCs, CCACs and RICs), IT (hotspots), PL (Kętrzyn, Przemyśl and Biała Podlaska), PT, ES (CATEs and at Madrid Barajas Airport), TR. IE is not included in this list because, while overcrowding is a recurring problem in the Irish criminal detention system, where asylum applicants are also to be detained by law, in practice asylum applicants are very rarely detained at all. In contrast, the other 7 countries mentioned have documented overcrowding in their administrative detention facilities.

117. CZ, HU (in transit zones; it should be noted however that since there access to asylum in HU is severely restricted, thus making overcrowding problems inapplicable), UK.

In **Cyprus**, while the Menogia Detention Centre has not reported overcrowding since it began operating, this is partly explained by the diversion of detainees to police holding cells where detention conditions are regularly incompatible with international standards and are overcrowded, as highlighted regarding the Limassol police holding cell by the Ombudsperson in a visit in early 2024.

In **Türkiye**, overcrowding persisted throughout 2024. In the Binkılıç detention centre, overcrowding led to detainees being forced to sleep on the floor; in Van, rooms designed for 8 people accommodated 12 people, while the rest were sent to live and sleep in the gym, and overcrowding even led to food and water shortages.

Czechia experienced overcrowding in 2014-2016 and again at the end of 2022. While the problem does not currently present itself, this does not seem to be due to better capacity management, as stakeholders highlight that the situation can change depending on arrivals.

In the **UK**, the Manston short-term holding facility was the subject of serious overcrowding concerns in 2022, with 4,000 detainees in November 2022 against a capacity of 1,600,¹¹⁸ contributing to conditions that led to one death from diphtheria.

A small number of countries report no problems of overcrowding.¹¹⁹ In the **Netherlands**, overcrowding is considered highly unlikely by stakeholders due to reserve capacity maintained on both short and long-term bases, and, when needed, operational measures are taken to avoid overcrowding: for instance, a one-time intake freeze for migrant detainees was introduced in September 2024 for one week. In **Romania** and **Serbia**, overcrowding is not a recurring problem because they have a very limited practice of detaining asylum seekers.

Privacy

Across AIDA countries, despite recommendations by oversight bodies,¹²⁰ individual cells are rarely used,¹²¹ and are usually reserved for specific circumstances, with shared cells being the norm.

The **Netherlands** specifically foresees that, while detainees are usually assigned to 2-person cells, individual cells are available upon medical recommendation.

In **Romania**, the Arad centre chooses to spread detainees out 2 to 3 per room despite larger capacity (4 rooms), rather than maximising capacity and limiting the number of rooms used, to reduce tensions and avoid conflicts among detainees.

Privacy concerns are also reported regarding space permitted per detainee (see above, overcrowding) and regarding sanitary facilities where privacy is sometimes lacking (see [Sanitation and hygiene](#)).

Recommendations:

- » States must ensure that all detention facilities comply at all times with minimum living space and privacy standards, including the CPT standard of at least 4 m² per person in shared cells;
- » When not at full occupancy, detention authorities should spread detainees out among all available cells to provide better respect for privacy;
- » Overcrowding should trigger mandatory transfer or release procedures where adequate conditions cannot be guaranteed;
- » States must maintain adequate contingency capacity and planning mechanisms, including transfers and alternatives to detention.¹²²

118. BBC, 'Manston: Migrant centre issues improving but crisis not over, say MPs', 8 November 2022, available [here](#).

119. NL, RO, RS.

120. AOB (Austrian NPM), *Annual Report 2017*, cited in AIDA, Country report: Austria – Update on the year 2024, July 2025, available [here](#), 154.

121. Documented in DE, NL, IT; and in prison holding cells, which however should never be used for prolonged detention.

122. For further information on alternatives to detention, see ECRE legal note, to be published in summer-autumn 2026.

1.4. Provision of in-kind benefits

1.4.1. Food

As detainees are under the exclusive control of detention authorities, the latter must provide them with food of adequate nutritional value that can meet their subsistence needs. The food must be adapted to the detainee's age, health, cultural or religious background and specific nutritional needs (pregnancy, children, medical needs).¹²³ Detainees' dietary requirements related to their religious beliefs can also fall within the remit of Article 9 ECHR / Article 10 Charter, meaning Member States are obliged to take into account detainees' special dietary needs, although these are balanced against the interests of the detention facility.¹²⁴

Access to food

While food is usually available to detainees across AIDA countries, food shortages or lack of access to food were reported in five countries:¹²⁵

In **Italy**'s hotspots and the Van detention centre in **Türkiye**, food shortages have been reportedly related to overcrowding.

At the Çatalca detention centre in **Türkiye**, stakeholders highlight an alarming practice of punishing detainees through the denial of food.

In **Ukraine**, while the overall food provision is satisfactory, detainees are not provided with food during days when they are transported to and from court hearings, meaning detainees go without food for the entire day.

Food quality

While the quality of food (varied, meeting nutritional needs, food safety regulations compliant) is explicitly reported as satisfactory in **Croatia, Cyprus, Portugal, Romania, Sweden**¹²⁶ and **Serbia**, by contrast, poor food quality has been observed in several countries.¹²⁷

In **Italy**, poor quality food and lack of compliance with food safety regulations have been documented in CPRs, in addition to the food shortages in hotspots.

In **Portugal**, during the last quarter of 2023 and first quarter of 2024, the CPR received consistent reports of asylum applicants detained in the international area of Lisbon airport for prolonged periods where food, consisting mostly of sandwiches, was described as not adequate to fulfil nutritional needs.

In the **UK**, the general food provision is considered poor, though detention facilities have made improvement attempts through the introduction of 'cultural kitchens' where detainees can occasionally cook food of their choice.

In **Germany**, some facilities have a common kitchen available to detainees, which provides a degree of autonomy over food preparation, though use is limited by the need for detainees to purchase their own food, which is not always possible for logistical and/or financial reasons.

Provision of food adapted to specific dietary needs

Overall, most AIDA countries¹²⁸ provide meals adapted to specific dietary requirements, including those based on religious and/or medical needs. In **Italy**, however, problems are reported in that menus do not always accommodate religious or medical diets.

123. For detailed requirements (frequency, variety, etc) see CoE, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), 39-40; UNHCR, *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, available [here](#), point 48(xi).

124. ECRE, *Reception and detention conditions*, January 2015, available [here](#), 63; ECtHR, 18429/06, *Jakóbski v. Poland*; 7 December 2010, available [here](#), para 52.

125. BG, GR, IT, TR, UA. For BG: InfoMigrants, 'Migrants deprived of their 'fundamental human rights' in Bulgarian detention centers', 3 July 2024, available [here](#).

126. CPT, *Sweden: Visit 2021*, CPT/Inf(2021)20, 09 September 2021, available [here](#), para 21.

127. HR, IT, PT, ES, TR, UK. For HR: CPT, *Croatia: Visit 2020*, CPT/Inf(2021)29, available [here](#).

128. AT, BE, BG, HR, CY, CZ, HU, IE, MT, PL, PT, RO, RS, SI, ES, SE, CH, TR, UA, UK.

Both **Croatia** and **Czechia** serve extra meals for children (4 meals total instead of 3 in Croatia, 5 total in Czechia), whereas **Bulgaria** does not tailor to specific dietary needs of children.

Croatia, Poland, Romania, specifically foresee adapted food provisions for pregnant or breastfeeding women, in addition to the general provision of diet-specific food based on medical prescription which most countries follow and which may include pregnant women. Notably, **Bulgaria** does not foresee tailored food provisions for pregnant women.

In **Romania**, food provision is adapted and provided at times allowing for observance of religious traditions; in addition, during Ramadan, the NGO Romanian National Council for Refugees (CNRR) distributes additional food every evening to all detainees, regardless of religion.

1.4.2. Clothing policies and provision

Human dignity unquestionably requires that detainees be able to access adequate clothing. Moreover, the ability for detainees to choose and wear their own clothes preserves their autonomy and “might prevent the feeling of incarceration”.¹²⁹

However, this varies considerably across AIDA countries. **Belgium, Bulgaria, Cyprus, Czechia, France, Greece, Romania, Sweden**,¹³⁰ **Ukraine** and the **UK** all document that detainees wear or are able to wear their own clothes. Meanwhile, **Croatia, Germany** (until recently), **Malta** and **Slovakia** restrict or effectively prevent detainees from wearing personal clothing.¹³¹

In **Croatia**, detainees’ clothes are collected, washed and stored upon arrival, and they are instead provided with identical tracksuits. They may only wear their own clothing in exceptional circumstances. Moreover, as of 2020, detainees complained about only being able to change clothes once a week, which is not sufficient for basic hygiene.¹³²

Germany’s Hof and Eichstätt detention facilities made or make wearing own clothing practically impossible, as laundry must be completed outside of the facility by friends or relatives, making regular use extremely difficult. Following a court case that ruled that the Eichstätt facility did not meet the definition of a ‘specialised detention facility’ and that prison-like conditions must be avoided in administrative detention, the authorities announced a number of changes, including permission to wear personal clothing.

In **Malta**, while the Regulations explicitly provide that detained persons may wear their own clothing insofar as it is suitable and clean, in practice all personal property including clothing is confiscated by the Police Immigration Office upon entry, detainees are required to wear clothing provided by Detention Services, and own items are kept in a storeroom throughout detention.

The CPT reported that women at Safi were required to hand in their bras for security reasons without immediate replacement, a practice it considered potentially humiliating or degrading. The CPT recommended ending this practice and ensuring the prompt provision of non-wired bras.¹³³

In **Slovakia**, despite recommendations by the NPM, the authorities have explicitly refused to change limitations on personal clothing in Medved’ov detention centre.

The ability for detainees to wear their own clothes does not absolve the authorities from their obligation to provide clothing (or financial and practical means to obtain clothes) if the applicant does not have any or enough (adequate) clothing, including weather-adequate clothing. While the situation appears adequate in most countries, problems are reported in some:¹³⁴

In **Greece**, the lack of provision of weather-specific clothing and sufficient provision of clothes and shoes is a recurrent issue reported to the CPT in all PRDCs visited (6 out of 7).

In **Bulgaria**, access to clothing is dependent on NGOs donations.

129. Council of Europe, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), 40.

130. CPT, *Sweden: Visit 2021*, CPT/Inf(2021)20, 09 September 2021, available [here](#), para 21.

131. HR, DE, MT.

132. CPT, *Croatia: Visit 2020*, CPT/Inf(2021)29, available [here](#), para 48.

133. CPT, *Report to the Maltese Government on the Visit to Malta from 26 September to 5 October 2023*, CPT/Inf(2025)20, 10 July 2025, available [here](#), 41.

134. BG, CY, CZ, GR, TR.

In **Cyprus**, the provision of clothing has improved in recent years but mainly thanks to efforts by the Red Cross Cyprus and volunteer organisations, as well as police officers donating their old clothes.

Recommendations:

- » States must guarantee sufficient, nutritious food that is adapted to medical, religious, cultural and age-specific dietary needs;
- » Detainees should be allowed to wear personal clothing; where unavailable or inadequate, clean, weather-appropriate and dignified clothing must be provided free of charge.

2. Detention regime and environment

Courts and supra-national oversight bodies¹³⁵ consistently emphasise that administrative detention facilities must make every effort not to resemble criminal detention facilities and regimes, yet this standard is rarely met in practice. Administrative detention facilities used for administrative detention purposes, including the detention of asylum seekers, have been specifically described as 'carceral', 'prison-like' and 'oppressive' in 18 AIDA countries.¹³⁶ **Ireland** directly uses prisons for detention of asylum seekers.

In addition to the prison-like physical infrastructure, the **Netherlands** applies the same legal framework to asylum and migrant detainees as to ordinary detainees, directly undermining the administrative character of the deprivation of liberty. The Penitentiary Principles Act continues to govern all aspects of immigration detention including regime and restrictions. This situation was already criticised by the CPT in 2011 and was found to remain entirely unchanged in its 2023 review, with no substantive improvements noted as of January 2026.

2.1. Prison-like features

In many cases, the physical infrastructure of the detention facility is a primary driver of prison-like conditions.

Belgium, Ireland, Switzerland, Germany and the **UK** all use (former) prison buildings.

Despite not using former prisons, the physical infrastructure of detention facilities in **Cyprus, France, Malta, the Netherlands** and **Poland** are also considered to be prison-like by oversight bodies and civil society.

On the contrary, in **Czechia**, substantial reconstruction took place after 2015, removing most prison-like safety features of the facility.

The presence of law enforcement personnel, especially in uniform and in spaces and situations where it serves no necessary security function, also reinforces the carceral character of administrative detention (see also [Management of facilities](#)).

In **Cyprus**, detainees are handcuffed during transport to medical appointments for the entire duration as a rule and may also be handcuffed during a medical examinations, with no individual security assessment conducted; a police officer is present or nearby throughout medical examinations.

2.2. Isolation measures and use of force

While the use of isolation and solitary confinement should be avoided unless strictly necessary and as a last resort,¹³⁷ serious concerns have been raised about its excessive use as a disciplinary or management measure in administrative detention across multiple countries.¹³⁸

135. CoE, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), 36; CPT, *CPT standards*, March 2011, available [here](#), 54, para. 29; UNHCR, *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, available [here](#), point 48(iii).

136. AT, BE, BG, HR, CY, CZ, FR, DE, GR, IT, MT, NL, PL, ES, SK, CH, TR, UK. Information from AIDA except for BE: CIRÉ, *Les centres fermés*, 2017, available [here](#); BG: The NYT, 'The migrants detained at the 'end of the world'', 27 February 2026, available [here](#); HR: CPT, *Croatia: Visit 2020*, CPT/Inf(2021)29, available [here](#); TR: Melvyn Ingleby et al, 'Inside Turkey's EU-Funded Deportation Machine', 12 October 2024, available [here](#).

137. CoE, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), 75; ECtHR, 23183/15, *A.T. v. Estonia*, 13 November 2018, available [here](#), para 73.

138. AT, BE, CZ, DE, IT, NL, PL, DK, SE, TR. Regarding AT: Border Violence Monitoring Network, *Illegal pushbacks and border violence reports – Detention – monthly report*, May 2025, available [here](#), 17.

In **Belgium**, disciplinary isolation may be imposed for a range of infractions, with a maximum of 24 hours extendable to 72 hours, or an immediate 72 hours extendable to 7 days in cases of assaults on staff. A further concern is the 'room regime,' which is not formally classified as an isolation measure but means in practice that the person spends most of the day alone; this can transition into disciplinary isolation, creating *de facto* isolation periods exceeding the legally prescribed maximum.

In **Germany**, isolation is used as a response to psychological distress and rule-breaking, with 24-hour surveillance imposed in some cases and detainees locked in cells for most of the day as a sanction.

Italy's most serious documented case involved the sanitary observation rooms in Turin's CPR, known as the 'Ospedaletto,' which were used for the purpose of solitary confinement without any time limit for periods of up to five months; the rooms were closed following the suicide of a detainee in May 2021 and a report by the National Guarantor ruling these areas as constituting inhuman and degrading treatment.

In Sweden, the Ombudsperson's inspections in 2018 and 2022 found that procedures for placing disruptive detainees in police holding cells lacked consistency and were poorly justified, and raised concerns about detainees being held in seclusion for weeks under continuous camera surveillance. These findings were reiterated in a report referring to the situation in 2023 and were published in 2025.

