EU Funds for Fundamental Rights (FURI)

Report on Greece

This report has been prepared with the support of the European Union as part of the EU funded project: FURI - EU Funds for Fundamental Rights (grant agreement number 101143162 - FURI - CERV2023-CHAR-LITI).

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SPECIAL THANKS

The Special Service for the Coordination and Management of Migration and Home Affairs Funds (E.Y.S.Y.D.-M.E.Y.) and the Service for the Management of European and Development Programs (Y.D.E.A.P.). The Human Rights and Equal Treatment Cycles of the Ombudsman. The National Commission for Human Rights (GNCHR). The Racist Violence Recording Network (RVRN). Members of the Albanian community, and the communities of Ivory Coast and Ukraine. The organizations: AMKE REVMA, European Network on Independent Living (ENIL), Greek Forum of Migrants, Greek Forum of Refugees, HIAS Greece, Homo Digitalis, Independent Living Organisation of Greece, IRC Hellas, Médecins du Monde Greece, Refugee Support in the Aegean (RSA), Praksis, SolidarityNow. Special thanks also to all of the professionals who gave their time for their invaluable contribution to the consultations and interviews.

DATE

April 2025

FRONT COVER IMAGE

Panoramic image of the Closed Controlled Access Center (CCAC) of Samos.
Source: website of the Ministry of Migration and Asylum

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Glossary

APD	Asylum Procedure Directive (2013/32/EU
AMIF	Asylum Migration and Integration Fund
BMVI	Border Management and Visa Instrument
CERD	Committee on the Elimination of Racial Discrimination
CJEU	Court of Justice of the European Union
CPR	Common Provisions Regulation [Regulation (EU) 2021/1060]
CPV	Coastal Patrol Vessel
CRPD	Committee on the Rights of Persons with Disabilities
DI	De-Institutionalisation
EC	European Commission
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
ERDF	European Regional Development Fund
ESC	European Social Charter
FRA	European Union Agency for Fundamental Rights
FRO	Fundamental Rights Office/Officer
HECs	Horizontal Enabling Conditions
HCG	Hellenic Coastguard
ISF	Internal Security Fund
JMD(s)	Joint Ministerial Decision(s)
OP(s)	Operational Programme(s)
RIC	Reception and Identification Centre
SAR	Search and Rescue
SIR(s)	Serious Incident Report(s)
SLH	Supported Living Homes
SRPD	Strategy for the Rights of Persons with Disabilities
SVETWs	Special Vocational Education and Training Workshops
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities

INTRODUCTION

Source: Ministry of Migration and Asylum website

This report on Greece is part of the "EU Funds for Fundamental Rights (FURI)" project, funded by the EU Citizens, Equality, Rights and Values Programme (CERV).

The core aim of FURI is to raise awareness of the binding applicability of the EU Charter of Fundamental Rights (the Charter) and the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in EU funding. This includes strengthening compliance with these binding instruments, by enhancing the preparedness of competent stakeholders to monitor and, where necessary, take remedial action for EU-funded projects that fail to meet these obligations.

In this context, this report examines key areas where EU Funds intersect with persistent human rights challenges in Greece, with a focus on the rights of applicants of international protection, persons with disabilities and the Greek Roma community. In particular, it flags concerns related to access to the territory and asylum, as well as in the areas of inclusive education and independent living within the community.

The next section presents the scope and methodology underlying this report, along with reflection that could potentially inform future research or actions, such as awareness raising. The third section follows with a list of stakeholders consulted and/or interviewed as part of the research, to whom the Greek Council for Refugees (GCR) expresses its sincere gratitude.

The fourth section focuses primarily on providing a summary of core human rights provisions relevant to EU Funding, with the aim of serving as an easy reference point of the applicable legal framework. This arose as particularly important during the research, which highlighted an awareness gap of the specific framework.

The fifth section then moves forward with highlighting some of the key areas for improvement, identifying links between EU Funds use in Greece and varying degrees of

non-compliance with human rights considerations. These should be read in conjunction with thematic annexes at the end of the document, which provide relatively more detailed analyses.

Finally, the last three sections offer initial conclusions and recommendations, as well as a non-exhaustive list of new or ongoing EU-funded projects that may pose human rights compliance risks, based on the report's findings.

That beings said, this report should be read as a preliminary exercise or assessment on the effective application of human rights provisions in the use of EU Funds in Greece. While it highlights key areas where EU Funds in Greece engage with persistent human rights challenges, further in-depth and case-by-case research would be required in order to draw definitive conclusions and determine potential actions for redress.

The report nevertheless finds that, even though the current legal framework governing the use of EU Funds includes strengthened human rights safeguards, significant challenges remain in their effective implementation and enforcement in Greece, leading to potential and actual violations of the rights of the project's target groups.

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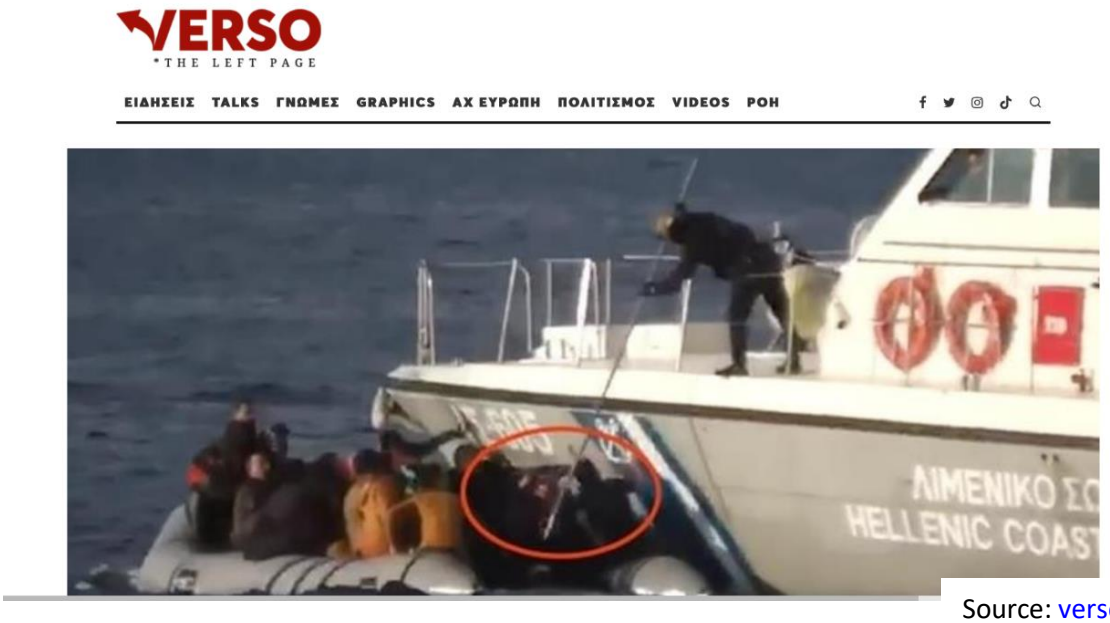


Source: verso

SCOPE & METHODOLOGY

As noted in the introduction, the general objective of the FURI project is to strengthen compliance with binding human rights obligations in the context of EU Funds. Accordingly, a core objective of the research conducted as part of this report was to explore and collect potential risks of fundamental rights violations in EU funded projects in Greece.

In terms of scope, based on the implementing partners' specialisations, focus was placed on identifying projects specifically affecting the rights of applicants and beneficiaries of international protection, persons with disabilities and persons from the Greek Roma community. In what specifically regards the Funds, focus ended up near exclusively being placed on the current funding cycle (2021-2027). This choice was made quite early in the research process, both in an effort to enhance the report's relevance as a potential foundation for future action, but also for the purpose of keeping the volume of information manageable. Indeed, it should be flagged from the outset, that even when it comes to the current funding cycle, the information and analysis included in this report is a fragment of issues that were identified and could be discussed on the subject.

In what regards the research, this included both primary and secondary components, with desk research serving as the report's main foundation. The focus of this research was nevertheless both guided and complemented by a series of consultations and interviews with competent stakeholders, a general list of which is provided in Annex I.

Specifically, a total of 8 consultations were organised between 1 July and 4 October 2024, with the participation of a total of 20 professionals, primarily from the civils society sector. Though with different degrees of detail, based on each professional's field of expertise, these consultations quickly highlighted a common awareness of systemic and systematic violations of the fundamental rights of all of the project's target groups in Greece. These *inter alia* included cases of segregation of Roma and persons with disabilities both with respect to housing and education, as well as on a range of issues arising in the field of asylum and migration. On the other hand, with few exceptions participants were not able to identify, either in general or in a sufficiently precise way, the link between these violations and EU Funds, for reasons that are briefly discussed in section 5.

This last observation, which has been a recurring theme throughout all primary research components, was crucial in informing both the research direction and the content of this report.

Namely, as the violations identified by participants seemed to have a more systematic and in fact structural character in most –if not all– cases, it stood to reason to approach the subject by theme or sector (e.g. asylum, independent living etc.). In this context, the themes that ended up being included in section 5 reflect areas of concern that were more prominently and frequently raised during consultations. This categorisation served to subsequently provide a focus in the process of identifying possible links with EU Funds, resulting in the list of EU-funded projects included in section 7 of this report. On the other hand, it also created a need for adding separate sections to highlight at least some core aspects of the Greek context per theme, as a minimum required justification for including the specific projects. As this by necessity exceeded in length the parameters set by the project's uniform research guidance, these sections have been added in separate annexes at the report's end, with section 5 providing shorter summaries for each.

In what concerns the interviews, a total of 13 representatives were interviewed between 1 November 2024 and 29 January 2025, based on a pre-defined common questionnaire used by the project's partners. In several cases, due to the questions falling outside participants' specific fields of expertise or knowledge, a more open format of discussion was followed, while in a limited number of cases the questionnaire ended up not being used at all. These latter cases have been counted as consultations and are included under the corresponding list of Annex I, while the questionnaire results are available in Annex II.

Consecutive efforts were made to schedule a number of additional interviews with competent stakeholders, such as the Fundamental Rights Officer of the Ministry of Migration and Asylum (MoMA FRO), The Panhellenic Confederation of Greek Roma, the National Confederation of Disabled People (NCDP), and the Special Managing Authority (SMA) of the Operational Programme "Human Resources and Social Cohesion". Though their insights would have been invaluable for the purpose of this report, the author wishes to acknowledge having been informed of these actors' highly limited time availability, which made it impossible to arrange the interviews within the project's timeframe.

Lastly, informal discussions and consultations were held with an additional 6 participants from EU bodies and investigative journalistic outlets, who agreed to speak under conditions of strict confidentiality. The author wishes to nevertheless acknowledge their invaluable contribution, particularly with regards to information that would have otherwise been unlikely to find and/or consider for the purposes of this report.

BACKGROUND

Source: Ministry of Migration and Asylum website

CORE HUMAN RIGHTS PROVISIONS RELEVANT TO EU FUNDING

Presented as the "[s]ingle rulebook of EU funds"[1], the Common Provisions Regulation (CPR),[2] which entered into force in June 2021. It foresees a common set of rules governing eight European Union Funds,[3] which represent a third of the EU's budget for the period of 2021-2027.

In a positive development compared to the previous funding cycle (2014-2020), the CPR also introduced strengthened links between EU funds and fundamental rights by means of more systematic and explicit references to obligations arising under the Charter of Fundamental Rights of the European Union (the Charter) and the UN Convention on the Rights of Persons with Disabilities (UNCRPD), amongst other human rights instruments, throughout implementation of the Funds. In a further positive development, the CPR also broadened the scope of application of this fundamental rights conditionality to also cover Home Affairs Funds, and namely the Asylum, Migration and Integration Fund (AMIF), the Border Management and Visa Policy Instrument (BMVI) and the Internal Security Fund (ISF), thus, in theory, at least, providing an additional means for pursuing accountability over human rights violations in the fields of asylum and migration.