Moreover, serious legality and proportionality concerns also exist regarding the use of force and coercive measures in **Czechia, Poland, Slovakia, the UK and Türkiye** (regarding general ill-treatment by staff, see also [Training and behaviour of staff](#)).

In **Poland**, in 2024, direct coercive measures were used 265 times across 4 administrative detention centres, physical force 33 times, and an isolation room 18 times. In 2022, an electric stun gun was used against a detainee in Przemyśl; the investigation into an abuse of authority was dismissed. The use of restraint beds has also been documented in Polish detention facilities, with the CPT recommending their immediate removal.

In **Türkiye**, at Şanlıurfa in 2024, detainees reported being punished through placement in cold chambers in the basement, and being forced to sign voluntary repatriation forms through the use of violence.

In the **UK**, JRS found in 2024 that force was used inappropriately and gratuitously across immigration removal centres, alongside a staffing culture of abuse and humiliation, while HMIP reports document a worrying deterioration in safety across all Immigration Removal Centres.

In **Slovakia**, the NPM examined allegations concerning a police intervention following an escape incident, during which an excessive use of force by masked officers was reported, but the authorities did not cooperate with the NPM on this matter, and notably did not provide the video recordings.

In **Czechia and Poland**, strip searches remain a common practice without the legally required two-stage approach, requiring detainees to be fully naked, as criticised by the CPT in the case of Czechia.¹³⁹

2.3. Freedom of movement within centres

The degree of freedom of movement within detention facilities, the amount of time detainees spend locked in cells, as well as the level of constant surveillance of detainees are particularly indicative of the distinction between administrative and criminal detention (on this, see also [Open air spaces, sports and recreational activities](#)).¹⁴⁰ However, in several countries, freedom of movement is significantly restricted.¹⁴¹

France, Croatia,¹⁴² and **Sweden**¹⁴³ represent positive examples in that detainees are allowed out of cells during the day, with no specific constraints.

139. Last CPT visit regarding detention of foreign nationals: CPT, *Report to the Czech Government on the visit to the Czech Republic from 1 to 10 April 2014*, 31 March 2015, available [here](#). This appears to remain an issue, as the national Ombudsperson once again issued recommendations to reduce the number of "thorough personal searches" requiring the detainees to strip naked or squat in 2022 and 2023.

140. CoE, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), 35.

141. AT (in practice, due to lack of personnel, detainees spend most of the day in their cells), DE, IT, MT, NL, PL, CH.

142. CPT, *Croatia: Visit 2020*, CPT/Inf(2021)29, available [here](#), para 49.

143. CPT, *Sweden: Visit 2021*, CPT/Inf(2021)20, 09 September 2021, available [here](#), para 21.

In **Germany**, many facilities do not grant detainees substantially more freedom of movement than regular prisons, with heightened security cells and constant surveillance widely criticised by NGOs. In Büren, notable restrictions on freedom of movement are described as very similar to the regular prison system. At Hof, conditions improved following the Federal Court of Justice ruling of March 2024, and cells are unlocked from 7am-7pm on weekdays and 8am-7pm on weekends with one mid-day lock-in period.

In **Italy**, according to Amnesty International in 2024 people could not move freely in the CPR without permission and accompaniment by police personnel and had to stay in 'fenced cages'.¹⁴⁴

In **Malta**, the CPT found in 2025 that children spent 23 hours a day confined with no activities.

In the **Netherlands**, a new policy introduced in late 2024 increased the cell lock-up period from 21:30 to 16:30 citing personnel shortages; the District Court of Amsterdam ruled in December 2024 that the resulting conditions were unlawful, citing both the increased lock-up hours and the essential similarity of conditions to criminal detention. The case is currently under appeal by the Minister.

In **Poland's** rigorous detention centres, detainees are closed in their ward for most of the day.

In **Switzerland**, the NCPT has consistently found that the vast majority of establishments do not differentiate regime by type of detention, with insufficient freedom of movement, recommending that cells be open without time limitation and closed only at night.

Recommendations:

- » Administrative detention must remain non-carceral in design, regime and practice;
- » Measures involving the use of force, restraints, handcuffing, strip-searches, surveillance and isolation must remain strictly exceptional, proportionate, and subject to oversight;
- » Detention regimes must guarantee the highest possible degree of freedom of movement, with daytime restrictions of movement within the centres remaining exceptional.

3. Health care

Regarding specific health needs of people in a vulnerable position, see Access to healthcare for people in a vulnerable position.

Article 35 Charter specifically provides for a right to access preventive health care and to benefit from medical treatment; this right is applicable in all contexts to all people under the scope of EU law, which includes asylum applicants in detention. The right to health and positive obligations regarding health care are foreseen by many international instruments.¹⁴⁵

The ECHR does not provide a standalone right to the protection of health, but the ECtHR has repeatedly underscored that the absence of adequate medical care, notably in a context of deprivation of liberty, can amount to a violation of the right to life (Article 2 ECHR) and/or the prohibition of inhuman and degrading treatment (Article 3 ECHR).¹⁴⁶ Articles 2 and 3 impose on States a duty to protect the life, health and well-being of people deprived of liberty.¹⁴⁷ These positive obligations also include appropriate mental health care. The Court has specified that, overall, 'prisoners should enjoy at least the same standards of health care as those available in the community'.¹⁴⁸

Article 19 of the 2013 RCD stipulates rules on the right for asylum applicants to access health care. The article establishes that Member States have to 'ensure that applicants receive the necessary health care which shall include, at least, emergency care and essential treatment of illnesses and of serious mental disorders'. Moreover, applicants with special reception needs must be provided with the 'necessary medical or other

144. Amnesty International, *Liberty and Dignity: Amnesty International's Observations on the Administrative Detention of Migrant and Asylum-Seeking People in Italy*, 3 July 2024, available [here](#), 11.

145. Article 12 International Covenant on Social and Cultural Rights; Article 24 UN Convention on the Rights of the Child; UNDP, Articles 14 and 25 UN Convention on the Rights of Persons with Disabilities; Article 2 World Health Organisation Constitution; European Social Charter.

146. CPT, *Healthcare in prison*, CPT/Inf(2025)37, available [here](#), para 2; see also ECRE, *Reception and detention conditions*, January 2015, available [here](#).

147. For analysis of ECtHR case law, see ECRE, *Reception and detention conditions*, January 2015, available [here](#).

148. CPT, *Healthcare in prison*, CPT/Inf(2025)37, available [here](#), para 6; see also ECtHR, 47152/06, *Blokhin v. Russia*, 23 March 2016, available [here](#), paras 137-138.

assistance', 'including appropriate mental health care where needed'. This right applies for all asylum applicants covered by the 2013 RCD, including those in detention. Mental health care can also be covered for applicants without special reception needs as part of emergency care and essential treatment of illnesses and of serious mental disorders, especially given the negative impact detention has on mental health.¹⁴⁹ Articles 8 to 11 of the 2013 RCD regarding detention do not specifically re-emphasise the right to health care, except regarding vulnerable persons, the health of whom should be a primary concern of the national authorities, who must ensure regular monitoring and adequate support for vulnerable persons including regarding their health (Article 11). Article 16 of the Return Directive provides that third country nationals in detention must be provided with emergency health care and essential treatment of illnesses.

All AIDA countries foresee asylum applicants' right to health care, in line with the 2013 RCD. This can in some countries be complemented by specific provisions on health care in detention, but this is not necessary to retain the right to health care as foreseen by national legislation transposing the 2013 RCD (or as foreseen by the Return Directive if they do not have the status of asylum applicant for various reasons).

In **Cyprus**, the Law on Rights of Persons who are Arrested and Detained includes the right of detainees to medical examination, treatment and monitoring, but also provides for criminal prosecution of detainees found to have 'abused' the right to medical access, with a penalty of up to three years imprisonment or a fine of €5,125.80, a provision denounced by the CPT, although it does not appear to be applied in practice.

However, healthcare in detention is limited to emergency healthcare in at least 9 AIDA countries.¹⁵⁰

In practice, AIDA reports illustrate multiple problems with access to adequate healthcare for detained applicants. It should be noted that the information below mainly describes access to health care in official detention facilities, but access is usually even more problematic in 'short-term' detention places (e.g. police stations), as well as *de facto* detention places (see [Places of detention in practice](#)). For example, in **Greece**, there are no medical services for detainees in police stations. In **Cyprus**, detainees in holding cells do not have direct access to medical services. They can be taken to public hospitals, but how such requests are handled varies from one holding cell to another. In **Serbia**, there is no provision of health care or psycho-social support in detention.

At least 4 AIDA countries do not proceed with a medical examination upon admission into detention.¹⁵¹ Even among those who do,¹⁵² issues are reported in **Cyprus**, due to the limited scope of the examination, which is only a screening for specific contagious diseases and not a full physical and mental health assessment, and in **Italy**, where the examination is reported as rushed and inadequate.

Regarding hygiene and impact on health, see [Hygiene and cleanliness](#).

Availability of health care professionals

The availability of daily health care varies: while 6 countries do not report any specific shortages,¹⁵³ 13 countries report shortages in some facilities¹⁵⁴ and 4 countries, namely **Bulgaria**, **Greece**, **Italy** and **Türkiye**, document critical staffing shortages across the detention system. **Belgium**, **Croatia**, **France**, **Italy**, the **Netherlands** and **Poland** also report issues regarding the quality and training of staff.¹⁵⁵

Against this predominantly negative picture, some countries demonstrate more adequate daily provision.

149. Jesuit Refugee Service, *Europe: Becoming Vulnerable in Detention*, June 2011, available [here](#), 63; Reem Saifeldeen, 'Immigration detention: A mental health crisis without borders', 21 January 2026, available [here](#); Trine Filges et al, *The impact of detention on the health of asylum seekers: An updated systematic review*, 8 July 2024, available [here](#).

150. HR, CZ, DE, GR, RS, SI, SE (care that cannot be postponed), TR, UA.

151. BE, FR, GR, RS.

152. AT, BG, HR, CY, CZ, IE, IT, MT, PL, RO, CH (varies depending on the canton and the detention centre), TR, UK. In Spain, whether a medical examination is carried out can depend on the type of place of detention and from where the person has arrived. In Slovenia, it is not conducted automatically, only where it is deemed necessary. In Sweden, all asylum seekers receive an initial health screening outside of detention and detainees have access to medical care that cannot be postponed. If a detainee has health problems, they should immediately be seen by healthcare staff and receive appropriate care.

153. AT, CY, HU, MT, SI, SE.

154. BE, BG, HR, FR, DE, IE (for mental health care specifically), IT, MT (significant improvement in 2021, but gaps remain), PL, PT (at the airport), RO, SK, ES, CH (at the airport).

155. For example: Substantial medical staff shortages has been documented in **Greece** for several years, including by the CPT. At the end of 2024, there were only six doctors total across all mainland PRDCs, with no doctor in Kos PRDC. In **Italy**, changes to the contract specifications for detention management in 2017-2021 led to a drastic decrease in health services, with cuts ranging between 27% and 70% for medical care, and 33% and 55% for psychological assistance. In **Croatia**, in one centre there is only a part-time nurse, while in another people employed as health care staff do not have any health-related qualifications (backgrounds in economics, administrative law). In **Sweden**, as of 2021 in Åstorp and Ljungbyhed detention centres, detainees reported delays or lack of access to medical care, especially specialists.

Cyprus has a full-time GP available on weekdays, two nurses providing 24-hour cover in rotating shifts, a dedicated mental health nurse, and a weekly clinical psychologist — supplemented by the Red Cross psychosocial support programme.

Romania's Otopeni centre has a structured medical team with one doctor present 7 hours per day and four medical assistants on rotating shifts for 24/7 coverage. However, psychosocial services are under-resourced.

Access to specialist care is reported in 4 AIDA countries.¹⁵⁶ For instance, access to special appointments is structurally difficult in **Germany** due to security escort requirements, and detainees have had to miss planned appointments due to these rules.

Quality of health care and access to medication

Problems related to the quality of health care provided are documented in the majority of AIDA countries,¹⁵⁷ with recurring issues of inadequate medication, cursory clinical practice, absence of continuous treatment. Reports regarding the quality of mental health care and the independence of health care (see below, same section) also contribute to this issue.

In **Bulgaria**, the quality of health care is severely limited by the lack of medication, with patients sometimes required to pay for medicines themselves, and occurrences of expired medicine being used to treat detainees.

In the Glückstadt detention facility in **Germany**, support groups report that treatment is inadequate in that it is mostly limited to pharmaceutical care and that patients are not taken seriously.

Similar issues regarding medication are reported in **Hungary**, where the same medication (sleeping pills, aspirin) is given for a range of different medical conditions, limiting quality of care.

On the contrary, per the last visit of the national Ombudsperson, **Romania** has well-equipped medical office and treatment rooms, with clear protocols for a number of situations (admission, self-harm, drug users, pregnancies, first aid).

In **Malta**, the creation of the Primary Health Care Migrant Health Service in 2021 and a new clinic, operating in Safi Detention Centre, brought about significant improvements in the standards of care, as highlighted by NGOs, who nevertheless point out the lack of access to independent care.

Mental health care

Mental health provision in detention across AIDA countries is overwhelmingly inadequate, with systemic failures documented across nearly every jurisdiction and only isolated examples of good practice. This is even more concerning as administrative detention facilities have been found to be spaces of high risk for developing or aggravating mental health conditions.¹⁵⁸ This is compounded by poor living conditions.¹⁵⁹

The prevalence of and improper measures taken to prevent self-harm, suicide attempts and deaths in detention was reported as a significant issue in the **UK, France, Italy, Malta, Austria, Germany**. In **Sweden**, staff are specifically trained to identify suicidal warning signs.

In the **UK**, 1,743 serious self-harm and suicide attempts requiring medical treatment were documented across four immigration removal centres between 2018 and 2023.

France has similarly recorded dozens of suicide attempts annually across its administrative detention centres, a situation which, according to NGOs, remained entirely unaddressed as of 2024.

156. BE, BG, DE, IT.

157. AT, BE, BG, HR, CZ, CY, FR, DE, GR, HU, IT, NL, PL, SK, ES, SE, TR, UK. Nothing specific reported in SK and RS. Quality reported as generally satisfactory in IE, MT, PT, RO, SI, CH, UA.

158. From AIDA reports: In Spain, 70% of interviewed detainees in Foreigners' Detention Centres (CIEs) showed symptoms of anxiety and depression; high levels of anxiety, PTSD, depression and severe mental illness are consistently reported among the detained population in the UK and Germany. See also Reem Saifeldeen, 'Immigration detention: A mental health crisis without borders', 21 January 2026, available [here](#).

159. In Greece, MSF, which provides services in CCACs, highlights how 'The undignified living conditions in the Closed Control Access Center (CCAC) which hosts about 1,200 people, compounded by the increasing securitization and movement for residents, have had a devastating impact on their physical and mental health conditions'. MSF, 'The struggle of healing under poor living conditions in Greece', 11 October 2024, available [here](#).

The use of isolation as a response to psychological distress is a concerning practice documented in **Germany** and **Italy**.

Many countries report severe capacity issues, up to the complete absence or near-absence of (quality) psychiatric and/or psychological care provision.¹⁶⁰ However, some countries offer examples of good practices:¹⁶¹

The **Netherlands** stands out positively, with a dedicated specialist detention institution - Veldzicht - offering structured psychological care for detainees with serious mental health needs.

The provision of psychological support in **Croatia** through the Red Cross also seems to allow for sufficient capacity.

In **Slovenia**, psychological counselling is provided under the same conditions as other asylum applicants. A psychiatrist, the same person working in the Asylum Home, visits the Centre for Foreigners when required.

Regarding quality of care, the overreliance of psychiatric medication is reported in several AIDA countries such as **Italy**,¹⁶² **Belgium** and **Austria**.

Issues related to lack of independent medical support also affect the availability of independent psychological support.

Access to independent care and guarantees of confidentiality

The independence of health care provisions from detention and return authorities and medical confidentiality, fundamental safeguards to ensure adequate care, are compromised across multiple AIDA countries.¹⁶³

Confidentiality concerns have been raised in **Germany**, where, for example, in Büren psychologist session notes are made available to facility management and can directly lead to the ordering of isolation measures. In **Italy**, **Slovakia** and **Cyprus**, law enforcement is present during medical examination, contrary to CPT standards. Concerns were underscored by the CPT in **Sweden** in 2021, where in Åstorp and Ljungbyhed detention centres, in order to see a doctor, detainees have to write an application explaining why they wished to see a doctor and hand it to non-medical staff.¹⁶⁴

Access to external doctors is structurally difficult or effectively inaccessible in several countries.¹⁶⁵

In **Italy**, health care in CPRs is *de facto* managed by the private bodies operating the detention facilities rather than the National Health Service.

In **Malta**, following the installation of primary health care serviced, a welcome improvement, NGOs are however explicitly barred from providing independent health services and there is no independent oversight on health care provided in asylum detention facilities, which is all the more problematic given that all asylum seekers are, at least initially, detained.

Similarly, NGO psychologists have been barred from accessing individual detainees in **Polish** detention centres in 2023 and 2024, which is particularly sensitive as Border Guard psychologists are part of the administrative staff of the detention centre rather than independent, and do not undertake therapeutic work.

In **Belgium**, detainees can request an external doctor but at their own cost and this is rarely possible in practice due to cost and geographic isolation of detention centres. They may also access volunteer NGO doctors from *Médecins Sans Frontières*, but are dependent on their availability.

160. BE, BG, FR, GR, HU, IE, IT, PT, RO, ES, CH, TR. For example: Bulgaria limits psychiatric care to emergencies only, a limitation repeatedly criticised by the CPT. France's Ombudsperson and the CPT documented near-total absence of psychiatric consideration across the detention system. In Poland, the national Commissioner for Human Rights found that the lack of adequate medical and psychological care, due to widespread capacity issues of psychological care, risked causing further deterioration of foreigners' health through secondary victimization.

161. HR, CY, CZ, NL, SI.

162. Between 65% and 80% of people detained in Rome, Gradisca and Milan's CPRs are administered psychotropic drugs and anxiolytics, with little to no regular follow-up by psychiatrists

163. BE, CY, FR, DE, IT, MT, PL, RO, SK, ES.

164. CPT, *Sweden: Visit 2021*, CPT/Inf(2021)20, 09 September 2021, available [here](#), para 23.

165. BE, DE, IT, MT, PL.

However, some good practices should be highlighted.¹⁶⁶

In **Austria**, the Vordernberg facility operates a two-tier doctor system that structurally separates the doctor advising on whether detention can be continued from the doctor providing care to detainees.

In **Portugal**, health care at the main detention facilities is provided entirely by Médicos do Mundo, an independent NGO, ensuring a meaningful degree of separation from detention and return authorities.

Dutch law grants detainees a right to access a doctor of their own choosing as an alternative to the centre-appointed doctor, although the ease of implementation in practice is unknown.

Language barrier

The lack of interpretation was another problem highlighted, which impacted the ability to access medical care or on the quality of medical care in **Bulgaria, Cyprus, Greece, Poland, Romania, Spain, Switzerland**.

Specific medical support for vulnerable detainees (see Chapter III – Detention of vulnerable applicants)

Considerations on Pact implementation

Article 22 of the 2024 RCD expands the right to healthcare compared to Article 19 of the 2013 RCD. Under the 2013 RCD, Member States were required to provide applicants with necessary health care, limited at a minimum to emergency care and essential treatment of illnesses and serious mental disorders, as well as additional support for those with special reception needs. The recast introduces more detailed and broader health care entitlements. It requires access to both generalist and specialist care, explicitly including sexual and reproductive health care (where necessary to address serious conditions), and strengthening protections for children by requiring equal treatment with nationals. It also clarifies that applicants cannot be charged for health care where it is provided free of charge to nationals.

Recommendations:

- » States should guarantee detainees access to healthcare equivalent to national standards, including preventive, emergency, specialist and mental health care, free of charge;
- » States should ensure timely access to qualified healthcare professionals, as well as medication, diagnostic services and continuity of treatment for chronic conditions; any expansion of detention capacity should be matched by adequate investment in independent healthcare services;
- » Healthcare providers should operate independently from detention and return authorities;
- » All detainees should undergo a prompt and confidential medical examination within 24 hours of admission, including physical and mental health assessments, and vulnerability screening;
- » Mental health care should be significantly strengthened given the impact of detention;
- » Medical confidentiality must be strictly guaranteed, with medical consultations conducted out of hearing and sight of non-medical staff;
- » States should ensure access to qualified, professional quality interpretation for all medical and psychological care, whether in person or remote. Interpretation must guarantee confidentiality, informed consent and accurate communication. Health care interpreters must have linguistic competence, knowledge of medical terminology, confidentiality training and patient-safety competence. Automated translation tools should not be relied upon. Other detainees or staff should never be used for interpretation.¹⁶⁷

166. AT, FR, NL, PT, UK.

167. CoE, *Prison standard*, CPT/Inf (2025) 37, 2025, available [here](#), 7 ; UK Home Office, *Detention Services Order 02/2022: interpretation services and use of translation devices*, June 2022, available [here](#); ISO, *Standards on Interpreting services — Healthcare interpreting — Requirements and recommendations*, ISO 21998:2020, available [here](#).

4. Open air spaces, sports and recreational activities

Regarding the education services for children, see [Detention of families and accompanied children](#).

Detention authorities must ensure that migrants deprived of liberty have meaningful access to open air and recreational activities. Article 10(2) 2013 RCD requires access to open-air spaces, while the case law of the European Court of Human Rights, UN standards and standards of the CPT clarify that detainees should, at a minimum, benefit from one hour of outdoor exercise daily, in spaces that are sufficiently large and, where possible, protected from adverse weather.¹⁶⁸ The adequacy of the space is assessed in practice by reference to the quality and usability of facilities, not merely their existence.¹⁶⁹ Access to (outdoor) exercise and recreational activities forms part of a broader regime of purposeful activities outside the cell.¹⁷⁰ Activities should be available regardless of the length of detention, and expand as detention is prolonged.¹⁷¹ Where detention is lengthy and characterised by a lack of such activities, the cumulative impact may engage Article 8 ECHR and the right to human dignity.¹⁷²

Open air spaces

All countries provide some level of access to open air spaces in formal detention facilities. However, gaps remain. Outdoor access is impossible for asylum applicants detained in police stations in **Greece, Italy**, and in the majority of holding cells in **Cyprus**, where 14 out of 24 holding cells lack outdoor areas. In *Haghilo v. Cyprus*, the ECtHR found a violation of Article 3 ECHR *inter alia* due to the absence of outdoor exercise during prolonged detention in police stations.¹⁷³ Similar concerns have been reported in the Kocaeli detention centre in **Türkiye**, where outdoor access is reportedly not provided.

The duration of outdoor access varies considerably both between and within countries. Some jurisdictions adhere only to the minimum standard of one hour per day.¹⁷⁴ Others provide two hours or more, either in a single period or split into sessions.¹⁷⁵ Most facilities in **Türkiye** allow for one hour of outdoor access after each meal, amounting to 3 hours daily. **France, Hungary, Serbia** and some facilities in **Belgium** follow CPT recommended good practice by allowing unrestricted access during the day.

In **Slovakia**, while national legislation requires at least two one-hour periods of outdoor access every day (three for children), at Sečovce access was reportedly limited to between 5 and 25 minutes depending on staff availability.

The quality of outdoor spaces also raises concerns in several countries,¹⁷⁶ where they closely resemble carceral environments: bare, concrete enclosures, often fenced or surrounded by high walls or barbed wire, with no equipment and no shelter from the weather. These environments structurally limit the possibility of meaningful recreation.

In **Germany**, stakeholders have described the yard in Darmstadt-Eberstadt as comparable to a cage, surrounded by barbed wire and exposed to the view of adjacent prison facilities.

In airport detention centres, such as those at Charles-de-Gaulle (**France**), 127bis and Caricole near Brussels-Zaventem (**Belgium**) and Geneva airport (**Switzerland**), outdoor areas sit just on the side of the runways, resulting in extremely noisy and unpleasant conditions.

Even where more adequate spaces exist, access may be restricted in practice.

168. ECtHR, *Prisoners' rights*, 31 August 2025, available [here](#), para 54, citing *inter alia* ECtHR, 42525/07 and 60800/08, *Ananyev and Others v. Russia*, 10 January 2012, available [here](#), para 150; UN *Standard Minimum Rules for the Treatment of Prisoners*, available [here](#), rule 23.

169. ECtHR, *Prisoners' rights*, 31 August 2025, available [here](#), para 57, citing *inter alia* ECtHR, 62936/00, *Moiseyev v. Russia*, 9 October 2008, para 125; for a positive example meeting the standards: ECtHR, 7334/13, *Muršić v. Croatia* [GC], 20 October 2016, available [here](#), paras 161-163.

170. For an administrative detention related case see ECtHR, 37139/13, *Monir Loffy v. Cyprus*, 29 June 2021, available [here](#), para 165; ECtHR, 42525/07 and 60800/08, *Ananyev and Others v. Russia*, 10 January 2012, available [here](#), para 150.

171. CoE, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), 42; CPT, *CPT standards*, March 2011, available [here](#), 54-55, para 29.

172. ECRE, *Reception and detention conditions*, January 2015, available [here](#), 59, citing ECtHR, 2346/02, *Pretty v the UK*, 29 April 2002, available [here](#), para 65; see also ECtHR, 6865/19, *Feilazoo v Malta*, 11 March 2021, available [here](#) (detainee kept in a container seventy-five days without access to natural light or air).

173. ECtHR, 47920/12, *Haghilo v Cyprus*, 26 March 2019, available [here](#).

174. AT (the law provides a minimum of one hour per day: no more than one hour is afforded in practice due to lack of personnel), DE (Darmstadt-Eberstadt), CZ, NL, RO.

175. BE, BG, HR, PL, RS, SE.

176. CY, FR, DE (Darmstadt-Eberstadt), IT, MT, RS, SI (notably the small yard in the Centre for Foreigners), and CH.

For example, in **Austria**, in the CIT-UHSA facility in **Portugal** and regarding the main outdoor area of the Centre for Foreigners in **Slovenia**, which is comparatively larger and better equipped than the used outdoor area, access is limited due to staff escort requirements.

Recreational activities

Access to recreational activities remains uneven across countries, especially when freedom of movement within the centre is limited (see [Freedom of movement within centres](#)).

In practice, many countries¹⁷⁷ provide some access to sports activities, equipment, or playgrounds, but notable gaps persist in others.¹⁷⁸ Most countries¹⁷⁹ also offer passive leisure activities, such as books, newspapers, television, radio, board games, internet access, and films. However, such access is often limited by language barriers when materials are available only in the national language. Some centres have taken steps to address this by providing multilingual resources.¹⁸⁰

In **Greece**, in pre-removal detention centres, there is a near-total absence of recreational activities.

In **Italy**, most CPRs lack basic facilities such as libraries; Amnesty International also reported that they almost all completely lack activities – as well as dedicated spaces – of an educational, physical or recreational nature.¹⁸¹ The National Guarantor has described these centres as ‘empty shells’, designed solely for confinement, citing the lack of libraries, sports equipment, places of worship, recreational programmes, and partnerships with civil society organisations.

Similarly, no recreational activities are foreseen in detention settings that are formally unsuitable for prolonged stays, such as police holding cells in **Cyprus**, **Greece**, and **Italy**, despite the fact that prolonged detention in such facilities occurs in practice.

Some countries instead provide structured and organised activities, which can help mitigate the effects of a monotonous daily routine. Such is the case in **Belgium**, **Cyprus**, **Germany**,¹⁸² **Ireland**, **Romania**, and **Slovenia** (the latter two often relying on NGOs and therefore subject to funding availability).

In **Belgium**, fitness activities and sports tournaments are organised regularly.

In **Cyprus**, weekly classes such as drawing, dancing, and gym sessions are offered by visiting instructors, although participation is reportedly low due to limited awareness and interest among detainees.

In **Ireland**, since asylum applicants are detained in ordinary prisons (although detention occurs very rarely in practice), they have access to the full range of prison-wide programmes, including education classes, creative arts, technology, life skills, healthy living, work and vocational training.

By contrast, structured activities are generally absent in **France**, **Greece**, **Italy**, **Poland**, **Slovakia**, **Türkiye**, and **Switzerland**.

Oversight bodies have repeatedly highlighted the psychological impact of inactivity. For example, the **Romanian** Ombudsperson reported that the absence of activities contributed to heightened levels of anxiety and depression among detainees; following this finding, activities were introduced in cooperation with civil society actors. This has also been highlighted by the European Commissioner for Human Rights regarding Cyprus.¹⁸³

177. BE, HR, CY, DE, HU, NL, PL, RO, SI, SE, UA, UK.

178. GR, IT for most CPRs, RS, TR for most centres, ES in many centres, SK.

179. BE, HR, CY (Menogia detention facility), DE, HU, NL, PL (for standard centres), RO, RS, SI.

180. For example in BE, HR, DE, RO.

181. Amnesty International, *Liberty and Dignity: Amnesty International's Observations on the Administrative Detention of Migrant and Asylum-Seeking People in Italy*, 3 July 2024, available [here](#), 11.

182. For the Hof detention centre specifically.

183. CoE, Commissioner for Human Rights, *Report by Nils MUIŽNIEKS, Commissioner for Human Rights of the Council of Europe following his visit to Cyprus from 7 to 11 December 2015*, 31 March 2016, available [here](#), para 1.3.2.

Considerations on Pact implementation

Rules on detention conditions do not change significantly under the EU Pact on Migration and Asylum. Article 12 of the 2024 RCD reproduces Article 10 of the 2013 RCD, including regarding access to open-air spaces.

Recommendations:

- » States should guarantee detainees unrestricted access to adequate open-air spaces during the day. Staff shortages or operational constraints cannot justify limiting such access;
- » Outdoor areas should be sufficiently large, accessible and equipped, with seating, recreational equipment and protection from adverse weather. Facilities should avoid prison-like features such as cages, excessive fencing or barbed wire;
- » Detainees should have access to purposeful daily recreational, educational, cultural and sports activities, regardless of the duration of detention, in order to reduce isolation and protect mental health and dignity. To this end, States should intensify cooperation with NGOs and civil society organisations to diversify recreational, educational and psychosocial activities in detention;
- » Children should not be detained (see [Detention of families and accompanied children](#)). If they are nevertheless exceptionally detained, particular attention should be paid to the needs of children and other people in vulnerable position, including access to age-appropriate activities and spaces;¹⁸⁴
- » Recreational materials, including books, television, internet access and information resources, should be freely available in languages understood by detainees.