For instance, from the outset, recital 6 CPR makes explicit reference to the obligation to comply with the Charter, the UN CRPD, as well

[1] European Commission (EC), Common Provisions Regulation: https://tinyurl.com/mwmzm4ps

[2] Regulation (EU) 2021/1060 (CPR)

[3] Namely the European Regional Development Fund (ERDF), the European Social Fund Plus (ESF+), the Cohesion Fund, the Just Transition Fund (JTF), the European Maritime, Fisheries and Aquaculture Fund (EMFAF), the Asylum and Migration Fund (AMIF), the Internal Security Fund (ISF) and the Border Management and Visa Instrument (BMVI).

as the UN Convention on the Rights of the Child (CRC). It also explicitly prohibits the use of EU Funds for actions that *"contribute to any form of segregation or exclusion"*, while emphatically noting that the Funds are to be *"implemented in a way that promotes the transition from institutional to family-based and community-based care"*. It lastly, and amongst others, also specified that both EU member states and the European Commission (EC) are under an obligation to promote equality and combat discrimination on the basis of protected characteristics, such as racial or ethnic origin, disability or sexual orientation.

These obligations are subsequently reaffirmed under article 9 (horizontal principles), which further clarifies that fundamental rights obligations are to be complied with throughout the full cycle of implementation of the Funds – meaning *"throughout the preparation, implementation, monitoring, reporting and evaluation of [national] programmes"* –as well as the newly introduced horizontal enabling conditions (HECs) under article 15 CPR, which are defined as *"prerequisite condition[s] for the effective and efficient implementation of the specific objectives"*[4] of each Fund.

In relatively simple terms, the HECs introduce an additional –even if perhaps limited– layer of conditions that must be fulfilled on an ongoing basis, in order for the specific objectives pursued by member states in the context of EU-funded national programmes to be both eligible for EU funding, and to maintain eligibility throughout the funding cycle (i.e. 2021-2027). The onus for assessing and ensuring the fulfillment of these conditions throughout the cycle, which is done based on a set of criteria listed under Annexes 3 and 4 CPR, falls primarily on member states. The EC nevertheless retains the option to contest member states' assessments and request additional information and/or amendments to the objectives pursued, where, based on its own assessment, it deems these requirements have not been met or ceased to be met during the funding cycle. Lastly, in case the EC identifies cases of persistent non-fulfilment of these conditions, the HECs introduce a (soft) mechanism of redress that grants the EC the power to withhold the reimbursement of expenses incurred by member states in the context of objectives that do not meet or have ceased to meet these conditions.

Though broader in scope, for instance also covering matters of potential misuse of EU funds, from a human rights lens and for the purposes of this report, there are two main enabling conditions that are of particular importance. These are listed below alongside the criteria assessed for their fulfillment:

Enabling Condition	***Fulfilment criteria***
Effective application and implementation of the Charter of Fundamental Rights	Effective mechanisms are in place to ensure compliance with the Charter of Fundamental Rights of the European Union ('the Charter') which include: * Arrangements to ensure compliance of the programmes supported by the Funds and their implementation with the relevant provisions of the Charter.

[4] Article 2(2) CPR

	✻ Reporting arrangements to the monitoring committee regarding cases of non-compliance of operations supported by the Funds with the Charter and complaints regarding the Charter submitted in accordance with the arrangements made pursuant to Article 69(7).
Implementation and application of the United Nations Convention on the rights of persons with disabilities (UNCRPD) in accordance with Council Decision 2010/48/EC	A national framework to ensure implementation of the UNCRPD is in place that includes: ✻ Objectives with measurable goals, data collection and monitoring mechanisms. ✻ Arrangements to ensure that the accessibility policy, legislation and standards are properly reflected in the preparation and implementation of the programmes. ✻ Reporting arrangements to the monitoring committee regarding cases of non-compliance of operations supported by the Funds with the UNCRPD and complaints regarding the UNCRPD submitted in accordance with the arrangements made pursuant to Article 69(7).

Aside from the CPR, fundamental rights safeguards are also included in the respective Regulations for each fund, including AMIF,[5] BMVI,[6] ISF,[7] ESF+,[8] and ERDF.[9] Overall and as also acknowledged by participants of the research (see Annex II), the legal framework has been strengthened during the current funding cycle. The challenge, however, as in many cases when it comes to human rights compliance, remains that of its effective enforcement.

REVIEW OF OPERATIONAL PROGRAMMES (OPs)

In what concerns the operational programmes (OPs) falling under ESI funding, as per the project's research guidance, focus in the examination of relevant OPs was placed on the components relating to the integration and inclusion of socially marginalized and/or excluded groups and in particular persons with disabilities, Roma, refugees and migrants as per the project's focus.

Based on these parameters, in what concerns ESI funds for the period of 2014-2020 and

[5] For instance recitals 5 and 25, and article 6 Regulation (EU) 2021/1147.
[6] For instance, recitals 4, 8, 41 and article 4 Regulation (EU) 2021/1148.
[7] For instance Recitals 5, 9 and article 4 Regulation (EU) 2021/1149.
[8] For instance Recitals 15, 30 and 31, and article 6, 8 and 28 Regulation (EU) 2021/1057.
[9] For instance, recital 5 Regulation (EU) 2021/1058.

2021-2027, the following initial observations arise:

During the previous programmatic period, measures oriented towards the inclusion of the aforementioned groups seem to have mainly fallen under financial priority no.2, titled "Development and utilisation of human resource abilities – active social inclusion". This was covered mainly through the ESF-funded Sectoral Operational Programme (OP) on Human Resources Development, Education and Lifelong Learning, with a total budget of 2.67 (rounded) billion euro.[10]

The specific OP, which *inter alia* acknowledges persons with disabilities, Roma, and migrants as particularly at risk groups regarding educational dropout,[11] places significant emphasis on measures aimed at: a) enhancing inclusion in education and life-long learning, while combating early school leaving; b) enhancing access to employment; and c) promoting social inclusion and combating poverty.

Towards these objectives, the OP includes references to specialised educational support actions for the inclusion of pupils with disabilities and/or special educational needs as well as individualised (e.g. parallel) support measures for pupils with disabilities and/or special educational needs. It also promotes actions in the field of Intercultural Education, with a view to strengthening the retention of pupils with linguistic and cultural specificities (e.g. Roma and third country nationals) in the education system,[12] and supporting adults from socially disadvantaged groups through life-long learning centers.[13] Regarding employment, focus is *inter alia* placed on enhancing access through the creation of new work places, particularly for the youth, and through specialised support actions for youth with disabilities.[14] Other projects, such as the Minimum Guaranteed Income, are included as part of integrated interventions aimed at tackling poverty particularly for vulnerable and specific segments of the population.[15]

Similar observations seem to arise through a brief examination of the 13 Regional OPs for the same period.[16] For instance, reference to investment in facilities for asylum seekers can be identified. Yet explicit reference is made to ensuring that where such facilities are funded, they should be open and remain open.[17] In other cases, emphasis is placed on the transition from institutional to community care,[18] or on actions aimed at the de-institutionalisation of children.[19]

[10] OP 2014-2020 on Human Resources Development, Education and Lifelong Learning: https://2014-2020.espa.gr/el/Pages/staticOPEpanadvm.aspx
[11] Operational Programme (OP) 2014-2020 on Objective: "Investments for Development and Employment", acknowledgement of receipt, 16 December 2014, available at: https://tinyurl.com/muuxd54a, pp.16-17.
[12] *Ibid*. p.231-232.
[13] *Ibid*. p.270.
[14] *Ibid*. p.136.
[15] Ibid. pp.70-71.
[16] The relevant OPs are available at: https://2014-2020.espa.gr/el/Pages/staticRegionalOP.aspx
[17] Regional Operational Programme (ROP) 2014-2020 for Central Macedonia on Objective: "Investments for Development and Employment", acknowledgement of receipt, 13 December 2014, available at available at: https://tinyurl.com/ms75un3h, p.254.
[18] For instance ROP 2014-2020 for Eastern Macedonia and Thrace on Objective: "Investments for Development and Employment", acknowledgement of receipt, 13 December 2014, available at: https://tinyurl.com/3myns6ny, p.31 and for Thessaly at: https://tinyurl.com/3tpk5xt8, p.32.
[19] ROP 2014-2020 for Thessaly on Objective: "Investments for Development and Employment",

The observations are of a similar nature with regards to the current funding period (2021-2027), where the Sectoral OP on "Human Resources and Social Cohesion", with a total budget of 4.16 (rounded) billion euro, seemed to be the most relevant for the specific exercise.

The OP sets the following core objectives: 1) improving access to employment and enhancing employability, with a particular focus on NEETs[20] up to 29 years; 2) improving the quality and efficiency of education and lifelong learning systems and enhancing equal access, without exclusion, to education, training and lifelong learning; 3) addressing material deprivation; 4) promoting social inclusion and equal access to quality health services; and 5) promoting social innovation. It also *inter alia* acknowledges shortcomings with regards to the universality and quality of long-term care arrangements for the elderly and for persons with disabilities; persistent gaps in the inclusive education of persons with disabilities; and the incomplete inclusion of Roma persons into the country's socio-economic fabric.[21] It lastly seems to promote a wide array of actions aimed at addressing identified gaps and needs, including through mapping of the educational and professional experience and skills of beneficiaries of international protection,[22] and gives added importance on individualised approaches.

Overall, based on wording alone, explicit indications of potential fundamental right risks for the specific groups do not seem to arise based on either of the OPs examined. On the contrary, wording seems to mostly indicate a focused will to support inclusive-oriented actions. Even where words such as "facilities" and "infrastructure" are employed, consideration of the text alone, does not provide explicit or at least sufficient indications that these types of measures include elements of segregation or discrimination.

These observations need to also be considered in conjunction with Greece's relevant strategies on de-institutionalisation, on the social inclusion of Roma 2021-2030, the National Strategy for the Rights of Persons with Disabilities 2024-2030, and the National Integration Strategy for applicants and beneficiaries of international protection, which is also the least developed of the four. Though analysis of each is well beyond the project's scope or GCR's field of expertise, irrespective of any shortcomings that can potentially be attributed to them,[23] they do seem to highlight a uniform intention towards inclusion and respect of rights.

That being said, irrespective of wording and the approach employed in-text, the extent to which projects funded under these OPs or other EU funding instruments are in compliance with fundamental rights considerations, depends on the specific

acknowledgement of receipt, 13 December 2014, available at: https://tinyurl.com/3tpk5xt8, p.136.

[20] NEETs stands for "Not in Education, Employment, or Training"

[21] OP 2021-2027, "Human Resources and Social Cohesion" CCI: 2021EL05SFPR001, available at: https://tinyurl.com/4b488ny6, pp.18-19.

[22] *Ibid*. p.67.

[23] Indicatively, for the National Integration Strategy for applicant and beneficiaries of international protection see GCR's relevant comments as part of the (at the time) consultation, available in Greek at: https://gcr.gr/wp-content/uploads/GCR_Comments_21_01_22.pdf. Several gaps are also flagged in the form of comments on the National Strategy for the Rights of Persons with Disabilities 2024-2030, and can be found per section of the Strategy in Greek at: https://amea.gov.gr/consultation#s_55.

modalities of implementation. Ultimately, as is well known at least in the field of refugee protection, even when it comes to legislation, the main challenge in Greece can scarcely be considered as one primarily linked to wording and provisions. Rather the core challenge remains in implementation, as compounded by perhaps less visible yet systematic barriers that impact on the rights of all concerned groups. As illustratively noted elsewhere with regards to Greece's prior strategy on integration, "*Greece has very good legislation for beneficiaries of asylum, but it is often canceled out by the inability to implement [the relevant] provisions*"[24] – and one could perhaps add the lack of political willingness to do so.

In turn, this highlights the imperative need of consistent, robust, and effective oversight of the OPs' materialization throughout the full duration of each respective implementation period and for the actual enforcement for corrective actions where needed.

SUMMARY OF MAIN FINDINGS

This section summarizes the main findings. It starts by briefly discussing main observations from the interviews and consultations. It subsequently moves on to discuss the key concerns that emerged. These relate to:

- the functioning of the Monitoring Committee for the Migration and Home Affairs Funds;
- human rights violations at the borders and obstacles to access to asylum;
- challenges to inclusive education and independent living for persons with disabilities;
- the continued segregation of Roma in Greece.