5. Access to detention facilities

5.1. Access to detention facilities by lawyers, NGOs and UNHCR

Article 10(3) of the 2013 RCD provides that Member States must allow UNHCR, or national NGOs working on behalf of UNHCR per an agreement with the Member State, to communicate with and visit detained applicants, in adequate privacy conditions. Article 10(3) does not include any possibility to limit this obligation. An 'applicant' is defined by Article 2(b) as 'a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken'. This, it suffices that people have simply made an international protection application: it does not need to have been registered or lodged. In addition, Article 10(4) foresees that legal advisers or counsellors and NGOs must also be allowed 'to communicate with and visit applicants in conditions that respect privacy'. However, this context, limits on access to the detention facility can be implemented, under strict conditions: they must be foreseen by national law, must be 'objectively necessary for the security, public order or administrative management of the detention facility', and cannot severely restrict or render access impossible.

Similarly, Article 16 Return Directive prescribes that detained third-country nationals must be allowed to contact legal representatives 'in due time' (Article 16(2)) and that international organisations and NGOs must be allowed to visit detention facilities, a right that can be subject to prior authorisation (Article 16(4)). This position is also reflected in the CPT standards.¹⁸⁵

Lawyers¹⁸⁶

In practice, access modalities for lawyers vary. In 13 AIDA countries (11 EU; 2 non-EU),¹⁸⁷ lawyers may generally access official detention facilities without restrictions.

In **Bulgaria**, lawyers should favour visits during visiting hours but can also visit on an *ad hoc* basis without prior permission when necessary or when asylum seekers request it.

184. For further discussion on the necessarily exceptional nature of child detention and detention of vulnerable people, to be assessed on a case by case basis, substituted to the maximum extent possible by alternatives to detention and used in last resort for the shortest time possible, see AIDA, *The Legal Framework for the Detention of Asylum Seekers*, to be published in July 2026.

185. CPT, *CPT standards*, March 2011, available [here](#), 66, para 31.

186. Regarding provision of legal assistance, see AIDA, *The Legal Framework for the Detention of Asylum Seekers*, to be published in July 2026.

187. AT, BE, BG, CY, CZ (with a power of attorney), FR, DE (some detention centres), NL, PT, RS, SI, SK, SE, UA.

In **Portugal**, the impact of this freedom of access is undermined by the very short timelines faced by asylum seekers and lawyers to initiate legal proceedings.

Conversely, lawyers face restrictions (visiting hours, permit to access, privacy, etc.) in practice when trying to access (some) detention facilities and speak with detained persons in appropriate confidentiality settings in 11 countries.¹⁸⁸ Several countries require lawyers and NGO lawyers to have power of attorney to visit detention facilities.¹⁸⁹

In **Greece**, access of lawyers and NGOs to CCACs and mainland RICs is significantly restricted.

In **Malta**, lawyers are only allowed to visit identified and named clients; they cannot talk to newly-arrived or newly-detained persons until they are able to provide the administration with their name, surname and Immigration Number.

In **Türkiye**, effective access varies widely depending on the centre and a number of factors: remote locations, long waiting times to see clients, unsuitable interview rooms (lack of telephone for interpreter connections, malfunctioning doors, etc.) and interruptions by officials.

Access is also more difficult in scenarios of *de facto* detention, as the rights and obligations related to formal detention are not recognised by the authorities: for example, in **Italy**, *de facto* detention is frequent at airport transit zones, but lawyers' access to these areas is strictly limited.

NGOs

NGO access to detention centres is formally permitted across all AIDA countries. In practice, NGOs do not report restrictions to access to detention facilities in **Belgium, Bulgaria, France**,¹⁹⁰ **Ireland**, the **Netherlands, Portugal, Serbia, Slovakia, Slovenia, Sweden** and **Ukraine**. However, procedural restrictions and/or practical difficulties are reported in other AIDA countries.¹⁹¹

A common requirement is advance notice (24 hours in **France, Romania**, 48 hours in **Croatia**) which may hinder timely access to NGOs, sometimes combined with a limit as to the number of NGO visits (maximum 5 NGO visits overall every 24h in **France**).

Several countries require NGOs to obtain permission or accreditation to visit detention facilities,¹⁹² either per NGO or per individual worker seeking to access detention facilities, and these can be difficult to obtain;¹⁹³ **Croatia** and **Romania** only allow access to NGOs through holding a cooperation agreement with the authorities.

In **Hungary**, the authorities terminated cooperation agreements with the Hungarian Helsinki Committee in 2017, barring it entirely from police detention, prison and immigration detention facilities.

Civil society must regularly resort to litigation to access CPRs (pre-removal centres) and hotspots regularly in **Italy**.

In **Sweden** and **Switzerland**, NGOs must identify the specific detainees they wish to meet by name in advance.

In several countries, access is further limited by time constraints, including restrictions to daytime and weekday hours¹⁹⁴ or a maximum visit duration of one hour in **Croatia**.

In **Cyprus**, until recently, NGOs reported police presence during interviews, although this was not the case in 2024 and 2025.

While many of these restrictions are manageable in practice,¹⁹⁵ others create significant operational obstacles.

188. DE, GR, HU, IE, IT, MT, PL, RO, ES, CH, TR, UK.

189. AT, CZ, RO.

190. There are mandated NGOs in CRA and the Roissy waiting zone.

191. HR, CY, CZ, FR, DE, GR, HU, IT, MT, PL, RO, ES, CH, TR, UK.

192. BE, FR, IT, MT, ES, RO, CH.

193. CZ for legal counselling NGOs who are not government funded and do not already have power of attorney, IT, MT.

194. FR, RO.

195. AT, BE, PL, SE report few real difficulties.

As with other entities, access to *de facto* detention locations is very difficult, such as RICs and CCACs in **Greece**, or access to airport facilities in **Italy** and **Germany** (save from Frankfurt airport).

NGOs regularly visit or are regularly present in (some) detention facilities in most AIDA countries, either as official service providers or as part of their own mandate or activities.¹⁹⁶ In countries where this is not the case,¹⁹⁷ reasons include the very low number of detained asylum applicants (**Ireland**), but also lack of funding (**Austria**), denial of access (**Hungary**), and changes to visiting policies (**Malta**).

UNHCR

In practice, UNHCR can access without restrictions – that is, not subject to visiting hours and prior permission – in 8 AIDA countries.¹⁹⁸ Their access is or can be restricted through restricted visiting hours, limited access to certain areas of the centre, requiring prior notification or permission, or where their access can be restricted for reasons such as public order, security, administrative management, in 9 AIDA countries.¹⁹⁹

Notably, in **Ireland**, **Italy**, **Poland**, and **Portugal**, legislation foresees that UNHCR's access can be restricted for reasons of security, public order or administrative management. This is not foreseen in Article 10(3) of the 2013 RCD that concerns UNHCR's access, only in Article 10(4) of the 2013 RCD which concerns legal advisers, counsellors and NGOs.

In **Cyprus**, **Croatia**, **Romania** and **Türkiye**, access is only possible upon prior notice or request, which is problematic to ensure effective monitoring and access to asylum seekers.

In **Malta**, since 2018 all new arrivals are automatically detained and face significant difficulties accessing non-governmental actors. UNHCR is only allowed to access detainees who have formally lodged an asylum application, rather than all applicants, that is people who have made an application. The only other permitted visitors are people providing legal services, who may only access detainees they can precisely identify (name, surname, immigration number). As a result, in practice, NGOs must regularly call each block of the detention centres and request personal information of groups of people over the zone's public phone. NGOs may not access detainees for broader purposes than a lawyer-client relationship, for example for purposes of information provision to detainees in general.

5.2. Access to detention facilities by family and friends

Article 10(4) of the 2013 RCD requires that detained applicants be allowed to communicate with and receive visits from family members in conditions respecting privacy, with any restrictions permitted only where objectively necessary and not such as to render access ineffective. A similar guarantee is provided under Article 16 of the Return Directive. The ECtHR has further held that, while separation from family is inherent in detention, placing detainees so far from their relatives that visits become very difficult or impossible may interfere with the right to family life.²⁰⁰ Although certain restrictions, such as limits on visit frequency or supervision, may be justified, they must not be arbitrary or disproportionate.²⁰¹

Overall, all AIDA countries allow visits from family and friends multiple times a week (except for **Malta** and **Slovakia**, see *infra*), with visiting hours during the week and/or weekends, sometimes limited to 1h per visit. In 2024, the German Federal Court of Justice found among other elements that limiting visiting hours to four hours per month was unnecessary and thus illegal.²⁰² Visits usually occur upon prior notification/authorisation, notably for scheduling purposes.

196. BE, BG, HR, CY, CZ, FR (in CRA and in the Roissy waiting zone, but not in other waiting zones), DE (Frankfurt airport and some other detention facilities), GR, NL, PL, RO, SI (in the Asylum Home), ES, UA, UK.

197. AT, FR (some centres), DE (some facilities), HU, IE, IT, MT, RS, SI (Foreigners' centre).

198. AT, BE, BG, FR, PT (some issues in practice at the airport in cases of overcrowding due to lack of sufficient staff to escort), RS, SI, CH.

199. HR, CY, IE, IT, MT, PL, PT, RO, TR.

200. ECtHR, *Prisoners' rights*, 31 August 2025, available [here](#), para 23, citing ECtHR, 28403/05, *Vintman v. Ukraine*, 23 October 2014, available [here](#), para 78.

201. CPT, *CPT standards*, March 2011, available [here](#), 55, para 31; ECtHR, *Prisoners' rights*, 31 August 2025, available [here](#), paras 76-77.

202. German Federal Court of Justice, XIII ZB 85/22, 26 March 2024, available in German [here](#).

The main issues reported are the remoteness of detention places²⁰³ making regular visits difficult, prohibition on physical contact,²⁰⁴ limited visiting hours,²⁰⁵ and restrictions to visiting rights.²⁰⁶

In **Belgium**, during the first 7 days of detention of an unaccompanied child (out of a maximum of 15 days), no visits other than those of their guardian and lawyer are allowed.

In **Germany**, the Büren detention centre is over 8km away from the closest bus stop, making access very difficult. In the same facility, Covid restrictions on touch still applied as of 2024 and detainees were thus prohibited from physical touch with loved ones.

In **Malta**, the Reception regulations only allow detainees to receive visits from family members and friends up to once per week.

In **Slovakia**, according to law, detained third-country nationals only have the right to receive visits from up to two persons once every two weeks for a duration of 30 minutes. Moreover, the first in-person meeting between a detainee and their legal representative, prior to the signing of a power of attorney, is often treated by the authorities as a regular visit. As a result, this meeting is counted against the detainee's entitlement to personal visits, which is already very limited.

Moreover, these rights are foreseen for applicants recognised as detained by the authorities and thus do not necessarily apply in contexts of *de facto* detention: for example, there are no visits to airport transit zones in **Switzerland**.

5.3. Access to detention centres by religious representatives

Freedom of religion is protected under multiple international instruments,²⁰⁷ including Article 9 ECHR and Article 10 Charter, which guarantee the right to manifest one's religion in practice and observance, subject only to limited lawful restrictions. The Council of Europe and UNHCR standards further affirm that detained asylum seekers must be able to practise their religion as part of humane and dignified detention conditions, including through access to religious services and appropriate diets.²⁰⁸

Detained asylum applicants can contact and receive visits from church representatives in most AIDA countries.²⁰⁹ Modalities differ: in some cases, visits by representatives of the main churches are organised on a regular basis;²¹⁰ in others, contact with religious communities occurs upon request from the third-country national.²¹¹

Freedom to exercise religion is sometimes restricted by lack of dedicated space inside the detention centre: the **German** detention facility at Pforzheim does not provide priests and other persons offering advice with a separate room, and chaplains and priests highlighted the inadequacy of such an arrangement insofar as it prevents them from providing church services and deprives detainees of a space of worship. Similarly, in **Italy**, most CPRs do not have any places of worship.

5.4. Access to phones

Access to telephones is one means by which detained applicants can communicate with family members, legal advisers, and NGOs, as required under Article 10(4) of the 2013 RCD and emphasised by the CPT.²¹²

Countries have different practices regarding access to phones, notably the possibility for detained persons to keep their mobile phones and provision of free telephone cards / telephone credit. There are no particular issues in access to and use of phones reported in 6 AIDA countries.²¹³ On the other hand, in the majority of AIDA countries²¹⁴ a variety of issues are reported, notably availability of phone booths after confiscation of

203. AT, CY, DE, FR, GR, IT.

204. AT (except for the Vordernberg centre), DE (Büren facility).

205. GR, CH.

206. AT (visits are not allowed for individuals in isolation cells), BE (unaccompanied children), ES, CH.

207. Article 18 International Covenant on Civil and Political Rights; Article 6 1981 UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

208. CoE, *Recommendation of the Committee of Ministers to member states on measures of detention of asylum seekers*, Rec(2003)5, 16 April 2003, available [here](#), para 15.

209. AT, BE, HR, CY, DE (difficulties in one centre), MT, PL, IT, CH.

210. AT, some centres in DE, SE for some faith communities.

211. HR, CY, MT, PL, CH.

212. CPT, *CPT standards*, March 2011, available [here](#), 55, para 31.

213. NL, PT, SI, SE, CH, UK.

214. BE, HR, CY, CZ, FR, DE, GR, IT, MT, PL, RO, TR.

mobile phones, access to phones in isolation and cost of calls with the phone booth. 18 countries confiscate mobile phones in at least some of their facilities, either those that are equipped with a camera²¹⁵ – which most phones usually are²¹⁶ – on privacy grounds, or all mobile phones.²¹⁷

While they confiscate detained persons' personal phones, **Poland**, **Sweden** and the **UK** all provide detainees with substitute cell phones without a camera.

In **Czechia**, detained persons can borrow a mobile phone on request, for limited amount of time, for instance when they need to call their lawyer or send a document.

On the contrary, in **Belgium**, NGOs report that in some centres detained persons rely on NGOs to give them old phones without cameras. In other centres, detained persons can buy their own phone, or the centre provides them with one.

In **Italy**, the civil court of Milan ordered that the authorities give a detained person their phone back, highlighting that the confiscation constituted a limitation of the right to freedom of communication of the detainees not permitted by Italian law, and could furthermore constitute a violation of the right of defence of detainees.²¹⁸

The second challenge, beyond the availability of phone booths or mobile phones, is the cost of calls, all the more so when mobile phones (and thus detained persons' potential phone plans) are confiscated. The cost of calls is specifically reported as a challenge in 7 AIDA countries.²¹⁹

In some countries, authorities will allow detained people to use the facility's landline, or provide them with extra credit when they need to speak to their lawyer or legal guardian.²²⁰

Other countries provide free credit or phone cards for all their communications, and not just to their lawyers.²²¹

5.5. Access to detention facilities by media and politicians

While access to detention centres by media and national politicians is not specifically required by the 2013 RCD, it is a relevant safeguard to ensure detention conditions remain correct, and constitutes another way of monitoring such centres and their conditions. Restrictions on journalists' access may also raise issues under Article 10 ECHR on freedom of expression. Regarding a reception centre for asylum seekers, the ECtHR ruled in 2019 in *Szurovecz v. Hungary* that denying a journalist access to report on living conditions constituted a violation of Article 10.²²² In a similar ruling, Malta's Constitutional Court, confirming the first instance decision, ruled that a journalist must be granted access to a prison and administrative detention centres on the basis of freedom of expression.²²³ However, authorities may put reasonable procedures in place to organise these visits protect the privacy and dignity of detained persons.

In practice, all countries which allow media visits require prior authorisation.²²⁴ However, journalists face significant difficulties obtaining those authorisations in practice in **Cyprus**, **Italy** and **Malta**. Media cannot access detention facilities in **Austria**.

Several countries also allow politicians (notably members of national and/or European parliament) to visit detention centres, to visit the centre generally and/or meet with a specific detained person.²²⁵ They cannot access detention facilities in **Austria**. Authorities do not always require prior authorisation²²⁶ and sometimes only ask that they be identified and indicate this visit is part of the execution of their office (**Belgium**), or simply

215. BE, BG, FR, PL, RO, SE, UK. Regarding BG: The NYT, 'The migrants detained at the 'end of the world'', 27 February 2026, available [here](#).

216. AIDA, *Country report: France – Update on the year 2024*, June 2025, available [here](#), 153.

217. HR, CZ, some detention centres in DE, some detention facilities in GR, HU, some centres in IT, MT, border stations in PL, RS, SK, CH, TR.

218. Civil Court of Milan, 23 February 2021, available at: <https://bit.ly/3bopoLe>.

219. BG, CY, DE, GR, HU, PL, RO.

220. HR, CZ, PL, CY.

221. DE, CH, R.

222. ECtHR, 15428/16, *Szurovecz v. Hungary*, 8 October 2019, available [here](#).

223. Malta Constitutional Court, *Emanuel Delia vs L-Onorevoli Byron Camilleri, fil-kwalità tiegħu bħala Ministru tal-Intern, Infurzar tal-Liġi u Sigurtà Nazzjonali et al*, 20 October 2025, available in Maltese [here](#), confirming Malta, First Hall Civil Court, *Emanuel Delia Vs L-Onorevoli Byron Camilleri et. Rikors Numru 201/20TA*, 11 December 2023, available in Maltese [here](#).

224. BE, BG, CY, FR, IT, MT, PL, RO, SI, SE, UK.

225. BE, BG, CY, FR, HU, IT, PL, RO, SI, SE, UK (no special treatment).

226. BG, HU, NL, PL require prior authorisation.

prior notification rather than authorisation (**Cyprus**). This access is explicitly unrestricted in **France** and **Italy**. In **Slovenia**, politicians and media can visit in accordance with the general rules on visits to detainees.

Considerations on Pact implementation

The rules on detention conditions do not change significantly under the EU Pact on Migration and Asylum. Article 12 of the 2024 RCD reproduces Article 10 of the 2013 RCD, including contact with UNHCR, lawyers, NGOs, and family members. However, the Pact's emphasis on the use of border procedures may further hinder access by lawyers and organisations to asylum applicants or prospective applicants in detention, particularly where dedicated centres are located in remote areas. Unhindered access to all applicants by UNHCR and its implementing partners will thus be all the more crucial, in addition to ensuring proper access for lawyers and organisations in line with EU and human rights law.

Recommendations:

- » Lawyers, NGOs, and UNHCR must have regular, confidential, and effective access to all detention sites, including border and informal facilities. They should, at minimum, have access to all persons who made an international protection application, regardless of whether the application has already been registered or lodged;
- » Requirements such as prior authorisation, accreditation or excessive notice periods should be simplified as much as possible and must not make access ineffective in practice;
- » States should ensure practical access arrangements, including reasonable visiting hours, private meeting spaces and interpretation services. Detention facilities should not be located in remote areas that hinder access to families, lawyers, NGOs or oversight bodies;
- » When not permitted to keep their own mobile phones, detainees must have effective access freely accessible phones with free-of-charge local and international calls. Conditions ensuring full confidentiality must be guaranteed for all communications, including when the phone is given by the detention authorities.

6. Complaints and monitoring mechanisms

Complaints mechanism

Detainees must be able to make official complaints about their detention conditions or their treatment in detention 'through a fair, independent and transparent complaints and investigations procedure'.²²⁷ To meet these criteria, the complaints mechanism must, *inter alia*, be freely accessible to detainees, who should be informed of their right to complain and the relevant procedure; interpreters must be available when needed; detainees must be guaranteed confidentiality and freedom from reprisals; a fair, transparent and independent review system must exist should detainees want to challenge the decision taken following a complaint. It can be the NPM under OPCAT, given its expertise in deprivation of liberty contexts, or a separate entity. The complaints mechanism must also proactively liaise with external authorities, mainly law-enforcement authorities where serious issues such as torture and/or ill-treatment are raised.²²⁸

6 AIDA reports²²⁹ explicitly mention the existence of a complaints mechanism for detainees in case of poor conditions and/or mistreatment, though stakeholders report that these mechanisms are often ineffective in practice. The lack of investigation into abuse allegations can be a violation of a detainee's right to protection from ill-treatment and torture in its procedural limb, as ruled by national courts and the ECtHR.²³⁰

227. CoE, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), 79ff.

228. CoE, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), 79ff. Several of these principles are also recalled in *UN Standard Minimum Rules for the Treatment of Prisoners*, available [here](#), rules 56, 57.

229. BE, HR, IT, MT, RO.

230. ECtHR, 1128/16, *Gjini v. Serbia*, 15 January 2019, available [here](#); Turkish Constitutional Court, TC Anayasaya Mahkemesi (Başvuru Numarası: 2019/24153), 12 January 2023, available in Turkish [here](#).

In **Belgium**, detainees can make a complaint about their detention conditions or their treatment in detention before the Commission of complaint (*Commission des plaintes* / *Klachtencommissie*). However, NGOs and the public federal migration centre Myria consider it to be an overall ineffective redress mechanism due to its lack of transparency, independence and systematic settlement of any complaint not dismissed as ineligible.²³¹ Detainees can also file a complaint with the centre's director regarding their detention conditions.

Italian Decree Law 130/2020 foresees the possibility of making complaints to the National Guarantor (*Garante nazionale dei diritti delle persone detenute o private della libertà personale*) and to regional or local Guarantors of the rights of detained persons, but effectiveness is limited by the lack of provision of information to detainees about this mechanism, and by its organisation in practice (detainees cannot access pencils in CIE, or only under supervision).

In **Malta**, although the government introduced a Welfare Officer in 2020, meant to maintain contact with and handle complaints by detainees, in 2023 NGOs received reports of the Welfare Officer being involved in incidents of harassment and threats, and applying undue pressure on applicants to apply for voluntary return procedures. According to NGOs, the situation improved in 2024, with the Welfare Officer adopting a more cooperative and supportive position.

In **Romania**, detainees can submit complaints to the People's Advocate (*Instituția Avocatul Poporului*), but rarely do so in practice out of fear that it could create difficulties with the authorities.²³²

Monitoring of places and conditions of detention

To ensure that detention conditions meet the minimum standards set by international and EU law, detention facilities should be subject to regular, independent monitoring by an independent body and trained personnel, entrusted with this mission by national or international law. For them to execute their mission effectively, they must have full and unhindered access to all places of detention, to all detained persons and to all personnel; be allowed to implement unannounced and unsupervised visits at any time; access any document requested; any detained person or member of staff and be allowed to communicate with them freely and without fear of reprisal. Monitoring should cover all aspects of detention: general conditions, hygiene, provision of food and water, provision of non-food items (hygiene products, clothing, bedding), temperature protection (heating or climatisation), treatment of detained persons and use of force, nature and use of disciplinary measures, education opportunities, leisure activities, contact with family members, access to legal assistance, etc.²³³

Monitoring is inherently more difficult in places not formally designated as places of detention or when the person is considered to be 'detained', for instance simply facing a 'restriction of their freedom of movement' not amounting to detention²³⁴ as it will not be considered as necessary.

All 26 AIDA countries covered by this report, as state parties to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, are monitored by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) approximately once every four years. 24 out of 26 AIDA countries are also party to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and are thus also monitored by the Subcommittee on Prevention of Torture (UNCAT).²³⁵

They may also be monitored by UNHCR,²³⁶ depending on its mandate and activities in the country, as well as by national monitoring bodies, whether as national preventive mechanisms (NPMs) under the OPCAT or in their own name: national general Ombudsperson, specialised Ombudspersons, members of parliament or NGOs accredited for this mission by the host state.

In many countries, national monitoring is carried out by the Ombudsperson, under its own mandate and or as

231. See for example Myria and INDH, 2021, *Rapport parallèle de l'INDH et de Myria – Comité contre la torture, 71ème session, 4ème rapport périodique de la Belgique 2021*, available in French [here](#), recalling deficiencies already highlighted in 2008 in Myria, *La commission des plaintes chargée du traitement des plaintes des personnes détenues en centres fermés (2004-2007) – Analyse et évaluation d'un dispositif insuffisant*, available in French [here](#), 31; see also, Caritas et al, *Centres fermés pour étrangers – État des lieux*, 2016, available in French [here](#), 61 or more recently Move coalition, *Rapport monitoring 2023 – Les centres de détention administrative*, December 2024, available in French [here](#), 17.

232. AIDA, *Preparing for reform: Romania's asylum system ahead of the EU Pact*, August 2025, available [here](#), 29.

233. CoE, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), 80ff.

234. For further discussion on this distinction, see AIDA, *The Legal Framework for the Detention of Asylum Seekers*, to be published in July 2026.

235. Belgium and Ireland are both signatories but have not ratified the treaty as of 17 February 2026 (ratification status available [here](#)).

236. This is the case in CY and UA, in partnership respectively with NGOs and the Parliament commissioner.

the national preventive mechanism.²³⁷ Some countries have more specialised institutions, specifically for detention.²³⁸ **Switzerland** and **Germany** have NPMs as distinct entities from their Ombudspersons.

In **Hungary**, while the Ombudsperson is the National Preventive Mechanism, it has faced serious criticism for its lack of involvement in anything related to migration, including detention. It was downgraded as a Human Rights Institution as a result in March 2022.²³⁹

In the **Netherlands**, monitoring falls under the remit of the more general Inspectorate for Justice and Security.

In **Italy**, multiple actors are involved: detention conditions are *inter alia* monitored by the Human Rights Commission of the Senate, the Inquiry Commission on the reception system of the Chamber of Deputies, the Guarantor for the rights of detained persons.

In the **UK**, detention conditions are monitored by His Majesty's Inspectorate of Prisons, but each centre also has its own monitoring board. Both form part of the NPM.

In **Slovakia**, the Ombudsperson was designated as the NPM only in May 2023, meaning monitoring before was very limited. The NPM visited both detention centres twice in the span of 18 months (June 2023 – December 2024) and while problems remained, meaningful changes were implemented based on recommendations following the first visit, proving the key role of such institutions.

Out of the 26 AIDA countries, NGOs are formally associated with monitoring activities in only four countries:

- » In **Slovenia**, where NGOs are part of the NPM along with the Ombudsperson;
- » In **Türkiye**, where the Turkish Red Cross is included in the mayoral migration commissions;
- » In **Czechia**, NGOs protecting the rights of people deprived of their liberty are entitled to conduct monitoring visits, but have to file a written request at least 3 working days in advance and follow the authorities' instructions;
- » In **Sweden**, based on a Memorandum of Understanding, external monitoring is carried out by the Swedish Red Cross, in addition to the NPM.²⁴⁰

In **Cyprus**, in application of a 2017 Memorandum of Understanding, NGOs may monitor detention centres but require prior authorisation by the Head of Police or the Ministry of Justice and Public Order for visits focusing on detention conditions and to access all relevant areas of the detention centre. By contrast, when seeking to monitor detainees and the legality of their detention, priori notification is sufficient. UNHCR may also monitor detention centres subject to prior notification.

Even when they are not formally entrusted with a monitoring role, NGOs in other countries may and often do still monitor detention conditions when they are accredited to enter detention places, even without being mandated to do so.²⁴¹

In **Malta**, NGOs and UNHCR have lost access to the living quarters and thus no longer monitor detentions conditions directly.

237. AT, BG, HR, ES, SE, CZ, GR, PL, PT, RO, RS, SK, SI (in conjunction with NGOs). It should be noted Ireland currently lacks a NPM, although it is being created. The NPM in Belgium was created by the law of 21 April 2024 and is currently 'in the start-up phase': Institut Fédéral pour la Protection et la Promotion des Droits Humains, 'Preventive mechanism against torture', available [here](#).

238. The *Contrôleur général des lieux de privation de liberté* in France; the Inspector of Prisons in Ireland; the Monitoring Board for Detained Persons in Malta; His Majesty's Inspectorate of Prisons in the UK.

239. GANHRI, *Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation*, 14-22 March 2022, available [here](#), 43ff.

240. CPT, *Sweden: Visit 2021*, CPT/Inf(2021)20, 09 September 2021, available [here](#), para 25.

241. See for example NGO coalitions organised for this purpose in Belgium and France.

Considerations on Pact implementation

While not directly tied to detention, independent human rights monitoring mechanisms have been introduced for the screening procedure²⁴² and the asylum border procedure.²⁴³ These mechanisms will, *inter alia*, be responsible for monitoring conditions in the facilities where screening and border procedures are carried out. In this way, they may provide an important means of documenting conditions in contexts where measures amounting to deprivation of liberty are applied, particularly in situations where NGOs are restricted from accessing (parts of) detention premises and/or where the work of the Ombudsperson and other oversight bodies is limited due to capacity or other constraints. Article 10 of the Screening regulation requires that national Ombudspersons and national human rights institutions, including NPMs, participate in the independent human rights monitoring mechanism's operation where they are not themselves entrusted with carrying out some of all of its tasks. The mechanism may also involve international organisations, NGOs, and public bodies independent from the screening authorities, although this is not mandatory. Where these actors are not directly involved, the mechanism must maintain close links with them. The monitoring mechanism must also ensure "referral for the initiation of civil or criminal justice proceedings in cases of failure to respect or to enforce fundamental rights, in accordance with national law". To guarantee effective oversight, it will be key to ensure that these mechanisms are equipped with sufficient resources and, crucially, operate with full structural and functional independence.

Recommendations:

- » States should establish independent, transparent, confidential and accessible complaints mechanisms in all detention facilities, with safeguards against reprisals and inform detainees, in a language they understand, of their right to complain and how to access complaints procedures, including interpretation and legal assistance;
- » Monitoring bodies, including NPMs, Ombudspersons, UNHCR and NGOs, should have unhindered access to all places of detention, detainees (in a confidential setting), staff, and documents (including videos, electronic systems and records), including for unannounced visits, as required by the OPCAT, the UN minimum rules on detention, and Council of Europe and EU Fundamental rights Agency guidance;²⁴⁴
- » For effective follow-up, monitoring findings and recommendations should be made public yearly;
- » Monitoring bodies should be adequately resourced both financially and regarding staffing, and institutionally independent;
- » NGOs and civil society organisations should be able to meaningfully contribute to monitoring.

242. Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, OJ L 2024/1356, available [here](#), article 10.

243. Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, OJ L 2024/1348, available [here](#), Article 43(4).

244. Article 20 OPCAT; UN Subcommittee on Prevention of Torture, *Guidelines on national preventive mechanisms*, December 2010, available [here](#); CoE, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), 80ff; EU Agency for Fundamental Rights, *Monitoring fundamental rights during screening and the asylum border procedure – A guide on national independent mechanisms*, September 2024, available [here](#).