In all cases, these issues are directly or indirectly related to the use of EU funds, highlighting the need for continued monitoring to ensure compliance with the Charter, the UNCRPD, and the CPR, amongst other instruments.

PRELIMINARY CONSIDERATIONS

A) CONSULTATIONS

[24] For instance, see I Epochi, "Strategy for the integration of refugees and migrants", 3 February 2019, available in Greek at: https://tinyurl.com/456ppack.

As briefly discussed in section 2, a main observation that arose during consultations was participants' wealth of knowledge on matters related to breaches –and in that regard systematic– of the fundamental rights of all of the project's target groups in Greece. On the other hand, only a limited number of participants were able to link these breaches with the use of EU Funds, and mostly in a general manner.

To the largest extent this seemed to be attributable to either a lack of knowledge or engagement with the legal framework governing the Funds and/or to a lack of dedicated activities in this specific field, including on account of limited capacities and resources. In tandem, however, significant reservations as to the potential effectiveness of remedial action under the Funds were raised by the few participants who were both knowledgeable of the legal framework and of broader avenues for pursuing redress for fundamental rights violations (e.g. litigation or complaints before independent authorities or the EC).

In these cases, particular emphasis was placed by participants on the need for the EC to undertake a significantly more pro-active role when it comes to monitoring member states' effective compliance with binding human rights obligations under EU law or even with its own recommendations. Others, expressed disillusionment by quoting scarce examples where violations coincidentally linked with EU Funds had been confirmed by independent Greek bodies, yet with no tangible effect in terms of improvement or redress. Lastly, and amongst frequently expressed reservations as to the EC's willingness to effectively fulfil its role as the Guardian of the Treaties, others noted the very high threshold required in order for a violation to lead to remedial action (e.g. suspension of payments) under the Funds.

B) INTERVIEWS

Core findings are relatively similar when it comes to the interviews conducted as part of this report, the full results of which can be found in Annex II.

Namely, though a majority of participants who provided a reply had experience with EU-funded projects (lead/non-lead applicants), or with monitoring and reporting activities in the broader field of human rights, the specific focus on EU funds was largely absent in this case as well.

On the one hand, this seems to re-affirm the need for awareness-raising actions, as one prerequisite for the meaningful inclusion of civil society actors in processes established particularly under the CPR. On the other, this overarching observation should also be kept in mind when reading the questionnaire results, in order to avoid potentially misleading conclusions.

That being said, the feedback provided seems to highlight some mixed dynamics. For instance, while there seems to be some consensus on the sufficiency of fundamental rights safeguards and particularly their enhancement during the 2021-2027 funding cycle, concerns over their potential effectiveness were raised during the discussions. Likewise, though the need for NGOs, fundamental rights bodies, legal experts and members of the affected social groups to be meaningfully involved from the outset in programme design and monitoring were

highlighted, the primacy given to EU institutions and national authorities as the ones required to take more responsibility for preventing and addressing fundamental rights violations seems to question the effectiveness the one could have without the other.

Ultimately, as in the case of consultations, so too in the case of interviews, a main issue arising was that of effective enforcement of the applicable legal frameworks, including through the designation and sufficient resourcing of independent mechanisms that could fulfill this role.

C) MONITORING COMMITTEE FOR HOME AFFAIR FUNDS

Under Article 38 of the Common Provisions Regulation (CPR), EU member states are required to establish one or more monitoring committees to oversee the implementation of EU-funded projects. These Committees are tasked with ensuring the fulfillment of enabling conditions and their application throughout the programming period, including as part of the design of relevant projects. They need to be set up within three months from the time the EC notifies national authorities that the programmes they have submitted have been approved for funding. They also need to strike a *"balance"* in representation between state authorities/bodies, and bodies working in the broader field of human rights (e.g. disability rights, non-discrimination), including from the civil society sector.[25]

In assessing the composition and workings of the Greek Monitoring Committee for Home Affair Funds, the following issues were identified (for a detailed analysis see Annex III and sources therein):

Though the specific Committee was established in a timely manner, the inclusion of civil society actors was only pursued with delay, reportedly after pressure from the EC.[26] This could highlight an initial reluctance from the side of state authorities to effectively comply with their obligations.

Furthermore, the Committee's composition remains highly imbalanced, even after the inclusion of civil society actors, whose right to engage with the process remains limited in scope to the Asylum Migration and Integration Fund (AMIF). This creates a *"controlled environment"*[27], where fundamental rights scrutiny seems unlikely from the outset, particularly vis-à-vis systematic violations at Greece's borders, where links with the BMVI Fund have been established (see next section).

This lack of scrutiny is further corroborated by examination of the Committees meetings and written proceedings, which seem to highlight only a superficial and communications-oriented focus on fundamental rights, if any. Though a reporting mechanism is foreseen, the non-disclosure of its results, alongside its lack of independence guarantees, further obstruct independent scrutiny and question the fulfillment of the Charter HECs.

[25] Article 39 (1), in conjunction with article 8(1) CPR.
[26] Solomon, "The legislative "game" of the Ministry of Migration with the European funds", 15 July 2024, available in Greek at: https://tinyurl.com/33vs8mrr.
[27] *Ibid.*

ASYLUM APPLICANTS

A) RISK OF VIOLATIONS UNDER BMVI

Recent years have seen an overwhelming number of reports, including by UN,[28] EU[29] and national[30] human rights bodies, highlighting a systematic practice of pushbacks at Greece's land and sea borders.[31] Despite the vehement denial of the Greek authorities ov the existence of such practices, their systematic nature, coupled with the persistent non-investigation at the national level, were confirmed in January 2025 in two separate rulings of the European Court of Human Rights (ECtHR). Namely, in cases of G.R.J. v Greece and A.R.E. v. Greece, the Court found *"strong indications [... of] a systematic practice of "pushbacks" from the Greek [territory] to Türkiye"*[32], in the latter finding Greece liable for violations of articles 3, 5 and 13 of the European Convention on Human Rights.[33]

Evidently, these practices raise critical compliance issues with the principle of *non-refoulement*, as *inter alia* enshrined in the 1951 Geneva Refugee Convention (article 33), the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (article 3), the Treaty on the Functioning of the European Union (article 78), the Charter (articles 18 and 19) and the legal framework governing the Common European Asylum System (CEAS). In conjunction with a pattern of impunity at the national level,[34] and the Greek authorities' handling of investigations following the well-known Pylos shipwreck of 14 June 2023, they have also prompted the Fundamental Rights Officer of Frontex (Frontex FRO) to recommend the termination of the Agency's activities in Greece, in July 2023.[35] Particularly striking in

> ***"Refoulement may have occurred in the past. I think this attitude of the Coastguard has changed in recent times."***
>
> *Statement of the (former) Minister of Migration and Asylum in July 2024. Source: sto nisi*

[28] For instance, OHCHR, "Experts of the Human Rights Committee Commend Greece on Measures Taken for Unaccompanied Minors, Raise Questions on Domestic Violence and Allegations of Border Pushbacks", 22 October 2024, available at: https://tinyurl.com/4xh4rv4v.

[29] For instance, Council of Europe (CoE), "Anti-torture Committee again calls on Greece to reform its immigration detention system and stop pushbacks", 12 July 2024, available at: https://tinyurl.com/467sfk24.

[30] See relevant reports of the Recording Mechanism of Informal Forced Returns established under the Greek National Commission for Human Rights (GNCHR) at: https://nchr.gr/en/reports.html.

[31] For more, *inter alia* see GCR, *At Europe's Borders: Pushbacks Continue as Impunity Persists*, November 2024, available at: https://tinyurl.com/4rrrya23 and AIDA, *Country Report on* Greece (2023 update), June 2024, available at: https://tinyurl.com/mt3wbfdb, pp.33-45.

[32] European Court of Human Rights (ECtHR), Rulings concerning Greece: https://tinyurl.com/2rk2sxcv

[33] For more, see GCR, "ECtHR's Judgment v. Greece – Greece condemned for the first time by the European Court of Human Rights for a pushback in Evros", 7 January 2025, available at: https://tinyurl.com/2aw9z7wf.

[34] Also see the Joint CSO report: *Struggle for Accountability: The State of the Rule of Law in Greece today*, January 2025, available at: https://tinyurl.com/5ymw5u8s.

[35] FRONTEX, *Opinion by the Fundamental Rights Officer: Greece – advice to suspend or terminate Frontex operations in Greece in accordance with Article 46(4) of the EBCG Regulation*, Warsaw, 10 July 2023. The document was retrieved from FRONTEX's public register of documents at:

the FRO's recommendation, which can be found for easy reference in Annex X, is the conclusion that *"Frontex support to Greece not only harms the reputation of the Agency but also, at least indirectly, enables fundamental rights violations".*

Under the lens of EU Funds, these factors could suffice to raise questions over Greece's eligibility to receive funding for at least components of its national programmes that are directly linked with border management, a list of which can be found in section 7.1. Questions, moreover, that the EC itself arises to have posed in April 2022,[36] roughly seven months prior to approving Greece's Home Affair programmes,[37] yet with no tangible effect.

Additionally, an examination of publicly available sources, and in particular Serious Incident Reports (SIRs) by the Frontex FRO, shows a documented direct involvement of EU-funded assets, such as Hellenic Coastguard vessels CPV 910 and CPV 920, in fundamental rights violations at the Greek borders.

Without prejudice to the potential of such assets to be used for legitimate purposes, nor the undeniable work of the Greek security forces in saving lives at sea, it is clear that the wealth of documented violations necessitates urgent action to ensure the EU's budget, and in particular BMVI, does not become further compromised (for a more extensive discussion see Annex IV).

B) ACCESS TO ASYLUM

With regards to access to asylum, two issues linked with EU Funds are in need of particular attention: the persistent unlawful application of the "safe third country" concept vis-à-vis Türkiye, and barriers to accessing asylum (and relevant rights) on the Greek mainland. For a more detailed analysis see Annex V.

Unlawful application of the "safe third country" concept

In June 2021, Greece designated Türkiye as a "safe third country" for asylum applicants from Syria, Afghanistan, Somalia, Bangladesh, and Pakistan, expanding the scope of the 2016 EU-Turkey statement. This resulted in the asylum applications of these nationals being examined

https://prd.frontex.europa.eu/ [last accessed 13 November 2024].

[36] The Commission's additional observations have been published following a request for access to information on 23 March 2024. They are available at: https://www.asktheeu.org/request/ec_assessments_of_enabling_condi#incoming-52832. The documents referred to are in particular Documents 13.1 and 14.1

[37] European Commission (EC), *Commission Implementing Decision of 10.11.2022 Approving the Programme of Greece for Support from The Asylum, Migration and Integration Fund for the Period from 2021 to 2027*, 11 November 2022, available at: https://tinyurl.com/yc764frb; EC, *Commission Implementing Decision of 15.11.2022 approving the programme of Greece for support from the Instrument for Financial support for Border Management and Visa Policy for the period from 2021 to 2027*, 16 November 2022 available at: https://tinyurl.com/5b8hbh9x; EC, *Commission Implementing Decision of30.11.2022 Approving the Programme of Greece for Support from Internal Security Fund for the Period from 2021 to 2027*, 30 November 2022, available in Greek at: https://tinyurl.com/37w2uzm8.

under an "admissibility procedure" focusing on Türkiye's safety, rather than examining their individual protection claims.

This designation raises legal and policy concerns, including due to lack of legal reasoning in the Joint Ministerial Decisions (JMDs) designating Türkiye as a safe, for which reference is instead made to an array of non-public documents, in breach of articles 12(1)(d) and 38(2)(c) Asylum Procedures Directive (APD). It also disregards increasing barriers to accessing asylum in Türkiye, including on account of reported pushbacks of Syrian and Afghan refugees.

Since March 2020, Türkiye has also ceased accepting rejected asylum applicants from Greece. This lack of return prospects renders Greece's application of the "safe third country" concept arbitrary and in breach of article 38(4) APD and article 18 of the Charter. It also means that applicants rejected on this basis are at an increased risk of material deprivation and detention, which could lead to breaches of the Charter (e.g. articles 4 and 6).