CHAPTER III - DETENTION OF PEOPLE IN A VULNERABLE POSITION

EU law's understanding of vulnerability operates through non-exhaustive categories associated with particular personal characteristics. Article 21 of the 2013 RCD gives examples of people who are considered to be "vulnerable applicants": children, unaccompanied children, disabled people, elderly people, pregnant women, single parents with underage children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

Where referring directly to EU standards, this report retains the terminology used in the relevant legal instruments, mainly "vulnerable people" and "applicants with special reception or procedural needs". Otherwise, this report uses the expression "people in a vulnerable position" to reflect the understanding that vulnerability is not an inherent or fixed characteristic, but may arise from a combination of personal circumstances, lived experiences and structural factors, including migration and asylum policies themselves. Vulnerability may evolve over time and be exacerbated by detention, displacement, legal uncertainty or inadequate reception conditions.²⁴⁵ While EU law mainly operates with its category-based approach, overarching positive obligations towards people in a vulnerable position apply beyond such predefined groups.²⁴⁶

EU law does not prohibit the detention of people in a vulnerable position outright. Instead, it provides for a non-exhaustive list of people considered "vulnerable applicants" and foresees specific guarantees for some of them (see *infra*). For the others, Article 11(1) includes a general requirement that, where Member States detain vulnerable persons and applicants with special reception needs, they must ensure regular monitoring and adequate support based on their special needs, notably regarding health requirements.

From the outset, it should be recalled that administrative detention may only be applied when strictly necessary, assessed on a case by case basis, substituted to the maximum extent possible by alternatives to detention and used in last resort for the shortest time possible. For further discussion on the legality and necessity of detention, including for people in a vulnerable position, and on alternatives to detention, see the companion report.²⁴⁷ This chapter focuses on detention conditions in cases where detention nevertheless occurs.

Considerations on Pact implementation

The 2024 RCD maintains the structure of the 2013 RCD as to detention of vulnerable applicants, with some improvements. The general obligation regarding applicants with special reception needs (which is the denomination used by the 2024 RCD instead of vulnerable applicants) is further detailed: while Article 11 of the 2013 RCD provided for regular monitoring and adequate support, Article 13(1) 2024 RCD adds that support must be timely and explicitly covers both physical and mental health. This was however implicit under the 2013 RCD through human rights law.

Overall, the recast strengthens safeguards. However, these changes must be assessed in light of the expanded use of detention under the Pact, which raises concerns regarding their effective implementation in practice, particularly given the shortcomings observed in the application of the 2013 RCD.

245. See VULNER project, available [here](#), in particular VULNER Project / Luc Leboeuf, *Lived Vulnerabilities in Asylum and Migration. Confronting the 'Vulnerability' Label with Migrants' Experiences*, June 2023, available [here](#).

246. Given the current architecture of European legal obligations, with specific guarantees for certain categories of "vulnerable persons and applicants with special reception needs", this chapter is structured around specific fixed vulnerability characteristics. This does not change the fact that positive obligations towards people in a vulnerable position apply beyond such predefined groups.

247. See AIDA, *The Legal Framework for the Detention of Asylum Seekers*, to be published in July 2026.

Recommendations:

- » Detention of people in a vulnerable position must be a last resort, based on individual assessment of vulnerability, health, and best interest;
- » Children should never be detained on the basis of their own or of their parents' migratory status, as such detention in contrary to the best interests of the child and has severe, lasting impacts on their fundamental rights and wellbeing;²⁴⁸
- » Staff working in detention facilities should receive regular training on child protection, trauma, gender sensitivity, disability, mental health, and vulnerability.

1. Detention of women

Arrangements should also take into account the safety and dignity of LGBTQIA+ detainees (for further details and recommendations, see [Detention of other people in a vulnerable position](#)).

Article 11(5) of the 2013 RCD requires that detained female applicants be accommodated separately from men, except where they are family members or all individuals consent, with the exception of shared recreational or social spaces. Derogations are allowed in border or transit zones under strict conditions set out in Article 11(6). Beyond this, no specific detention rules apply to women, who are instead covered under the general provisions on vulnerable persons. The CPT emphasises that women, particularly pregnant women, must receive appropriate monitoring, tailored support, and access to adequate reproductive health care.²⁴⁹ Similarly, the Return Directive (Article 16(3)) contains no specific safeguards for women beyond the general requirement to pay particular attention to vulnerable persons, which include pregnant women and survivors of serious violence.

All AIDA countries respect the obligation to provide separate accommodation for women in formal detention centres outside of the border area, either with structural separation (different facilities altogether or different buildings within the same facility)²⁵⁰ or by cordoning off a specific area (for instance a separate wing, floor, or just providing for separate cells) within the same building.²⁵¹

Risks for women may exist despite separate quarters for men and women. For instance:

During an inspection of the removal centre Dungavel (Scotland, **UK**), the Inspectorate of Prisons expressed concerns about the decision to hold men with a history of violence against women in a mixed sex centre.²⁵²

In **France**, while there are areas set aside for women in all detention centres, the one in Guadeloupe guarantees them no privacy.

In **Czechia**, it can occur that a single woman is accommodated in the same building, and on the same corridor as a group of men in the process of age assessment.

Stakeholders in **Switzerland** and **Germany** observe that women can experience loneliness and *de facto* isolation due to the fact that specialised facilities only house a small number of women and the places are often empty.

Moreover, the separation is not always applied in contexts of *de facto* detention: for example, significant failures on this matter have been reported in Lampedusa hotspot, **Italy**, including overcrowding, shared bathrooms, predominantly male police personnel, and lack of protected interview spaces, exposing women to (further) violence.

248. UN Committee on the Rights of the Child, *General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, 1 September 2005, available [here](#), para 61; recalled in UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and UN Committee on the Rights of the Child, *Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return*, 16 November 2017, available [here](#); UNHCR, *UNHCR's position regarding the detention of refugee and migrant children in the migration context*, January 2017, available [here](#).

249. CPT, *Women deprived of their liberty*, CPT/Inf(2000)13-part, available [here](#), para 26; CoE, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), 47; UN *Standard Minimum Rules for the Treatment of Prisoners*, available [here](#), rule 28.

250. DE in some cases, IE, IT, NL, PL, ES, TR.

251. AT, BE, BG, CY, CZ, FR, DE, MT, PT, RO, RS (only in DC Padinska Skela, and it has been out of use for several years; women and families are currently not detained), SI, SE, CH, UK.

252. HMIP, *Report on an unannounced inspection of Dungavel Immigration Removal Centre*, November 2021, available [here](#).

Czechia and the **Netherlands'** regulatory framework explicitly foresee that basic hygiene products, to be provided by the authorities, include sanitary towels; they are also distributed in **Belgium, Cyprus and Ireland**. In **Sweden**, sanitary towels are not provided separately; women are expected to purchase them from their general daily allowance.

Considerations on Pact implementation

In the 2024 RCD, the rule on separation between women and men (unless they are family and consent) remains unchanged per Article 13(5). Article 13(6) 2024 RCD also introduces stricter conditions for derogations from the separation requirements, including men/women, in border or transit zones. While derogations remain possible in duly justified and time-limited situations, Member States must now ensure they are used 'only exceptionally' and that they have 'sufficient capacity'. Moreover, they must inform the Commission and the EU Asylum Agency of these derogations. Importantly, such derogations are excluded in the asylum border procedure, where detention is likely to take place more frequently and for longer periods of time under the Pact given its new mandatory, expanded scope with a 12 week time limit, though they may still apply during screening, which can last up to 7 days.

Recommendations:

- » Women, should be accommodated separately in safe, private and gender-sensitive conditions, with access to appropriate hygiene products, healthcare and support services;
- » In cases where they are nevertheless exceptionally detained, pregnant women should be afforded particular attention and medical care, and given tailored specific diets adapted to their nutritional needs.

2. Detention of families and accompanied children

Under Article 11(2) of the 2013 RCD, children may be detained only as a last resort, for the shortest possible period, and in line with the best interests of the child.²⁵³ Where detention occurs, children must have access to leisure and age-appropriate activities, and families must be accommodated separately with adequate privacy, subject to limited derogations in border or transit zones. Detention in facilities not adapted to children's needs may violate Article 3 of the ECHR, as it can be disastrous for their balance and development.²⁵⁴ The ECPT further requires adequate indoor and outdoor spaces and play equipment.²⁵⁵ As with other vulnerable people, Member States must regularly monitor their situation and provide adequate support overall.

Article 17 Return Directive mirrors these safeguards (last resort) and adds access to education depending on the length of detention. The 2013 RCD does not provide anything specific regarding education in detention, as Article 14 of the 2013 RCD requires that Member States ensure access to education 'for as long as an expulsion measure against them or their parents is not actually enforced', which would include, in some cases, in detention.

Cyprus, Hungary, Ireland and Serbia generally do not detain asylum-seeking children and families.

Separate/dedicated accommodation

Across AIDA, most countries²⁵⁶ have dedicated family accommodation in detention settings, although the quality of set-up varies in practice. Several countries present positive practices:

The Vienna Zinnergasse detention facility in **Austria** for has twelve dedicated family apartments where families are detained for a maximum of 48 hours post-notification of deportation.

Croatia has a dedicated two-storey vulnerable groups unit at the Ježevu Reception Centre, containing specific family rooms with adjoining sanitary facilities, as well as specific common areas, all assessed as adequate by the CPT. Transit centres in Trilj and Tovarnik each have a separate wing for vulnerable groups with 12 dedicated places. Family members not sharing a room are guaranteed daily contact and socialising time.

253. For further details, see AIDA, *The Legal Framework for the Detention of Asylum Seekers*, to be published in July 2026.

254. ECtHR, 15297/09, *Kangaratnam and others v Belgium*, 13 December 2011, available in French [here](#).

255. CoE, *Administrative detention: Guide for practitioners*, November 2023, available [here](#), 46.

256. AT, BE, BG, CZ, FR, GR, HR, IT, NL, PL, PT, RO, ES, RS (in DC Padinska Skela only, and has been out of use for several years, as families are not detained) SI, SE, CH, UA, UK.

In the **Netherlands**, families with children detained on the territory are kept separate from single adults and sent to a specific closed family detention centre in Zeist.

In **Belgium**, families with children placed under a detention title are sent to 'return houses', which are uni-familial houses or apartments, allowing for complete separate/dedicated accommodation. At least one adult must be present at all times.

In **Czechia**, while separate accommodation rooms are provided, because all detainees share the same building, full physical separation from single adults — including men undergoing age assessment — cannot be guaranteed.

In some countries, there are risks of family separation notably due to insufficient capacity in family quarters or when the authorities intentional detain or keep in detention one family member:

Portugal has only had one family room in the CIT-UHSA (a dedicated wing is under construction), and EECIT-Lisbon meaning in cases where multiple families are detained simultaneously, they are split by gender ward instead of accommodated together as a unit, as observed at the end of 2024.

In **Türkiye**, there are no dedicated family units. Children under 18 are generally kept with their mothers, while fathers are placed in a separate facility. Older adolescent boys (15–16 years old) are sometimes detained separately from their mothers (sometimes along their father, sometimes not) where the authorities consider their presence potentially disruptive in a women's section.

In 2020, the **French** Ombudsperson reported instances of keeping children in pre-removal detention alone while the parents are not held (particularly in Mayotte); while France has banned detention of children on the mainland since February 2024, this will only apply in Mayotte in 2027.

In **Greece**, NGOs report cases where only one family member is or remains detained, leading to family separation.

In **Belgium**, the law does not guarantee family unity in the context of administrative detention. As such, one adult family member can be detained in a detention centre, while the rest of the family is sent to a return house as a pressure measure for cooperation with the return procedure.

A similar practice occurs in some cantons in **Switzerland**, where in cases of non-collaboration the father is detained and the mother and children remain in a reception centres. In rare, documented cases, both parents are detained and children are placed in foster care or a home.

Detention conditions for children

Detention conditions for children are deeply inadequate in multiple AIDA countries²⁵⁷ as documented by civil society, courts and international monitoring bodies. This includes lack of specific equipment for children such as recreational spaces, overcrowding, isolation and overall poor detention conditions that affect children to a heightened degree due to their vulnerability.

In **Malta**, in 2025, le CPT re-iterated that the Safi Barracks were wholly unsuitable for children, with those detained spending 23 hours a day confined with no activities and no psycho-social support.

Between 2012 and 2023, **France** was found to have violated the ECHR eleven times by the ECtHR for inhuman and degrading treatment in detaining children in CRA, due to their age, length of detention as well as poor detention conditions (insufficient separation between the family wing and the single men wing, lack of appropriate equipment, significant noise nuisances, overall highly carceral environment of the centre, lack of child-specific activities, inappropriate outdoor space).²⁵⁸ While France has banned detention of children on the mainland since February 2024, the ban will only apply in Mayotte in 2027, where poor conditions have also been reported (access to water, strong lights on all night, poor sanitary facilities),²⁵⁹ and does not apply to waiting zones.

In **Poland**, the Warsaw Court of Appeals found conditions in the Lesznowola detention centre in 2023

257. BG, FR, GR, IT, MT, PL, SK, CH, TR.

258. For example, ECtHR, 49775/20, *N.B. et autres c. France*, 31 March 2022, available in French [here](#); ECtHR, 69472/07 and 39474/07, *Popov v. France*, 19 January 2012, available [here](#).

259. Florian Aumon and Ninon Cochenne, 'Rétention des mineurs à Mayotte : la loi qui inquiète juristes et associations', 6 August 2025, available [here](#).

incompatible with the best interests of the child and dignified family life, due to factors such as stripping of detainees on admission, confiscation of phones and restricted movement, and awarded a family EUR 16,868 in compensation. The CPT has specifically recommended Poland cease detaining families in guarded centres.

In **Italy**, the conditions documented in Lampedusa's hotspot — including overcrowding, shared bathrooms, and inadequate protected spaces — create an environment that is deeply inadequate for children. The ECtHR granted urgent appeals in 2022 to transfer family units out of Lampedusa on the basis that the living conditions endangered their safety and integrity.

The national UNCAT monitoring mechanism in **Switzerland**, the National Commission for the Prevention of Torture (NCPT), highlighted in reports that children are detained in prisons for the execution of penalties or remand prisons, which are inadequate.

Access to leisure and play activities

Some AIDA reports document positive practices regarding play activities for children.²⁶⁰ However, several countries report lack of or insufficient leisure and play areas and age-appropriate activities for detained children.

In **Malta**, in 2025, the CPT re-iterated that the Safi Barracks were wholly unsuitable for children, with those detained spending 23 hours a day confined with no activities and no psycho-social support.

In **Bulgaria**, recreational opportunities remain severely limited.

In **Türkiye**, many centres lack outdoor or play areas entirely, while in **Slovakia** the children are not allowed to use the existing playgrounds.

Access to education

Access to education for migrant children in administrative detention is guaranteed in law (either explicitly or as a general guarantee of access to education) in all AIDA countries where children can be detained, with the only exception of France.²⁶¹

However, these legislative guarantees do not always translate into practice. As demonstrated by multiple reports, lack of access to education for children in administrative detention has been a longstanding problem.²⁶² At least 5 countries which provide for the right in law do not implement it when detaining children.²⁶³

In **Portugal**, while the law and rules governing CIT foresee access to education for detained children depending on the length of their detention, in practice children in detention do not have access to education or pedagogical activities either at the detention facility or by accessing normal schools.