The European Commission (EC) has repeatedly flagged this issue, including in its observations on Greece's 2021-2027 Home Affairs programs, but without any tangible effect. Quite the contrary, despite a 2024 ruling by the Court of Justice of the European Union (CJEU) stating that member states cannot reject asylum applications based on the "safe third country" concept if return is impossible, the Greek Asylum Service (GAS) has continued examining and issuing negative decisions on this basis until at least January 2025.

EU funds, particularly AMIF, are heavily engaged in the support the operational capacity of the Greek Asylum Service (GAS), including through the contracts of several hundred employees processing asylum applications, including on the basis of the "safe third country". Therefore, this funding, while enhancing processing capacity, also indirectly supports the misuse of EU asylum law, with detrimental consequences for the rights of the applicants covered by the designation of Türkiye as "safe".

To be noted, as of 21 March 2025, the designation of Türkiye as a "safe third country" has been annulled by plenary decision of Greece's Supreme Administrative Court (Council of State).[38] This follows the aforementioned ruling of the CJEU, in the same case brought forth by the Greek Council for Refugees (GCR) and Refugee Support in the Aegean (RSA).[39] Yet the first reactions of the Ministry of Migration and Asylum, such as the announcement of the preparation of a new Decision designating Türkiye as "safe" just three days following the Judgement,[40] have been less than promising with regards to the Greek state's willingness to comply with its legal obligations. More concerning, statements made by the Minister of Migration and Asylum on forthcoming legal amendments aimed at

[38] Greek Council of State, "Announcement by the President of the Council of State regarding the outcome of the conference on cases discussed in plenary on 7 February 2025 concerning the designation of Türkiye as a safe third country", 21 March 2025, available in Greek at: https://tinyurl.com/24c7f2z6.

[39] For more see GCR & RSA, "The Council of State annuls the designation of Turkey as a 'safe third country' for asylum seekers", 27 March 2025, available at: https://tinyurl.com/4rn4sub6.

[40] Ministry of Migration and Asylum (MoMA), "M. Voridis on SKAI: Tackling illegal migration, effective organization of legal immigration and the review of the asylum framework - Greece is a state governed by the rule of law, but it cannot be an unprotected state", 26 March 2025, available in Greek at: https://tinyurl.com/43xc4dbz.

pressuring rejected applicants to voluntarily depart the country have raised critical reactions by the Union of Administrative Judges, who have underscored *"these statements […] are part of a more general framework of interventions of the executive power towards the judiciary and aim to foster a climate of intimidation towards judges in the exercise of their judicial work, acting as a quasi-warning for those judges who "question" the correctness of […] forthcoming regulations"*.[41]

Access to asylum on the mainland

Since July 2022, asylum seekers on the Greek mainland must use an online platform to schedule appointments for registering their asylum applications at one of two designated reception facilities (Malakasa and Diavata).

Since its operationalization, this system has posed numerous barriers to accessing asylum, including due to frequent platform outages, lengthy waiting periods, limited access for those lacking technological literacy, and the remote location of the registration facilities. Crucially, the Ministry of Migration and Asylum does not recognise the scheduling of an online appointment as tantamount to an expression of intent to apply for asylum, despite a number of Rulings by national Courts confirming the contrary.

This practice denies applicants their legal rights, including protection against administrative detention for the purposes of return, until their application is registered. It also contradicts EU and national legislation, which recognises the expression of intent as sufficient for acquiring the status of an asylum applicant and thus for accessing relevant rights and safeguards.

The online platform was fully funded by AMIF during the 2014-2020 programming period, with a €1,258,200 contract for developing electronic services. Its operation continues to be supported by Home Affairs Funds during the current (2021-2027) cycle. Accordingly, as in the previous case, so too in this case EU funds not only seem to indirectly supports the misuse of EU asylum law, but also practices that actively undermine the Rule of Law.

Γ) RECEPTION CONDITIONS

Since their full operationalization in 2016, Reception and Identification Centres (RICs), particularly on the Aegean islands, have been deeply intertwined with the EU's policy on asylum and migration.[42] In their current form, as Closed Controlled Access Centers (CCACs) or Multipurpose RICs (MPRICs), they are a direct continuation and *"result of the hotspot approach and the EU-Turkey Statement."*[43] This link also extends to EU funding, with significant

[41] Newsbeat, "The Union of Administrative Judges reacts to Voridis' statements on asylum procedures", 28 March 2025, available in Greek at: https://tinyurl.com/mu8pa4p4.

[42] Pursuant to the 2015 European Agenda on Migration. For more, *inter alia* see GCR, *Limits of Indignation: the EU-Turkey Statement and its implementation in the Samos 'hotspot'*, April 2019, available at: https://gcr.gr/wp-content/uploads/Report_Samos.pdf, pp.15 *et.seq*.

[43] European Ombudsman, *Report on (i) the inspection of the European Commission's documents and (ii) the meeting of the European Ombudsman inquiry team with representatives of the European Commission*, 26 October 2022, available at:

on-site provisions, such as healthcare and food,[44] being heavily reliant on Home Affair Funds (primarily AMIF). Meanwhile, infrastructural work for operationalisation of the islands CCACs has received a € 260 million allocation in funding via the AMIF Emergency Assistance.[45]

As also noted by others,[46] this deep intertwining establishes a reasonable connection between the Funds and breaches of EU law, including the Charter, in the context of reception and identification, asylum and return procedures, *"insofar as the[se] facilities serve for the conduct"* of these procedures.

With regards to breaches, these have been extensively documented throughout the years,[47] to such an extent, that a repetition seems redundant in the context of this report. Suffice to highlight that close to a decade of experience has shown that the current model of reception, particularly on the Aegean islands, is marked by intrinsic limitations, which frequently result in violations of the rights of applicants of international protection, particularly during periods of heightened arrivals.

A case in point amidst the increased arrivals of unaccompanied children (UAM) during 2024,[48] has been their ongoing prolonged confinement in highly substandard conditions which are in likely breach of articles 1, 3, 4 and 6 of the Charter. This has been particularly the case in the (alleged) model CCAC of Samos, where in December 2024, 500 UAM were forced in prolonged confinement in a space designated for the accommodation of up to 200.[49] During the same month, the ECtHR granted *interim measures* for five UAM in the facility, in a case represented by the organisation Still I Rise.[50] As noted by the organisation, *"[s]tress, anxiety, despair and a sense of humiliation with traumatic consequences are a few among the deleterious effects experienced by these children due to their forced and prolonged [residence in the CCAC]"*[51], echoing similar

https://www.ombudsman.europa.eu/en/doc/inspection-report/en/164159, para. 19.

[44] Medical and psychosocial services –including vulnerability assessments– within Greece's camp-based model of reception are currently provided under the Hippocrates I programme, which is funded under AMIF, with a € 20,000,000 budget between 1 July 2024 to 30 June 2025. Food provision throughout Greece's camps is similarly funded through AMIF, with a € 55,900,00 budget for the current funding cycle.

[45] See EC, Financial support from the EU and in particular the section under Improved reception capacity and up-to-standard reception conditions, available at: https://tinyurl.com/2p9sav65.

[46] RSA & HIAS, *The role of the European Commission in the implementation of the EU asylum acquis on the Greek islands: Submission to the European Ombudsman Strategic Inquiry OI/3/2022 MHZ*, January 2023, available at: https://www.ombudsman.europa.eu/en/doc/correspondence/en/167052, para.32.

[47] Indicatively, see relevant sections on Reception in the AIDA, Country Reports on Greece, from 2016 onwards, available at: https://asylumineurope.org/reports/country/greece/.

[48] Save the Children, "Child Migrant Arrivals in Greece Quadruple this year", 17 July 2024, available at: https://www.savethechildren.net/news/child-migrant-arrivals-greece-quadruple-year.

[49] *Inter alia*, Amnesty International, "Samos: Unlawful detention and sub-standard conditions must not become a blueprint for the EU Migration Pact", 25 February 2025, available at: https://tinyurl.com/2sffsph2.

[50] Still I Rise, "Samos Hotspot: ECtHR grants interim measures demand for five unaccompanied minors", n/a, available at: https://www.stillirise.org/en/news/samos-hotspot/.

[51] *Ibid.*

concerns with those identified in an October 2024 report by GCR and Save the Children.[52]

The situation has further reportedly prompted the Swiss state, which funds the 'safe areas' for UAM in the islands facilities, to consider suspending its funding, with one of its delegations identifying *"basic services such as food distribution, hygiene and psychosocial support" had been "critically affected"* in February 2025.[53] More recently, in April 2025, Médecins Sans Frontières (MSF) have also reported having identified the first cases of malnutrition among children in the Samos CCAC.[54]

The result, overall, is reminiscent of the heights of the (so-called) refugee crisis, with children being forced to sleep in shifts, on the floor, or in communal spaces alongside unknown adults. Similar challenges are also identified in the Kos and Leros CCACs,[55] as well as in the mainland RIC of Malakasa, where UAM have remained in conditions of unlawful detention, in some cases, exceeding even 6 months.[56]

Other issues of concern impacting on the rights of all applicants residing in Greece's segregated camp-model of reception, have continued to include gaps in access to healthcare, inadequate and unsanitary conditions, systematic lack of essential non-food items, including clothes for the winter, and complaints over inedible food provision.[57]

The remote location of camps is a further hindering factor, with average distances from the closest towns and services standing at 14 km for the island camps,[58] and ranging from 2 to 31.9 km for those on the mainland.[59] As *inter alia* noted by the Greek Ombudsman in April 2024,[60] *"[t]his creates clear challenges in terms of access to goods and services, and fosters a strong sense of isolation of residents from local communities"*. Moreover, these challenges have been further accentuated by the ongoing interruption of CASH assistance for more than 10 months,[61] on which asylum applicants depend for covering basic needs, including transportation. To be noted, CASH assistance forms an integral part of Greece's obligation under article 17 Reception Conditions

[52] GCR & Save the Children, *"It does not feel like real life": children's everyday life in Greek refugee camps*, October 2024, available at: https://tinyurl.com/ycydrd3w.
[53] Solomon, 31 March 2025, *op.cit.*
[54] MSF, "Children diagnosed with malnutrition on Greece's Samos island", 7 April 2025, available at: https://www.msf.org/children-diagnosed-malnutrition-samos-island-greece.
[55] For an extensive discussion on the matter see Solomon, "Unaccompanied children sleep on the floor in shifts in the "model" camps of Greece. The EU knows", 31 March 2025, available in Greek at: https://tinyurl.com/5xwcmwr5.
[56] *Inter alia*, as per information acquired during the 10 April 2025 meeting of the CEAS working group, which is attended primarily by legal organisations operating in Greece, as well as UNHCR and representatives of the EC's task force in Greece.
[57] For instance, see Mobile Info Team (MIT), *People continue to suffer in Greece's mainland refugee camps*, 3 April 2025, available at: https://tinyurl.com/yajv345y.
[58] Joint CSO Statement, "One year since Greece opened new "prison-like" refugee camps, NGOs call for a more humane approach", 20 September 2020, available at: https://tinyurl.com/2ccak7wr.
[59] AIDA, Country report on Greece: 2022 update, available at: https://tinyurl.com/447wb5b5, p.169.
[60] Greek Ombudsman, *The Challenge of Migratory Flows and Refugee Protection Reception Conditions and Procedures*, 3 April 2024, available in Greek and English at: https://www.synigoros.gr/el/category/ekdoseis-ek8eseis/post/ek8esh-or, p.25.
[61] Amongst others, see EfSyn, "Payment of the monthly allowance to refugees is a matter of days", 4 April 2025, available in Greek at: https://tinyurl.com/bdf5c7za.

Directive (Directive 2013/33/EU), and had received € 27,351,884 under Greece's current AMIF.

Overall, despite the significant amount of EU resources allocated throughout the years, meaningful and sustainable improvements in reception conditions have remained lacking, inconsistent, and with frequent deteriorations during times of heightened arrivals. Yet the documented challenges of the Greek reception system cannot be attributed solely to capacity constraints or arrival numbers. They are, to a significant degree, the outcome of deliberate policy choices.

Indicative examples include the closure of all alternative models of reception by December 2022, which transformed the Greek reception system into one exclusively based on remote camps. Another, is the ongoing imposition of a blanket *de facto* detention measure to all applicants undergoing reception and identification procedures, in breach of EU law, and in spite of the issue being raised by the EC in the context of infringement proceedings triggered in January 2023.[62]

Lastly, it needs to be recalled that in July 2022, the EU Ombudsman opened a strategic inquiry to assess how the EC ensures respect for fundamental rights in EU-funded migration management facilities in Greece.[63] As part of this inquiry, the Ombudsman, while noting *"the detention-like nature of the facilities in MPRICs"*, in June 2023, recommended a fundamental rights impact assessment, which to the extent GCR is aware is still pending to this day.

In the meantime, in April 2024, following its own investigation, the Greek Personal Data Protection Authority (DPA) decided to issue a € 175,000 fine to the Ministry of Migration and Asylum, on account of breaches of the General Data Protection Regulation (GDPR).[64] The fine concerns the deployment of the "Centaur" and "Hyperion" systems, with the former being a high-tech security management system, and the latter concerning the controlled entry-exit of residents of the camps. Both of these systems have been funded by the EU, in particular through the Recovery and Resilience Facility (RRF, see relevant projects in section 7.2.).

[62] AIDA, *Country report on Greece: 2023 update*, June 2024, available at: https://asylumineurope.org/reports/country/greece/, p.231.

[63] EU Ombudsman, Decision in strategic inquiry OI/3/2022/MHZ on how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece, 7 June 2023, available at: https://www.ombudsman.europa.eu/en/decision/en/170792.

[64] Personal Data Protection Authority (DPA), Decision 13/2024 following its investigation for the development and implementation of the "Centaur" and "Hyperion" Programmes by the Ministry of Migration and Asylum regarding the control of reception and accommodation facilities for third country nationals, 2 April 2024, available in Greek at: https://tinyurl.com/nxpdayaz.

Source: doxthi.gr

DISABLED PEOPLE

A) SEGREGATED SCHOOL ENVIRONMENTS

Greece has made notable strides in integrating children with disabilities into its mainstream education system. Indeed, available data[65] seems to confirm a 62% increase in the enrollment of children with disabilities in mainstream education in a period of eight years, and a doubling approved requests for parallel educational support in just five. However, persistent challenges remain.

Despite increased approvals for parallel support teachers and staff, the coverage continues to fall short of actual needs. Reports from the Greek National Confederation of Disabled People (NCDP) and the Greek Ombudsman corroborate these findings, highlighting issues like delayed or partial support and inaccessible school infrastructure. These discrepancies underscore the ongoing struggle to fully implement inclusive education, despite positive policy developments.

[65] Esos, "Approvals of parallel support more than doubled - Single protocols in Centers for Interdisciplinary Assessment, Counseling and Support", 15 April 2024, available in Greek at: https://tinyurl.com/3s54rapa; especial, "Parallel support figures for 2023-24: How many approvals - how much funding for recruitment of substitutes [i.e. teachers]", 17 September 2023, available in Greek at: https://tinyurl.com/yc5erkc2.

The role of EU funding in this landscape is more ambivalent in this case. On the one hand, EU Funds contribute to hiring support staff in mainstream education, thereby aiding inclusion. On the other, EU Fund and particularly ESF+ (see section 7.2.), also support the hiring of staff in Special Schools and Special Vocational Education and Training Workshops (SVETWs), where children with disabilities are *de facto* segregated from the rest of the school community. In the case of SVETWS, certificates of graduation also do not hold the educational equivalence necessary for children to be able to further continue their studies (e.g. University), even though SVETWs are part of Greece's system of secondary education.

This dual approach raises concerns, as segregated settings are in breach of article 24 and 5 of the UN Convention on the Rights of Persons with Disabilities. Research, including reports from the Greek National Confederation of Disabled People (NCDP),[66] indicates that these segregated settings often provide inferior education and suffer from infrastructural deficiencies. Furthermore, maintaining two parallel systems strains limited resources, which could be more effectively allocated to fully inclusive education, in line with recommendations made by the NCPD.[67]

However, the continued existence and even expansion of special schools, as *inter alia* showcased by available data,[68] suggests a persistent tension between inclusive and segregated models. Understandably, this tension may be attributed to the unpreparedness of the mainstream system to fully include children with disabilities on an equal basis. Yet careful evaluation is required to ensure that EU Funds are used to the fullest and in line with the UNCRPD to promote genuine inclusion, rather than ending up perpetuating segregation.

For a more extended analysis see Annex VI.

B) DE-INSTITUTIONALISATION/INDEPENDENT LIVING

This section briefly outlines gaps identified with regards to independent living for persons with disabilities in Greece's relevant Strategies and in the context of the EU-funded Supported Living Homes (SLHs). For a more detailed analysis see Annex VII.

Preliminary considerations

Greece has made some positive strides in the areas of inclusion, independent living, and de-institutionalization for persons with disabilities, with the introduction of the National Strategy for the Rights of Persons with

[66] For instance, see National Confederation of Disabled People (NCDP), 10th Bulletin of the Observatory of NCDP: data on the education of pupils with disabilities and/or special educational needs, 5 July 2021, available in Greek at: https://tinyurl.com/59rdb5am, p.11.

[67] NCPD, *Observatory on Disability Issues: January-September 2023 Report*, available in Greek at: https://tinyurl.com/4dcmrzuv, p.135.

[68] Hellenic Statistical Authority (ELSTAT), Press Release: "Survey of Special Education and Training Schools: End Of School Year 2019/2020", 7 December 2021, available in Greek at: https://tinyurl.com/2ube6txa; "Survey of Special Education and Training Schools: End Of School Year 2020/2021", 6 December 2022, available in Greek at: https://tinyurl.com/4ewt562u and "Survey of Special Education and Training Schools: End Of School Year 2021/2022", 4 July 2024, available in Greek at: https://tinyurl.com/2r6jrnu8.

Disabilities (SRPD) for 2024-2030 and a de-institutionalisation (DI) strategy since 2021.

These strategies represent a political commitment to inclusion and reflect concerns raised by the UN Committee on the Rights of Persons with Disabilities (CRPD). However, while the Strategies indicate institutional awareness, they lack sufficient details on funding, clear time frames, and specific links to Greece's national budget, which can undermine their effectiveness. They also exhibit an over-reliance on EU funds, which raises questions over prospects of long-term sustainability and ownership of these initiatives by the Greek state.

In what concerns independent living, a core focus of the SRPD is placed on the "personal assistant" programme and Supported Living Homes (SLH), both of which directly engage EU Funds.

The personal assistant scheme, launched in 2021 as a pilot project, provides personalized in-home support for daily activities and is set for expansion, with significant funding secured. It can be seen as a promising approach to meeting UNCRPD obligations, including under article 19 on independent living.

SLHs, on the other hand, fall short of meeting standards under the same article, at least on account of structural issues.

Supported Living Homes (SLHs)

In particular, Supported Living Homes (SLHs) are small-scale accommodation units that can host between of 1-4 or 5-9 persons with disabilities above the age of 18. They form an integral pillar of Greece's deinstitutionalisation approach, and have been heavily supported by the EU, particularly under ESF+.

SLHs are intended to provide community-based living and support, based on the individual needs and aspirations of their residents, in compliance with article 19 UNCRPD on independent living. Yet examination of the legal framework governing the establishment of SLHs presents a mixed picture.

On the one hand, the framework concretely outlines positive obligations, such as the need for SLHs to operate within urban residential areas and in proximity to social services, thus prohibiting the potential for geographical segregation. It also places emphasis on the provision of personalised care and support, and foresees an admission process that by its nature requires a degree of choice for the person concerned or their legal guardian. This degree, however, is limited in practice by the lack of alternatives to institutional settings of accommodation, at least pending the full operationalisation of those foreseen in Greece's SRPD.

On the other hand, viewed under the lens of relevant UN Guidelines, as well as dedicated EC Guidance on independent living in the context of EU Funding,[69] the framework introduces limitations on residents' autonomy and choice. For instance, residents do not have full freedom to choose *"with whom to live"*, as the composition of SLHs is determined by the managing authorities. Residents also do not have a say on who they receive support from and are required to share assistants, which per

[69] EC, *Commission Notice: Guidance on independent living and inclusion in the community of persons with disabilities in the context of EU funding*, 20 November 2024, C(2024) 7897 final, available at: https://tinyurl.com/mr2vchwb.

the legal framework can be shared between more than one SLH.

Though SLHs can reasonably be argued represent a step forward towards community-based living, such limitations contradict the fundamental principles underpinning article 19 UNCRPD, which emphasises full freedom of choice and independent living. In turn this also raises questions of compatibility with the EU funding framework.

For a more detailed analysis see Annex VII.

ROMA

Article 159 of Law 4483/2017

Article 159 of Law 4483/2017 aims to address the poor housing conditions in some Roma settlements by creating an "organized temporary relocation" scheme for vulnerable groups living in hazardous or irregular settlements. It allows municipalities to relocate Roma inhabitants from illegal or unsafe encampments to designated Organised Temporary Settlement Areas, providing basic living conditions.

The first attempt to implement this law was in the Municipality of Delphi (Amfissa) in 2018. While a detailed plan was created, the relocation faced significant obstacles, including resistance from the local non-Roma community and planning setbacks, leading to the project remaining largely unrealized. Another attempt concerned a failed relocation project in Katerini. Though a plan to rehouse Roma was launched with European (EEA/Norway Grants) and national funding, the chosen relocation site was found to be a former landfill, making it unsafe and legally ineligible. This led to the withdrawal of the funding.

While these examples serve as cautionary tales when examining the use of EU funds with regards to housing for Roma communities, another crucial element of this housing scheme underscores the need for vigilance. This housing relocation practice involves moving an entire segregated settlement to a different location. However, transferring a whole Roma community from one segregated area to another—even if the new location has better infrastructure—could breach the Race Equality Directive's prohibition on segregation as a form of discrimination. Even if the relocation site is more favorably situated within the urban area, it risks causing secondary segregation and could eventually transform to a ghetto. Indeed, continuing to house Roma separately, even with high-quality facilities, has been deemed discriminatory by the Council of Europe's European Committee of Social Rights (ECSR).

For more, see Annex VIII.

Photo of Roma branch, Municipality of Delta

Source: google maps

Roma Branches

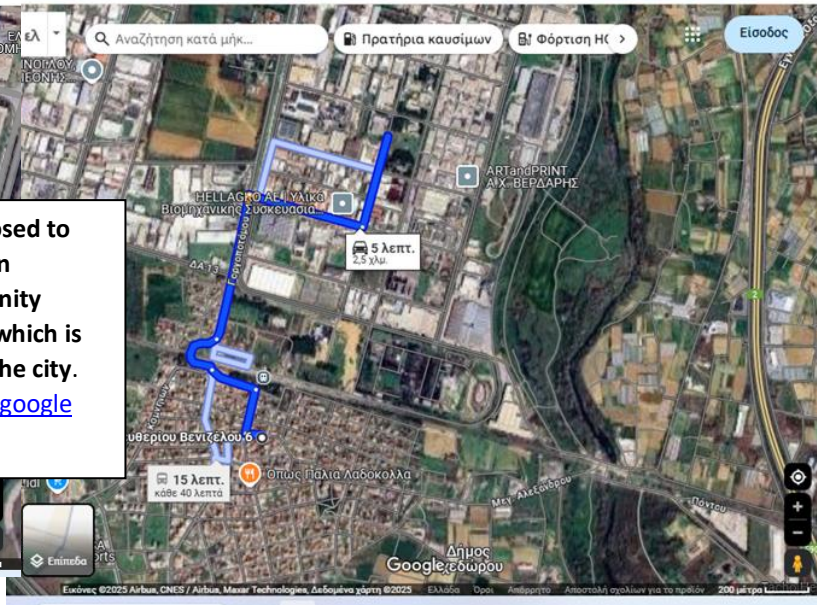
Roma Branches were established with the intention to improve the social and economic situation of the Roma population, by providing access to social services and programs. These have included the provisions of counseling, healthcare, education, and employment support, and especially support in accessing social welfare benefits. Yet many of these branches, which are all funded by ESF+, are located near or within segregated Roma settlements, sometimes physically separated from the main Community Centers.