Similarly, in **Romania**, although legislation foresees detained children's right to access the free compulsory education system, the directors of the detention centres confirm that this has not occurred in practice.

In **Greece**, access to education is difficult or non-existent notably in RICs and CCACs, which are *de facto* detention facilities.²⁶⁴ This was notably highlighted in ECtHR interim measures cases as recently as May 2025²⁶⁵ and a judgment on the merits in January 2026.²⁶⁶

260. CZ: in Bělá-Jezová, activities for children are organised by the social workers; HR and UA with playgrounds in the removal centres.

261. France does not foresee access to education in CRA and LRA, arguing that children are not supposed to remain in such facilities for lengthy periods of time, although third-country nationals can be detained up to 90 days. France introduced a ban on the detention of children in CRA and LRA in 2024, but it is not yet applicable in Mayotte (2027) and does not apply to waiting zones, and this France's position already prior to the ban.

262. EU Fundamental Rights Agency mentioned in ECRE, 'FRA Report on Access to education for migrant children', 26 May 2017, available [here](#).

263. CZ, MT, PL, PT, RO, TR.

264. Glocal roots, 'Back to school, not for every child', 1 October 2025, available [here](#).

265. The Press Project, 'New intervention by the European Court on living conditions of 45 minors in Samos', 20 May 2025, available [here](#).

266. Concerning unaccompanied minors, mentioning lack of education opportunities: ECtHR, n°65267/9, *A.N. and others v. Greece*, 22 January 2026, available [here](#).

Considerations on Pact implementation

While cases of detention of children are likely to increase under the new EU migration and asylum rules,²⁶⁷ safeguards for children are strengthened in the 2024 RCD. Article 13(2) 2024 RCD now clearly prohibits detention of all children in prisons or law enforcement facilities, whereas Article 11(3) 2013 RCD limited this to prisons and unaccompanied children only. Moreover, Article 13(2) 2024 RCD introduces a specific right to education in detention 'unless the provision of education is of limited value to them due to the very short period of their detention', whereas this was covered under the general obligation to provide education under the 2013 RCD. For families and accompanied children, the obligation to provide separate accommodation ensuring privacy is maintained. The explicit reference to facilities adapted to children's needs no longer appears in the 2024 RCD, but remains relevant under human rights law. Article 13(6) 2024 RCD also introduces stricter conditions for derogations from the separation requirements, including separation of families from other detainees, in border or transit zones (see [Detention of women](#)).

Recommendations:

- » Children should never be detained on the basis of their own or of their parents' migratory status, as such detention is contrary to the best interests of the child and has severe, lasting impacts on their fundamental rights and wellbeing;²⁶⁸
- » In the exceptional event where detention nevertheless does occur, it must be for the shortest time possible and in child-appropriate facilities (which can never be prisons or police custody) with education, play, and psychosocial support;
- » Families should be accommodated separately from unrelated adults, with access to appropriate hygiene and child-related products, healthcare and support services;
- » States must cease practices that separate family members through detention measures.

3. Detention of unaccompanied children

Under the 2013 RCD, detention of unaccompanied children is permissible 'only in exceptional circumstances' (Article 11(3)), and they should be released as soon as possible.²⁶⁹ They must never be held in prison accommodation, must be housed separately from adults and have access to leisure and age-appropriate recreational activities. 'As far as possible', the facilities they are detained in and staff responsible for them should take into account their age-specific needs. Under the Return Directive, unaccompanied children may be detained 'as a measure of last resort and for the shortest appropriate period of time' (Article 17(1)).

No countries report detaining unaccompanied children in prison facilities.

Some countries have specific detention facilities or spaces for vulnerable applicants, including unaccompanied children:

- » **Poland** designates Lesznawola specifically for unaccompanied children, families with children and single women;
- » While they are not detained in practice, the **Netherlands** designates Zeist as the detention facility for unaccompanied children if needed, keeping them separate from single adult men detained in Rotterdam;
- » **Croatia** has a separate vulnerable groups wing at pre-removal facility Ježevó;

267. ECRE, *ECRE Comments on the Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU*, October 2024, available [here](#); ECRE, *ECRE Comments on the Regulation of the European Parliament and of the Council introducing the Screening of Third-Country Nationals at the External Borders*, February 2025, available [here](#); Eurochild, *Key points to navigate the EU Migration and Asylum Pact*, March 2024, available [here](#).

268. UN Committee on the Rights of the Child, *General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, 1 September 2005, available [here](#), para 61; recalled in UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and UN Committee on the Rights of the Child, *Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return*, 16 November 2017, available [here](#); UNHCR, *UNHCR's position regarding the detention of refugee and migrant children in the migration context*, January 2017, available [here](#).

269. For further details, see AIDA, *The Legal Framework for the Detention of Asylum Seekers*, to be published in July 2026.

- » **Greece and Cyprus** includes 'safe zones' in respectively the RICs/CCACs and Pournara first reception centre, where *de facto* detention occurs.

In **Belgium**, unaccompanied children are not to be formally detained but sent to Observation and Orientation Centres under Fedasil authority. However, during their time there (maximum 15 days), their contact with the outside world is strictly controlled: no external contact permitted in the first seven days except with a lawyer or guardian, and all visits, phone calls and correspondence regulated by house rules. Moreover, in practice, individuals claiming to be minors are regularly nonetheless held in closed detention centres, whether they are intercepted at the border or within the territory. The age determination procedure then takes place in detention and often takes several weeks during which the presumed minor stays in detention.

However, detention conditions even in dedicated spaces are sometimes contrary to minimum standards, especially for unaccompanied children.

In **Greece**, "safe zones" in RICs are severely overcrowded (e.g., in Samos Safe Area, January 2025, 500 children for a space that can accommodate 200), with children staying far beyond the legal limit (often over three months instead of 25 days), and unaccompanied children held in pre-removal detention pending transfer. Reports by stakeholders such as the European Commission and the Swiss authorities describe compromised basic services, children sleeping on floors or in shifts, mixing with unrelated adults, and extremely poor sanitary conditions; similar situations are documented across multiple islands.²⁷⁰

In **Malta**, both the CPT and the ECtHR have found grave violations, including the detention of children with unrelated adults, lack of activities, education, or psychosocial support, and conditions amounting to inhuman and degrading treatment, with no adequate remedial action taken. The CPT reiterated in 2025 that Safi remains wholly unsuitable for juveniles, with children spending 23 hours a day confined with no activities and no psycho-social support.

In **Italy**, there are serious concerns regarding *de facto* detention in hotspots and Sant'Anna and Restinco reception centres, including overcrowding, inadequate basic services, and prolonged stays. The ECtHR found the conditions in Taranto amounted to inhuman and degrading treatment, while national oversight bodies and NGOs report similar issues in Lampedusa, Isola Capo Rizzuto and other centres, including children being housed with adults and remaining for months beyond legal limits.

In the **UK**, 369 unaccompanied children were held in UK-run facilities in France between January 2022 and October 2023, and an inspection in November 2024 finding some facilities in poor condition.

Lastly, it should be recalled that general discussions on detention conditions for non-specifically vulnerable asylum applicants (see [Chapter III – Detention conditions](#)) remain relevant for unaccompanied children, because they are sometimes also applied to unaccompanied children and because the reliability of age assessment procedures is an issue reported across most AIDA countries. 8 AIDA reports²⁷¹ specifically document cases where unaccompanied children have been detained as adults following incorrect age assessments.²⁷²

Considerations on Pact implementation

Unaccompanied children, per Article 13(3) of the 2024 RCD, must now be accommodated in 'facilities specifically adapted to their needs with qualified staff' without the previous caveat of the 2013 RCD, 'as far as possible'. The requirement of separation from adults remains. Furthermore, they should now, as a rule, not be detained according to Article 13(2) of the 2024 RCD, as opposed to detained 'in exceptional circumstances' per Article 11(2) of the 2013 RCD. At the same time, however, the 2024 RCD, through new grounds for detention, and the APR, through new grounds for accelerated and border procedures for unaccompanied children, are likely to lead to an increase in the number of cases of detention of unaccompanied children. Article 13(2) 2024 RCD maintains the prohibition of detention of unaccompanied children in prisons or law enforcement facilities and expands it to all children. Article 13(6) 2024 RCD also introduces stricter conditions for derogations from the separation requirements, including unaccompanied children in facilities specific to their needs, in border or transit zones (see [Detention of women](#)).

270. Solomon, 'Unaccompanied children sleep on the floor in shifts in Greece's 'model camps'. The EU is aware', 31 March 2025, available [here](#).

271. BG, GR, IT, MT, PL, SI, ES, TR.

272. See also ECRE, *Age assessment in Europe: Applying European and International legal standards at all stages of age assessment procedures*, 2022, available [here](#).

Recommendations:

- » Unaccompanied minors should not be detained. Where strictly necessary, alternatives must be used in places that fully respect their specific needs and rights;
- » If exceptionally detained, they must be placed in structurally separate, specialised, child-appropriate facilities with qualified staff and guardianship.

4. Detention of other people in a vulnerable position

Apart from a specific requirement for medical and psychological care for victims of torture, rape or other serious acts of violence (Article 25(1) 2013 RCD), the 2013 RCD does not provide specific guarantees for certain groups in a vulnerable position such as persons with disabilities, individuals with specific medical needs,²⁷³ or LGBTQIA+ applicants,²⁷⁴ who face heightened risks in detention. They nevertheless remain covered by the general obligation under Article 11(1), requiring regular monitoring and adequate support tailored to individual needs. Similarly, Article 16(3) of the Return Directive requires particular attention to vulnerable persons and the provision of emergency health care and essential treatment. The *UN Standard Minimum Rules for the Treatment of Prisoners* require that states 'make all reasonable accommodation and adjustments to ensure that prisoners with physical, mental or other disabilities have full and effective access to prison life on an equitable basis.'²⁷⁵ The Yogyakarta principles, which outline the specific applications of human rights law to LGBTQIA+ people, highlight the right of LGBTQIA+ people to be treated with dignity in detention (principle 9), which entails ensuring they are not further marginalised, while also planning for protective measures as needed without restricting their rights further than for other detainees; providing adequate access to medical care, including counselling; allowing them to participate in decisions regarding the appropriate place of detention; allowing conjugal visits on an equal basis to other detainees; foreseeing independent monitoring by the state as well as by specialised NGOs; and ensuring appropriate training and awareness-raising of all detention personnel and other actors involved in the detention facilities.²⁷⁶ The additional Yogyakarta principles (principle 35) include the right for LGBTQIA+ people to safely and with dignity access adequate sanitation facilities without discrimination on grounds of sexual orientation, gender identity, gender expression or sex characteristics.²⁷⁷

It should be noted that the foundation of adequate detention conditions for vulnerable groups is the identification of vulnerabilities and adjusting detention as a result, including by not ordering detention on an individual basis or by excluding certain groups from detention, which should in any case be a last resort measure.²⁷⁸

3 countries have enacted broadly worded obligations to provide adequate support and monitor the health of especially vulnerable detainees.²⁷⁹ At the facility level, some countries can make limited structural adjustments for vulnerable detainees:

- » **Belgium** allows facility directors to adopt individual measures such as a dedicated room regime for those unable to adapt to the collective detention setting;
- » **Croatia** provides separate wings for vulnerable groups with twelve dedicated places in each of its two

273. Adele Lebano, *Migrants' and refugees' health status and healthcare in Europe: a scoping literature review*, 30 June 2020, available [here](#); IRAP and European Disability Forum, *A Pact That Excludes: Closing the Protection Gap for Migrants and Asylum Seekers with Disabilities in the European Union*, February 2026, available [here](#).

274. UK Lesbian & Gay Immigration Group and Stonewall, *No Safe Refuge: Experiences of LGBT asylum seekers in detention*, October 2016, available [here](#).

For methodological and drafting purposes, the situation of LGBTQIA+ persons is addressed in a specific section of this report rather than throughout to avoid repetition and to provide a coherent and concentrated account of the particular challenges faced by LGBTQIA+ detainees. It should not be read as suggesting that the standards and recommendations set out in other sections of this report do not apply equally to LGBTQIA+ detainees. On the contrary, a rights-compliant detention regime requires that the needs of LGBTQIA+ people be taken into account across all aspects of detention policy and practice, including accommodation arrangements, family life, privacy, access to sanitary facilities, health care, staffing and training, protection from violence. The situation of LGBTQIA+ detainees should accordingly be considered an integral dimension of any comprehensive assessment of detention conditions, not a supplementary concern.

275. *UN Standard Minimum Rules for the Treatment of Prisoners*, available [here](#), rule 5(2).

276. *The Yogyakarta principles: Principles on the application of international human rights law in relation to sexual orientation and gender identity*, March 2007, available [here](#), 16-17.

277. *The Yogyakarta principles plus 10: Additional principles and state obligations on the application of international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics to complement the Yogyakarta principles*, November 2017, available [here](#), 12-13.

278. For further details, see AIDA, *The Legal Framework for the Detention of Asylum Seekers*, to be published in July 2026.

279. GR, IE, SI.

Transit Reception Centres at Trilj and Tovarnik;

- » **Czechia** directs vulnerable individuals to the Bělá-Jezová centre but no additional support is provided for people in a vulnerable position in its two single-male facilities;
- » **Cyprus** has a dedicated cell for detainees with special needs at Lakatamia police holding cells, though no further support is documented.

Regarding people with disabilities:

- » **Austria** has one specifically adapted housing unit at the Vienna Zinnergrasse detention centre;
- » In **Germany**, civil society organisations regularly report elderly persons, persons with disabilities and serious illnesses being detained with no special provisions for these groups;
- » NGOs in **Poland** and **Romania** also note that persons with disabilities are sometimes detained in practice, without any specific conditions described.

Regarding victims of torture and trafficking, specific protections or adapted conditions are documented in very few countries.

In **Greece**, in 2024, the Greek Council for Refugees supported a victim of torture detained for nearly four months in Amygdaleza pre-removal detention centre without any specific arrangements.

Italy's ASGI monitoring of CPRs found that victims of abuse are routinely mixed with other detainees including persons accused of serious crimes, increasing tensions and risk of crisis.

Failures of identification of victims of trafficking specifically are noted in **Spain** and **Belgium**.

Regarding detainees with special mental health needs (see also [Health care](#)):

- » In the **Netherlands**, there is a specialised institution (Veldzicht) to which asylum applicants with psychological problems can be transferred for dedicated psychological care, either voluntarily or as a crisis measure, while remaining under the detention regime;
- » In **Greece**, in 2024, a woman was kept in detention for 6 months, during which she attempted suicide and was hospitalised in a psychiatric facility while remaining subject to detention;
- » In **Germany** for example, interviewed stakeholders highlight a high number of detained persons suffering from mental health problems.

No countries reported specific detention conditions for LGBTQIA+ people. In 2020, RFSL Youth in **Sweden** published documented testimony of stress and fear experienced by three young LGBTQ+ persons in detention regarding disclosure of their sexual orientation and the treatment they might face as a result.

In **Germany**, in 2024 a transgender woman was detained in the male section of Darmstadt-Eberstadt due to the absence of any clear regulation governing the placement of transgender individuals.

In **Türkiye**, transgender women have been routinely placed with male detainees across multiple removal centres, making them highly vulnerable to violence and discrimination, such as a case of documented physical violence against an Afghan transgender woman in Tuzla in 2023. Access to hormone treatment has also been reported as consistently problematic. Some improvements were noted in 2024, with some transgender women placed in Çatalca, the designated female removal centre, however poor conditions for LGBTQIA+ individuals continued to be reported overall.