This poses questions as to the extent to which these Branches contribute to promoting integration or reinforcing segregation, in breach of EU law, and in particular the Race Equality Directive and the Charter, which prohibit discrimination and segregation. Though Roma Branches can be justifiable as transitional mechanisms, they need to be bound by a clear desegregation strategy, with time-bound targets, pragmatic measures addressing local challenges, and clear integration benchmarks, as a prerequisite for avoiding "ghetoization" and the risk of EU funded investments in this direction.

For more, see Annex IX

The Branch is located in the Municipality's industrial area. Source: google maps

As opposed to the main Community Centre which is within the city. Source: google maps



Concluding remarks

This report has provided an initial assessment of the application of human rights provisions governing the use of EU Funds in Greece. In doing so, it has identified several sectors of possible non-compliance with both the Charter and the UN CRPD, amongst other human rights instruments, as well as the CPR and relevant Regulations governing the use of EU Funds.

In particular, the report has focused on tracing the links between EU Funds and systematic violations of the principle of *non-refoulement* at Greece's borders; arbitrary obstacles in accessing asylum; failures to meet the standards enshrined in the UNCRPD in the context of education and independent living for persons with disabilities; and risks of further perpetuating the segregation of the Greek Roma community. In several of these cases, EU Funds have been shown to either directly or indirectly and perhaps inadvertently contribute or risk contributing to breaches of fundamental rights in Greece.

Importantly, these cases are neither exhaustive, nor should they be viewed in isolation. For instance, due to time constraints, it wasn't possible to add a section on the Greek Reception system, which relies heavily on EU funding for its operations. Yet this system, aside from leading to frequent condemnations of Greece by the ECtHR, can also be seen as entailing quite a few *"defining elements of an institution"*[70] due to the segregated nature of its facilities (camps) and limitations on residents' rights, including freedom of choice.[71] On the other hand, the barriers to accessing asylum discussed in section 5.2.2. and Annex V, cannot be detached from the negative impact they have had on other rights guaranteed to applicants of international protection under EU law. For instance, cases of unlawful detention of persons that had booked an appointment to register their asylum application or of those subject to the "safe third country" concept in lack of any prospect of return, creates ties with the use of Greece's Pre-Removal Detention Centers (PRDCs), which similarly rely on EU funding for their operation.

Indeed, given the high degree of the Greek system of asylum and migration on EU Funds, one would be hard pressed not to identify further areas where EU funds could have led or risk leading to broader breaches of the Common European Asylum System (CEAS), the Charter or the UNCRPD. This in turn, flags the need to

[70] CRPD, *Guidelines on deinstitutionalization, including in emergencies*, 9 September 2022, available at: https://tinyurl.com/vb2e7mre, in particular para. 14.

[71] For more, see AIDA, *Country Report on Greece (2023 update), op.cit.* pp.174 *et.seq.*

assess the degree to which EU-funded projects are in compliance with fundamental rights by reference to not only each project's specific parameters, but also in conjunction with broader areas of the asylum and migration ecosystem.

On this point, the report has also highlighted areas where improvement would be necessary to enhance oversight and accountability, in line with CPR provisions and the HECs. These have concerned particularly the workings of the Greek Monitoring Committee for Home Affair Funds, yet the pivotal role the EC also has to play should not be underestimated. With its own (additional) observations on Greece's AMIF, BMVI and ISF programmes highlighting (still) valid concerns over Greece's fulfillment of the HECs and the potential misuse of EU Funds, its subsequent approval of these programmes creates a seeming paradox that needs to be addressed.

Likewise, civil society organisations and independent human rights bodies are each, from their respective fields of intervention, crucial links in the chain of oversight and accountability. This is particularly the case given their direct engagement in the field and hands-on konwledge of areas where fundamental rights standards are not met. Targeted capacity and awareness raising actions with regards to fundamental rights safeguards embedded in the framework governing the Funds would be crucial in bridging the gap between theory (legal framework) and practice (reality in the field).

Inevitably, all of this raises the question of whether and what type of measures should be taken to ensure fundamental rights compliance in the areas discussed in this report. On this point, as already noted in the introduction, in GCR's opinion more in-depth and case-by-case research would be required prior to drawing definitive conclusions. Yet the systematic and/or structural nature of fundamental rights breaches discussed in this report could potentially provide for a number of directions in need of examination.

For instance, the issues discussed in this report highlight a failure to fully and effectively meet CPR obligations, and in particular *horizontal principles* (article 9) and *horizontal enabling conditions* (article 15 and Annex III). Some, as is particularly the case of violations at Greece's borders, have been of such a serious and recurring nature, that one would be hard pressed not to question whether EU funding in this field risks promoting *"systematic irregularit[ies]"*[72]. While others, such as SLHs, also seem to create an irreconcilable tension between *"ensur[ing] the […] sustainable impact of the Funds [and] guaranteeing that investments in*

[72] Article 2 (33) CPR provides the following definition: *"systemic irregularity' means any irregularity, which may be of a recurring nature, with a high probability of occurrence in similar types of operations, which results from a serious deficiency, including a failure to establish appropriate procedures in accordance with this Regulation and the Fund-specific rules"*

infrastructure […] are long-lasting"[73], on account of the relevant legal framework's failure to fully meet UNCRPD standards.

In this context, applicability of corrective measures, such as those established under article 15 (5) and (6), or even under articles 96 and 97 could be examined, albeit with the primary consideration always being the best interests of the social groups affected.

Source: HCG website

Recommendations

AWARENESS RAISING AS A PREREQUISITE FOR STRENGTHENING OVERSIGHT

Given the disjunction between awareness of fundamental rights breaches and engagement with the Funds regulatory framework identified in this report, a strengthened and more pro-active role of particularly civil society actors could enhance the framework's effective application.

In this context there seems to be need for strengthened efforts on:

- Dedicated awareness and capacity-raising activities on the binding applicability of fundamental rights safeguards in the context of EU Funding and on the Fund-specific tools for pursuing redress in case of breaches (e.g. complaints mechanisms). These should be conducted on an ongoing basis to enhance prospects of sustainability and could involve joint participation by state and civil society actors.
- Yet such efforts should also be complemented through the transparent allocation of dedicated funding, accessible to CSOs and particularly independent human rights bodies (e.g. Ombudspersons), as lack of sufficient

[73] Recital 47 CPR.

resources and/or capacities can undermine these actors' ability to engage with processes established under the CPR in an impactful manner. This is particularly important given the well documented inconsistencies between legal obligations and realities in the field, which underscore the need for robust and impartial oversight mechanisms throughout the full funding cycle.

OVERSIGHT and ACCOUNTABILITY

In what particularly concerns the Greek Monitoring Committee for Migration and Home Affairs Funds:

- Consideration of obligations arising under the CPR makes it clear there is need for a re-balancing exercise with regards to the Committee's composition. The current dynamic, which largely guarantees a state monopoly over procedural outcomes, makes it difficult to perceive how the Committee could effectively fulfil its oversight mandate. This is particularly concerning for areas in which the Greek state has traditionally and consistently denied allegations of wrongdoing, in spite of contrary evidence by authoritative sources or even Court Rulings.

- In a similar vein, the full range of participating actors should be granted consultation and voting rights on all three Home Affair Funds, not just AMIF. The non-implementation of programmes under BMVI or ISF by some of the Committee's members is irrelevant to the Committee's oversight role. If anything, the latter could be bolstered through the participation of actors actively engaged in documenting and reporting fundamental rights violations that, as identified by the Frontex FRO, have been found to link with other Home Affair Funds instruments.

- There is also an imperative need for the Committee's proceedings to take stock of reported fundamental rights breaches and discuss them in a transparent manner, accessible to the public, prior to deciding on EU-funded projects. Where relevant, and in particular on issues where Greece has been found liable for systematic breaches of its legal obligations, this should include reference to concrete actions taken and/or considered in the context of redress. To date, for instance, it has not been possible to identify if and what type of actions have been taken by the Committee following the confirmed engagement of EU-funded assets in fundamental rights violations at Greece's borders.

- Closely linked, the need for a properly resourced and constitutionally independent authority, with investigative and sanctioning powers in case of (EU-funded) breaches of fundamental rights, should not be underestimated. As has been flagged on several occasions, the National Transparency Authority (NTA), which is the designated complaints mechanism for Home Affair funded projects, lacks the requisite constitutional independence and expertise on fundamental rights,[74] while the credibility

[74] *Inter alia* see GCR, *Written Contribution of the Greek Council for Refugees Before the UN Human Rights Committee –142nd session of the Human Rights Committee– in view of the consideration of*

of its to date only publicly available investigation on pushbacks has been indirectly disputed by the ECtHR in the recent A.R.E. v. Greece Ruling.[75]

The European Commission's role in this regard is also instrumental, and would benefit from a more pro-active and transparent approach.

Though the current EU-wide political environment might not be conducive to fundamental rights respect –particularly in the case of marginalised groups, such as refugees and migrants– fundamental rights remain part and parcel of the EU's core legal framework. Impunity when they are disrespected, particularly in the systematic and widespread manner witnessed in recent years, can only lead to the erosion of the Rule of Law and democratic principles, with significantly deeper and far-reaching consequences for the Union 's wellbeing as a whole.

In this context, evaluations over the fulfillment of the HECs and horizontal principles need to also take stock of:

- The interconnectedness of fundamental rights and broader Rule of Law considerations
- The degree of alignment between legal obligations and realities in the field and changes taking place therein during sufficiently long timespans
- Underlying structural factors that might contribute to non-alignment with fundamental rights standards or to creating risks of breaches.

The EC should also fully utilize the tools at its disposal to secure the transparent use of EU-funded assets and effective guarantees, easily accessible to public scrutiny, on their utilization in a rights-compliant manner.

IN WHAT CONCERNS INCLUSIVE EDUCATION:

- Progress made with the support of EU funding needs to be acknowledged and expanded, both in scope and in pace.

- In this context, the benefits of maintaining two parallel systems of education for pupils with disabilities could benefit from a re-evaluation, in consultation with wider segments and representative bodies of the affected population, including parents. Such an evaluation should also take note of resourcing shortages characteristic of both systems.

WITH REGARDS TO INDEPENDENT LIVING:

- The upcoming revision of Greece's DI framework[76] provides for a first-class opportunity to bring Greece's approach to independent living closer to the standards set by article 19 UNCRPD.

the report submitted by Greece under article 40 of the ICCPR, 7 November 2024, available at: https://tinyurl.com/2acjt57v, para.8; Joint NGO statements, "No monitoring of fundamental rights violations in Greece without independent and effective mechanisms ", 21 June 2023, available at: https://tinyurl.com/mrw5kef and "National Transparency Authority should publish the full investigation regarding pushbacks in accordance with the principle of transparency", 7 April 2022, available at: https://tinyurl.com/3f2px8wt.

[75] ECtHR, Case of A.R.E. v. Greece (application no. 15783/21), available in French at: https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-238636%22]}, paras. 227-228.

[76] As per objective II.2. of Greece's SRPD.

- In this context, it is crucial for the Strategy's success to take stock of the volition and recommendations of affected groups and establish clear, time-bound indicators taking also note also of qualitative factors of inclusion, in consultation with these groups.

LIST OF PROJECT THAT MIGHT ENTAIL FUNDAMENTAL RIGHTS RISKS

What follows is an indicative list of projects that have been approved for EU funding during the current funding cycle, which might entail human rights compliance risks, based on what is discussed in the present report.

The list is neither exhaustive, nor should it be (mis)read as the result of a project-by-project assessment of compliance with relevant fundamental rights safeguards, including the HECs.

On the one hand, such an assessment would be beyond the scope and capacity of the FURI project. Responsibility for it also lies with competent EU and national bodies, including the Monitoring Committee for Home Affair Funds, with regards to the work of which the present report has identified areas of improvement.

On the other hand, and perhaps particularly with regards to the projects listed under BMVI, the extent to which these may or may not engage in fundamental rights breaches can depend on factors that transcend the confines of the Funds.

Put simply, it is undeniable that border management activities in Greece have engaged and continue to engage systematically in Search and Rescue operations. These safeguard the right to life (article 2 of the Charter), frequently, under very challenging operational circumstances. It is, however and unfortunately, equally undeniable that such operations have also engaged in blatant violations of fundamental rights and the principle of *non-refoulement*.

The systematic nature of such practices, as acknowledged in recent rulings by the ECtHR, makes it highly challenging not to infer the existence of underlying political and/or operational decisions. The extent to which such projects might lead to safeguarding or breaching fundamental rights in practice, is dependent on such underlying factors, which cannot be detached from the broader EU policy approach on asylum and migration, including the ongoing absence of a dependable responsibility-sharing mechanism.

With regards to identified violations at the borders

The systematic practice of pushbacks at Greece's land and sea borders, as documented by numerous international and national bodies, and more recently acknowledged by the ECtHR, has continued to raise critical concerns with regards to the treatment of people seeking asylum at Greece’s borders. The

documented, by the Frontex FRO, engagement of EU-funded assets in such clandestine operations also creates risks of further misuse of EU Funds (for more, see section 5.2.1., Annex IV and relevant sources therein).

In this context, while intended for legitimate border management purposes, the following list of projects may risk inadvertently enabling or facilitating further violations of fundamental rights, particularly the principle of *non-refoulement*. This principle, as enshrined in **article 19** of the EU Charter of Fundamental Rights, prohibits the removal, expulsion, or extradition of a person to a state where there is a serious risk that they would be subjected to the death penalty, torture, or other inhuman or degrading treatment or punishment. Given their *modus operandi*, pushback operations further engage **article 1** (Human Dignity); **article 2** (Right to life); **article 4** (Prohibition of torture and inhuman or degrading treatment or punishment); **article 6** (Right to liberty and security); **article 17** (Right to property); **article 18** (Right to asylum); **article 24** (The rights of the child); and **article 47** (Right to an effective remedy and to a fair trial) of the Charter.

Fund	Beneficiary	Budget	Year of implementation	Objective	Target group	Locality	Relevant Link
BMVI 2021-2027	Hellenic Police HQ / Aliens and Border Protection Branch	1,605,000 €	Open call up to 28 February 2025	Procurement of floating equipment for inland waters (lakes) with integrated thermal imaging cameras and training of operators in the use of old and new floating equipment with the acquisition of a licence.	European integrated border management	Orestiada and Alexandroupoli	https://tamey.gov.gr/bmvi2021-2027/calls/ef-bmvi-010/
BMVI 2021-2027	Hellenic Police HQ / Aliens and Border	27,590,815 €	Open call up to 31 December 2027	Strengthening the operational capacity of the Hellenic Police for the protection and	European integrated	Evros region	https://tamey.gov.gr/bmvi2021-2027/calls/ef-bmvi-027/

	Protection Branch			surveillance of the external borders of the country through the renewal of the mandate of two hundred and fifty (250) Temporary Border Guards, who are assigned and perform duties at the services of the Regional Unit of Evros	border management		
BMVI 2021-2027	Hellenic Police HQ	1,428,012 €	Open call up to 31 December 2027	Operational strengthening of the services of the Hellenic Police that carry out tasks related to the control of external borders. Specifically, it will include, inter alia, the following: • Maintenance/upgrade of the existing automated surveillance system installed and operating in the territorial competence of the Orestiada Police Directorate • Maintenance and upgrading of the automated surveillance system in the riverbank	European integrated border management	Evros region	https://tamey.gov.gr/bmvi2021-2027/calls/ef-bmvi-003/

				section of the Greek-Turkish border in the Evros region • Coverage of operating costs of Greek Police Services • Supply of passport control stamps • Supply of batteries for thermal imaging cameras • Supply of staff uniforms • Plastic helmets			
BMVI 2021-2027	Hellenic Police HQ	982,980 €	Open call up to 31 December 2027	Reinforcement of Police Services with Police Personnel (Operation SHIELD), with the aim of achieving more effective protection and surveillance of the country's borders.	European integrated border management	Police Directorates near the eastern external borders	https://tamey.gov.gr/bmvi2021-2027/calls/ef-bmvi-001/
BMVI 2021-2027	Hellenic Coastguard HQ	180,000,000 €	Open call up to 30 June 2024	Procurement of two (2) high seas patrol vessels, which will *inter alia* have an overall length of at least eighty (80) meters, a helipad capable of landing helicopters of the eleven (11) ton category, will be equipped with maritime surveillance radar and	European integrated border management	Whole of Greece	https://tamey.gov.gr/bmvi-2021-2027/calls/032/

				two (02) thermal cameras and will carry two (02) unmanned aerial vehicles with surveillance equipment. In addition, they will have side rescue areas for immediate recovery of shipwrecked persons, as well as an appropriately designed temporary accommodation area for fifty (50) persons (shipwreck area).			
BMVI 2021-2027	Hellenic Police HQ, E.D.P.M.A., Ministry of Citizen Protection	7,000,000 €		Procurement of short-range portable thermal imaging cameras (non cooled type), long-range portable thermal imaging cameras (cooled type), bifocal night vision cameras with ballistic helmet with the possibility of adapting them and monocular night vision cameras with ballistic helmet with the possibility of adapting them, all of which will be made available to the Border Guard Departments for the effective control of the external borders.	European integrated border management	Border areas	https://tamey.gov.gr/bmvi-2021-2027/calls/028/

BMVI 2021-2027	Hellenic Police HQ, E.D.P.M.A., Ministry of Citizen Protection	56,212,546 €	Open call up to 31 March 2024	enhancing the operational readiness of the services in charge of external border control and the management of migratory flows, by supplying various types of vehicles		Whole of Greece	https://tamey.gov.gr/bmvi-2021-2027/calls/027/
BMVI 2021-2027	Hellenic Coastguard HQ, E.D.P.M.A	17,785,000 €	Call ended on 31 December 2024. Eligible expenses up to 31 December 2029	Special Action (Frontex Equipment): “Enhancing the capacity of the competent Greek Authorities for Maritime and Land borders surveillance”	European integrated border management	Whole of Greece	https://tamey.gov.gr/bmvi-2021-2027/calls/024/
BMVI 2021-2027	Ministry of National Defence & Directorate for European development programmes	3,919,600€	Call ended on 31 December 2024. Eligible expenses up to 31 December 2029	Procurement of Unmanned Aerial Vehicles (UAVs) to meet immediate and urgent needs in border surveillance of areas of responsibility to deter and detect irregular migration and effectively manage migration flows.	European integrated border management	Whole of Greece	https://tamey.gov.gr/bmvi-2021-2027/calls/013/

With regards to reception

The following projects have been found to be in breach of GDPR by the competent Personal Data Protection Authority (DPA), which in April 2024, decided to issue a € 175,000 fine to the Ministry of Migration and Asylum. The fine concerns the deployment of the "Centaur" and "Hyperion" systems, with the former being a high-tech security management system, and the latter concerning the controlled entry-exit of residents of the camps.

Possible violation of **article 7** (Respect for private and family life) and **article 8** (Protection of personal data) of the Charter.

Fund	Beneficiary	Budget	Year of implementation	Objective	Target group	Locality	Relevant Link
RRF	Ministry of Migration and Asylum	9.012.625 €, of which 7.268.246 € under RRF.	Up to 31 December 2025	Strengthening the infrastructure of the Reception and Identification Service (RIS) with integrated digital systems, in order to ensure the safe and smooth operation of its regional services (accommodation facilities for third country nationals) and their centralised operational control, both by RIS and the other relevant Ministries.	Reception system	Whole of Greece	https://greece20.gov.gr/?projects=psifiakos-metaschimatismos-systimatos-metanasteysis-kai-asyloy-16763
RRF	Ministry of Migration and Asylum	11.979.056 €, of which 9.660.529 € under RRF	Up to 31 December 2025	Supply, installation and support of the operation of the control system at the regional offices of the Reception and Identification Service of the Ministry of Migration and Asylum	Reception system	Whole of Greece	https://greece20.gov.gr/?projects=psifiakos-metaschimatismos-systimatos-metanasteysis-kai-asyloy-16763-3

With regards to inclusive education

Despite positive policy developments and increased mainstream integration, there are ongoing challenges in ensuring fully inclusive education for children with disabilities in Greece (for more see section 5.3.1. and Annex VI).

While EU Funds have been instrumental in supporting staffing in mainstream educational settings, their contribution to the continued expansion of Special Schools and Special Vocational Education and Training Workshops (SVETWs) may risk perpetuating segregation, in possible breach of the rights of children with disabilities.

In this context, the following list of projects, while intended for much needed educational support, may inadvertently contribute to or reinforce discriminatory practice, and might risk breaching **article 14** (Right to education) of the Charter and **article 24** of the UNCRPD, which emphasise inclusive education. Furthermore, the support of segregated settings may also engage **article 21** (Non-discrimination) and **article 26** (Integration of persons with disabilities) of the Charter.

Fund	Beneficiary	Budget	Year of implementation	Objective	Target group	Locality	Relevant Link
ESF+	Executive Unit – Education Sector of the Ministry of Education and Religious Affairs	193,254,981.32 € (as per latest amendment)	Since August 2022	Enhancing the effectiveness and quality of the education provided in order to meet the needs of all pupils without discrimination; the effective inclusion of pupils with disabilities and/or special educational needs in education; the reduction of school failure and drop-outs; the smoother integration of pupils with special educational needs into the education system, and ultimately the improvement social cohesion.	Pupils with disabilities	Whole of Greece	https://espa-anthropinodynamiko.gr/invitation-decision/ops-6001626-ypostirixi-eniaias-systimatiki/ The action *inter alia* covers staff expenses in Special Schools and Special Vocational Education and Training Workshops (SVETW) (for instance, here, here)

With regards to independent living

The current framework and implementation of Supported Living Homes (SLHs) in Greece, while intended to support deinstitutionalization and community living for persons with disabilities, present limitations in choice and autonomy, potentially hindering the realisation of truly independent living as outlined in the UNCRPD.

As discussed in section 5.3.2 and detailed in Annex VII, these limitations raise concerns about the full compliance of EU-funded projects in this area with international standards. In this context, while aiming to provide necessary support, the following list of projects may risk inadvertently perpetuating practices that do not fully align with the principles of independent living, potentially breaching **article 19** UNCPRD, which emphasizes the right to live independently and be included in the community. Furthermore, the restrictive aspects of the SLH framework may also engage **article 1** (Human Dignity); **article 3** (Right to integrity of the person); **article 5** (Right to equality); and **article 26** (Integration of persons with disabilities) of the Charter.