Recommendations:

- » Where they are exceptionally detained, people in a vulnerable position such victims of torture, persons with disabilities, serious illnesses, mental health conditions, and older persons must receive accessible accommodation and appropriate care, including rehabilitation;
- » LGBTQIA+ detainees must be granted rights on an equal basis to other detainees, without discrimination on grounds of sexual orientation, gender identity, gender expression or sex characteristics, with the required accommodations, e.g. for conjugal visits.

- » LGBTQIA+ detainees must be protected from violence and discrimination through protective measures, safe placement taking into account their opinion regarding the appropriate place of detention, and access to appropriate health care, including gender-specific and gender-affirming care.

5. Access to healthcare for people in a vulnerable position

While 13 AIDA countries²⁸⁰ do not report anything specific regarding the standard of medical care for vulnerable detainees, i.e. no good or concerning practices, significant issues are reported in 9 AIDA countries.²⁸¹ For instance:

In **Greece**, again in 2024 NGOs documented multiple cases of vulnerable detainees held for months without appropriate care.

In **Poland**, female detainees have difficulties accessing female physicians, paediatricians and gynaecologists, and continuous treatment for detainees with medical vulnerabilities is not possible in some detention facilities.

In **Türkiye**, in addition to denial of treatment for HIV-positive detainees, NGOs report inadequate health care for detainees with serious medical conditions, such as delays in referring cancer patients to hospitals. In 2025 stakeholders reported that HIV-positive detainees received their medication, but were subjected to severe stigmatisation (cell doors marked with “AIDS” signs) and thus faced social isolation and discriminatory treatment by other detainees.

In the **UK**, detainees have also been denied access to HIV treatment, leading to a legal challenge holding the Home Office in breach of its legal duty towards detainees with HIV.

It should be highlighted that this does not account for issues reported in the identification of vulnerabilities and their impact on maintaining someone in detention, although these issues necessarily impact quality of specific health care that can be provided.

Recommendations:

- » Where exceptionally detained, vulnerable detainees should have prompt access to specialised healthcare, including mental health services, reproductive healthcare and continuity of treatment for pre-existing conditions:
- » States should make statistics on the number of detainees released for medical reasons or based on their vulnerability of special needs assessment publicly available.

280. AT, BE, BG, CY, CZ, MT, PT, RS, SK, ES, SE, CH, UA.

281. FR, DE, GR, HU, IT, NL, PL, TR, UK.

RECOMMENDATIONS

While the legal framework on detention conditions under the Pact remains largely unchanged, the expanded provisions on the use of detention risks amplifying existing structural deficiencies, as documented throughout this report. Beyond the need to focus on ensuring that alternative to detention are available and applied in practice,²⁸² compliance with human rights standards in detention will largely depend not on the new rules, but on long-term, systematic investment into detention conditions, increased oversight, and a shift away from carceral approaches to detention. Based on the above findings, the following conclusions can be drawn and recommendations made:

Places of detention:

- » States should never use prisons or police stations for administrative detention of asylum seekers;
- » Situations amounting in practice to deprivation of liberty must be formally recognised as detention and subject to the safeguards applicable under EU and international law;
- » Detention facilities should be located in places that allow effective access to services, health care, legal assistance, oversight bodies and family members;
- » States must immediately cease using *ad hoc* or structurally unsuitable detention sites, including warehouses, garages, containers, military barracks;
- » The European Commission and oversight bodies should closely monitor the implementation of Article 9 2024 RCD to ensure that restrictions on freedom of movement are not used in practice to create detention-like regimes without the safeguards attached to deprivation of liberty.

Management and staff:

- » States should avoid privatising the management of administrative detention centres, given recurring concerns regarding profit-driven management practices, accountability and negative impacts on detention conditions; where outsourcing is used by states, the authorities should foresee frequent monitoring with sanctions directly applicable to contractors and independent monitoring guarantees (see [Complaints and monitoring mechanisms](#)) should be particularly reinforced;
- » Any expansion of detention capacity must be accompanied by adequate funding, staffing levels and operational safeguards to ensure full compliance with human rights standards;
- » States should ensure comprehensive and mandatory training for all staff on detention standards, the distinction between administrative and criminal detention, vulnerabilities, mental health, de-escalation techniques, and the lawful use of force;
- » Management authorities should prioritise de-escalation and non-coercive approaches, ensuring that the use of force remains strictly exceptional, necessary and proportionate;
- » Allegations of ill-treatment must be independently, promptly and effectively investigated, with appropriate disciplinary and criminal consequences where necessary.

Physical infrastructure and accommodation conditions:

- » States must ensure that all detention facilities meet minimum standards of habitability, including adequate living space, lighting, ventilation, heating/cooling, sanitation, bedding, furniture, food and clothing, and overall be maintained in a good state of repair;
- » Short-term premises such as airports and police stations must be used for prolonged administrative detention, given that conditions are consistently substandard.

Hygiene and sanitation:

- » Detainees must have free and unrestricted access to well-maintained, functioning toilets, showers, hot and cold water, including at night;
- » Regular cleaning, pest control, and public health monitoring must be ensured, including bedding inspections and rapid outbreak response;
- » States should provide detainees with adequate hygiene products from the first day of detention, including gender- and age-appropriate items with regular replenishment, free of charge.

282. See AIDA, *The Legal Framework for the Detention of Asylum Seekers*, to be published in July 2026.

Overcrowding and privacy:

- » States must ensure that all detention facilities comply at all times with minimum living space and privacy standards, including the CPT standard of at least 4 m² per person in shared cells;
- » When not at full occupancy, detention authorities should spread detainees out among all available cells to provide better respect for privacy;
- » Overcrowding should trigger mandatory transfer or release procedures where adequate conditions cannot be guaranteed;
- » States must maintain adequate contingency capacity and planning mechanisms, including transfers and alternatives to detention.

Clothing and food:

- » States must guarantee sufficient, nutritious food that is adapted to medical, religious, cultural and age-specific dietary needs;
- » Detainees should be allowed to wear personal clothing; where unavailable or inadequate, clean, weather-appropriate and dignified clothing must be provided free of charge.

Detention regime and environment:

- » Administrative detention must remain non-carceral in design, regime and practice;
- » Measures involving the use of force, restraints, handcuffing, strip-searches, surveillance and isolation must remain strictly exceptional, proportionate, and subject to oversight;
- » Detention regimes must guarantee the highest possible degree of freedom of movement, with daytime restrictions of movement within the centres remaining exceptional.

Health care:

- » States should guarantee detainees access to healthcare equivalent to national standards, including preventive, emergency, specialist and mental health care, free of charge;
- » States should ensure timely access to qualified healthcare professionals, as well as medication, diagnostic services and continuity of treatment for chronic conditions; any expansion of detention capacity should be matched by adequate investment in independent healthcare services;
- » Healthcare providers should operate independently from detention and return authorities;
- » All detainees should undergo a prompt and confidential medical examination within 24 hours of admission, including physical and mental health assessments, and vulnerability screening;
- » Mental health care should be significantly strengthened given the impact of detention;
- » Medical confidentiality must be strictly guaranteed, with medical consultations conducted out of hearing and sight of non-medical staff;
- » States should ensure access to qualified, professional quality interpretation for all medical and psychological care, whether in person or remote. Interpretation must guarantee confidentiality, informed consent and accurate communication. Health care interpreters must have linguistic competence, knowledge of medical terminology, confidentiality training and patient-safety competence. Automated translation tools should not be relied upon. Other detainees or staff should never be used for interpretation.

Open air, sports and recreational activities:

- » States should guarantee detainees unrestricted access to adequate open-air spaces during the day. Staff shortages or operational constraints cannot justify limiting such access;
- » Outdoor areas should be sufficiently large, accessible and equipped, with seating, recreational equipment and protection from adverse weather. Facilities should avoid prison-like features such as cages, excessive fencing or barbed wire;
- » Detainees should have access to purposeful daily recreational, educational, cultural and sports activities, regardless of the duration of detention, in order to reduce isolation and protect mental health and dignity. To this end, States should intensify cooperation with NGOs and civil society organisations to diversify recreational, educational and psychosocial activities in detention;

- » Children should not be detained. If they are nevertheless exceptionally detained, particular attention should be paid to the needs of children and other people in vulnerable position, including access to age-appropriate activities and spaces;
- » Recreational materials, including books, television, internet access and information resources, should be freely available in languages understood by detainees.

Access to detention facilities:

- » Lawyers, NGOs, and UNHCR must have regular, confidential, and effective access to all detention sites, including border and informal facilities. They should, at minimum, have access to all persons who made an international protection application, regardless of whether the application has already been registered or lodged;
- » Requirements such as prior authorisation, accreditation or excessive notice periods should be simplified as much as possible and must not make access ineffective in practice;
- » States should ensure practical access arrangements, including reasonable visiting hours, private meeting spaces and interpretation services. Detention facilities should not be located in remote areas that hinder access to families, lawyers, NGOs or oversight bodies;
- » When not permitted to keep their own mobile phones, detainees must have effective access freely accessible phones with free-of-charge local and international calls. Conditions ensuring full confidentiality must be guaranteed for all communications, including when the phone is given by the detention authorities.

Complaints and monitoring mechanisms:

- » States should establish independent, transparent, confidential and accessible complaints mechanisms in all detention facilities, with safeguards against reprisals and inform detainees, in a language they understand, of their right to complain and how to access complaints procedures, including interpretation and legal assistance;
- » Monitoring bodies, including NPMs, Ombudspersons, UNHCR and NGOs, should have unhindered access to all places of detention, detainees (in a confidential setting), staff, and documents (including videos, electronic systems and records), including for unannounced visits, as required by the OPCAT, and Council of Europe and EU Fundamental rights Agency guidance;
- » For effective follow-up, monitoring findings and recommendations should be made public yearly;
- » Monitoring bodies should be adequately resourced both financially and regarding staffing, and institutionally independent;
- » NGOs and civil society organisations should be able to meaningfully contribute to monitoring.

Applicants in a vulnerable position

- » Detention of people in a vulnerable position must be a last resort, based on individual assessment of vulnerability, health, and best interest;
- » Staff working in detention facilities should receive regular training on child protection, trauma, gender sensitivity, disability, mental health, and vulnerability.
- » Women, should be accommodated separately in safe, private and gender-sensitive conditions, with access to appropriate hygiene products, healthcare and support services;
- » In cases where they are nevertheless exceptionally detained, pregnant women should be afforded particular attention and medical care, and given tailored specific diets adapted to their nutritional needs.
- » Children should never be detained on the basis of their own or of their parents' migratory status, as such detention in contrary to the best interests of the child and has severe, lasting impacts on their fundamental rights and wellbeing;
- » In the exceptional event where detention nevertheless does occur, it must be for the shortest time possible and in child-appropriate facilities (which can never be prisons or police custody) with education, play, and psychosocial support;
- » Families should be accommodated separately from unrelated adults, with access to appropriate hygiene and child-related products, healthcare and support services;
- » States must cease practices that separate family members through detention measures.

- » Unaccompanied minors should not be detained. Where strictly necessary, alternatives must be used in places that fully respect their specific needs and rights;
- » If exceptionally detained, they must be placed in structurally separate, specialised, child-appropriate facilities with qualified staff and guardianship.
- » Where they are exceptionally detained, people in a vulnerable position such victims of torture, persons with disabilities, serious illnesses, mental health conditions, and older persons must receive accessible accommodation and appropriate care, including rehabilitation;
- » LGBTQIA+ detainees must be granted rights on an equal basis to other detainees, without discrimination on grounds of sexual orientation, gender identity, gender expression or sex characteristics, with the required accommodations, e.g. for conjugal visits.
- » LGBTQIA+ detainees must be protected from violence and discrimination through protective measures, safe placement taking into account their opinion regarding the appropriate place of detention, and access to appropriate health care, including gender-specific and gender-affirming care.
- » Where exceptionally detained, vulnerable detainees should have prompt access to specialised healthcare, including mental health services, reproductive healthcare and continuity of treatment for pre-existing conditions:
- » States should make statistics on the number of detainees released for medical reasons or based on their vulnerability of special needs assessment publicly available.

THE ASYLUM INFORMATION DATABASE (AIDA)

The [Asylum Information Database \(AIDA\)](#) is a database managed by the European Council on Refugees and Exiles (ECRE), containing information on asylum procedures, reception conditions, detention and content of international protection across 27 countries. This includes 21 European Union (EU) Member States (Austria, Belgium, Bulgaria, Cyprus, Czechia, Germany, Spain, France, Greece, Croatia, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Romania, Sweden, Slovakia, Slovenia) and 6 non-EU countries (Egypt, Switzerland, Serbia, Türkiye, Ukraine, United Kingdom).

- **Country reports**

AIDA contains [national reports](#) documenting asylum procedures, reception conditions, detention and content of international protection in 27 countries.

- **Comparative reports**

AIDA comparative reports provide a thorough comparative analysis of practice relating to the implementation of asylum standards across the countries covered by the database, in addition to an overview of statistical asylum trends and a discussion of key developments in asylum and migration policies in Europe. Annual reports were published in [2013](#), [2014](#) and [2015](#). From 2016 onwards, AIDA comparative reports are published in the form of thematic updates, focusing on the individual themes covered by the database. Thematic reports have been published on [reception](#) (March 2016), [asylum procedures](#) (September 2016), [content of protection](#) (March 2017), [vulnerability](#) (September 2017), [detention](#) (March 2018), [access to the territory and registration](#) (October 2018), [reception](#) (May 2019), [asylum authorities](#) (October 2019), [digitalisation of asylum procedures](#) (January 2022), [family reunification](#) (February 2023), [access to socio-economic rights for temporary protection beneficiaries](#) (August 2023) and [access to socio-economic rights for temporary protection beneficiaries: 2023 Update](#) (January 2025).

- **Fact-finding visits**

AIDA includes the development of fact-finding visits to further investigate important protection gaps established through the country reports, and a methodological framework for such missions. Fact-finding visits have been conducted in [Greece](#), [Hungary](#), [Austria](#), [Croatia](#), [France](#), [Belgium](#), [Germany](#), [Poland](#) and [Romania](#).

- **Legal briefings**

Legal briefings aim to bridge AIDA research with evidence-based legal reasoning and advocacy. These short papers identify and analyse key issues in EU asylum law and policy and identify potential protection gaps in the asylum *acquis*. Legal briefings so far cover: (1) [Dublin detention](#); (2) [asylum statistics](#); (3) [safe countries of origin](#); (4) [procedural rights in detention](#); (5) [age assessment of unaccompanied children](#); (6) [residence permits for beneficiaries of international protection](#); (7) [the length of asylum procedures](#); (8) [travel documents for beneficiaries of international protection](#); (9) [accelerated procedures](#); (10) [the expansion of detention](#); (11) [relocation](#); and (12) [withdrawal of reception conditions](#).

- **Statistical updates**

AIDA releases short publications with key figures and analysis on the operation of the Dublin system across selected European countries. Updates have been published for [2016](#), [the first half of 2017](#), [2017](#), [the first half of 2018](#), [2018](#), [the first half of 2019](#), [2019](#) and [the first half of 2020](#), [2020](#), [2021](#), [2022](#), [2023](#) and [2024](#).

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