Fund	Beneficiary	Budget	Year of implementation	Objective	Target group	Locality	Relevant Link
ESF+	- Legal Entities of Public Law (NPAs) supervised by the Ministry of Labour, Social Security and Social Solidarity - Private Legal Entities (NPIs) or Natural Persons, profit-making and non-profit-making	€ 1,000,000	Up to 5 years	Creation of new Supported Living Houses **(2 units)**	Persons with disabilities	Region of Northern Aegean	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=6487

ESF+	Competent entities as per the applicable legal framework	€ 3,700,000	Open call up to 31 July 2025	Creation of new Supported Living Houses **(5 units)**	Persons with disabilities	Region of Crete	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=6506
ESF+	- Municipalities of the Region of Southern Aegean and bodies under their supervision - Other competent bodies	€ 2,000,000	Open call that ended on 15 November 2024	Creation of new Supported Living Houses **(3 units)**	Persons with disabilities	Region of Southern Aegean	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=6520
ERDF	- Natural persons or public or private legal entities, whether profit-making or not - Local Authorities - Legal entities thsat have concluded a programme contract with the above bodies	€ 4,000,000	Open call that ends on 2 May 2025	Creation of infrastructure of Supported Living Houses for People with Disabilities, Adolescents/Children in order to develop supported living for people with disabilities, adolescents/children at community level with a total capacity **of 16 persons**	Persons with disabilities	Region of Attica	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=6755

ESF+	Natural or legal persons or public or private legal entities, whether profit-making or not, subject to fulfilling specific legal requirements	€ 1,625,000	Call ended on 31 May 2024	Creation of new Supported Living Houses **(2 units)**	Persons with disabilities	Region of Central Macedonia	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=6178
ESF+	"Right to Life" Association of Parents, Guardians and Friends of People with Disabilities	€ 600,000	Call ended on 31 October 2023	Creation of new Supported Living Houses **(2 units)**	Persons with disabilities	Region of Crete	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=5967
ESF+	- Association of parents, guardians and friends of people with autism in Messinia - Municipality of Tripoli	€ 1,200,000	Call ended on 29 September 2023	Creation of new Supported Living Houses **(3 units)**	Persons with disabilities	Region of Peloponnese	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=5900
ESF+	- Foundation for the Care of People with Mental Retardation	€ 9,844,053	Up to 31 December 2025	Continuation of the operation of Supported Living Houses funded	Persons with disabilities	Region of Attica	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=6020

	or Down Syndrome of the Archdiocese of Athens "Maria Kokkoris" - Panhellenic Association of Adapted Activities “ALMA” - Center for People with Special Needs of the Municipality of Acharne - “Arogi” - Myrtillo Social Cooperative Integration Enterprise			under the 2014-2020 programme cycle **(21 units)**			

	- Centre for the Vocational Rehabilitation of Persons with Special Needs K.E.A./A.M.E.A - Association of Parents of Mentally Handicapped Persons - Association of Parents and Friends of Autistic People “the Renaissance” - Association of Parents and Guardians of People with Disabilities “The Workshop” - Parent Organisation for Supported Living for People with Developmental Disorders “ΜοιάΖΩ”						

	- Association for the Protection of Children and Individuals with Disabilities						
ESF+	Association for the Protection of Equal Rights of Persons With Disabilities - Hyperion	€ 900,000	Up to 31 December 2025	Continuation of the operation of Supported Living Houses funded under the 2014-2020 programme cycle **(1 units)**	Persons with disabilities	Region of Ionian Islands	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=5948
ESF+	- Association for the Care of Mentally Handicapped People of Rhodope "Agios Theodoros" - Social Welfare Centre of the Region of Eastern Macedonia and Thrace	€ 4,600,000	Up to 31 December 2025	Continuation of the operation of Supported Living Houses funded under the 2014-2020 programme cycle **(6 units)**	Persons with disabilities	Region of Eastern Macedonia and Thrace	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=5944
ESF+	- Estia Snt. Nicholas - Association of Parents & Guardians of People with	€ 1,663,200	Up to 31 December 2025	Continuation of the operation of Supported Living Houses funded under the 2014-2020	Persons with disabilities	Region of Central Greece	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=5835

	Disabilities of the Prefecture of Fthiotida			programme cycle **(4 units)**			
ESF+	- Association for the Protection of Children and People with Disabilities - AMKE ARSINOI	€ 1,800,000	Up to 31 December 2025	Continuation of the operation of Supported Living Houses funded under the 2014-2020 programme cycle **(4 units)**	Persons with disabilities	Region of Southern Aegean (Rhodes and Kos)	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=5841
ESF+	- Association of Parents, Guardians and Friends of Persons with Developmental Disabilities of the Regional Unit of Samos, The Bee - Association of Parents of Mentally Handicapped Persons EGANY	€ 400,000	Up to 31 December 2025	Continuation of the operation of Supported Living Houses funded under the 2014-2020 programme cycle **(2 units)**	Persons with disabilities	Region of Northern Aegean (Samos)	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=5877

ESF+	- Charitable Association "Childcare Association of Katerini" - Down Syndrome Association of Greece - Public Benefit Services Company of Neapolis-Sikees - Spastic Society of Northern Greece - Centre For Rehabilitation, Social Support and Creative Employment of People With Disabilities 'The Saviour'	€ 4,500,000	Up to 31 December 2025	Continuation of the operation of Supported Living Houses funded under the 2014-2020 programme cycle **(5 units)**	Persons with disabilities	Region of Central Macedonia	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=5677
ESF+	Municipality of Volos	€ 800,000	Up to 31 December 2025	Continuation of the operation of Supported Living Houses funded under the 2014-2020	Persons with disabilities	Region of Thessaly	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=5972

				programme cycle **(2 units)**			
ESF+	Supported Living Housing Non-Profit Civil Company	€ 2,550,000	Up to 31 December 2025	Continuation of the operation of Supported Living Houses funded under the 2014-2020 programme cycle **(5 units)**	Persons with disabilities	Region of Epirus	https://www.espa.gr/el/Pages/ProclamationsFS.aspx?item=6094

ANNEX I

Consultations

1. Greek Forum of Migrants: 1 representative
2. Greek Forum of Refugees: 1 representative
3. Greek National Commission for Human Rights (GNCHR): 2 representatives
4. HIAS Greece: 1 representative
5. Homo Digitalis: 1 representative
6. Independent expert in the field of disability: 1
7. Médecins du Monde (MdM): 2 representatives
8. Members of refugee/migrant communities in Greece: 3 representatives (Albanian, Ivorian and Ukrainian Communities)
9. IRC Hellas: 1 representative
10. Praksis: 1 representative
11. Professionals in the field of education, working with Roma and refugee children: 3
12. Racist Violence Recording Network (RVRN): 1 representative
13. Refugee Support Aegean (RSA): 1 representative
14. Roma Educational Vocational Maintainable Assistance (REVMA): 1 representative

Interviews

1. European Network on Independent Living (ENIL): 1 representative
2. European and Development Programmes Management Agency (E.D.P.M.A.): 1 representative
3. Greek Ombudsman – Equal Treatment Cycle: 1 representative
4. Greek Ombudsman – Human Rights Cycle: 3 representatives
5. Independent Living Organization of Greece (i-living): 1
6. Homo Digitalis: 2 representatives
7. Professional in the field of education (intersectional expertise): 1
8. Refugee Support in the Aegean (RSA): 1 representative
9. SolidarityNow: 1 representative
10. Special Service for the Coordination and Management of Home Affairs Funds (E.Y.SY.D.-M.E.Y.): 1 representative

ANNEX II

Answers to questionnaires[77]

In what concerns activities related to EU funds, the majority of participants (6/10) had participated in EU-funded projects, to an equally degree as lead and non-lead applicants. No activities whatsoever were noted in 4/10 cases, with an equal number noting experience in EU funds monitoring (4/10), followed by those with experience in external monitoring (3/10) and in EU funds management (3/10).

In what regards their specific involvement in reporting and responding to fundamental rights violations through EU funds, the majority of respondents have been involved in drafting reports about fundamental rights violations at both national (4/10) and European (3/10) level, albeit in two cases noting the focus is on the substantial aspects of the rights concerned, and not on any potential link with EU funds. To a similar degree (3/10) respondents replied not having been engaged in any of the activities described in the questionnaire.

These were followed to an equal degree (3/9) by those involved in managing complaints, either in their capacity under the Greek Ombudsman (2/10) or the Managing Authority (2/10). Albeit in the first case clarifying this regarded a substantial assessment of the fundamental rights violation concerned, irrespective of any potential link with EU funds, and in the latter acting more as an intermediate body, as competence for the examination of complaints lies with the National Transparency Authority (NTA).

In 2/10 cases respondents noted their engagement in submitting complaints to National ombudsman/equal treatment bodies, the EU ombudsman, the European Commission and the European Parliament, albeit in 1 case noting these submissions do not explicitly concern potential links with EU funds. To an equal degree (2/10) respondents noted litigation as an activity at national and European level, albeit in 1 case clarifying that relevant legal actions do not explicitly concern potential links with EU funds.

Lastly, submission of complaints to national authorities (managing authority) was only noted in 1 case, albeit noting this amounts to forwarding complaints received to the Greek Monitoring Committee for Migration and Home Affairs Funds.

In what concerns participants' assessment on the sufficiency of safeguards to prevent fundamental rights violations in the 2014-2020 period, 6/10 provided no reply.

In two cases the participants considered sufficient preventative safeguards in all three cases (programmes, calls for proposals, selection criteria) had been in place, albeit noting these were the bare minimum. IN one case, the participant also highlighted the introduction of more

[77] As noted in the methodology section, the total number of persons interviewed is 13. Yet for the purposes of this Annex, the number of questionnaires have been counted as 10. This is because as highlighted in Annex I, in some cases interviews were conducted with the joint/simultaneous participation of more than one representative for the same entity. Given the uniformity of results, these cases have been counted as 1 single unit.

systematic checks under the current legal framework, as opposed to the discretion allowed under the prior one, while noting that all Home Affair funded actions had irrespectively been checked under the prior one. In one case the participant provided a negative reply, noting that "*irregularities and loopholes"* had been present throughout while in another considered sufficient safeguards had only been in place with regards to the proposal calls.

The results are very similar on the same question for the 2021-2027 period. In 6/10 cases participants provided no reply. In 3/10 cases participants considered sufficient safeguards were in place throughout, yet in one noting their inconsequential impact, and in another the significantly enhanced in details checklists used towards this aim. One participant replied negatively.

With regards to the sufficiency of safeguards in tackling violations, replies are likewise similar both with respect to the 2017-2020 and the 2021-2027 cycles. In both cases: 6/10 participants provided no reply, 2/10 provided a positive reply for all cases, while also noting the availability of more tools and a better system for collecting complaints. Lastly, 1 participant provided a negative reply, acknowledging the availability of a potentially stricter framework, yet considering its impact insignificant in practice.

With regards to participants' assessment of differences in the strength of safeguards between the two funding periods, from those that replied (4/10), a consensus seems to arise on the 2021-2027 cycle being governed by stronger safeguards. One participant nevertheless noted that significantly more steps need to be taken towards this direction.

On the involvement of external stakeholders in tackling and preventing, the majority (5/10) did not reply, with one nevertheless flagging the need for such stakeholders to be involved already from the outset (programme design). From the rest, 5/10 noted the involvement of NGOs and fundamental rights bodies, albeit in one case expressing reservations as to the actual potential of relevant actions to "*be effectively treated by the competent national/state authorities, in a manner that leads to accountability and redress"*. In 4/10 cases participants also mentioned lawyers, in 4/10 individual experts and in 1/10 the Monitoring Committee for Home Affair Funds and in another the Fundamental Rights Officer under the Ministry of Migration and Asylum.

On the role of monitoring committees, 6/10 participants provided no reply, and 3/10 considered their role as strengthened based on the 2021-2027 legal framework, albeit in one case noting there are aspects that could be significantly improved from a substantial point of view. Lastly, in one case the participant assessed that the mechanism at national level goes beyond what is required by the regulation, and in one case that even if the regulation would ensure a strong role, in practice it is not working.

In what concerns the number of projects which participants considered as in breach of fundamental rights obligations, the results are similar for both periods. In both cases, 5/10 participants did not reply. In 2/10 cases participants noted more than 20 projects for each

period, with one pointing that even if one were to only consider the volume of supported living accommodation facilities for persons with disabilities – which as also noted in this report fail to meet the full range of obligations arising under article 19 UN CRPD– the number could be easily reached or exceeded. In the other, however, the participant clarified that their assessment was based on a consideration of projects throughout the EU and not only Greece. Lastly, in 1 case the participant noted 1-10 projects during the previous funding cycle, albeit noting the reply was based on a very broad interpretation; in another noted 1-10 projects for the current funding cycle. Lastly in 2/10 cases participants identified 0 projects for the current cycle, with one of them providing the same reply for the previous one as well, albeit clarifying that this was based on the lack of complaints received in their institutional capacity.

Regarding the groups participants considered as the most affected, 4/10 identified third country nationals in a broad sense, with an equal number identifying refugees (4/10). These were followed to an equal degree by children from all target groups (3/10), persons with disabilities (3/10) and lastly persons from the Roma community (2/10). In most cases participants also noted their choice was limited to the groups falling under their direct field of work and expertise, while acknowledging that violations impact on the other ones as well. Lastly, in 3/10 cases participants did not reply.

With regards to the thematic area participants considered most affected by fundamental rights violations, the majority (6/10) noted reception of asylum seekers, followed by housing (4/10), education (2/10) and employment (1/10). In parallel, institutionalisation, segregation and the lack of legal capacity for persons with disabilities; violation of the personal space of Roma persons, particularly by the police; and access to the territory (see pushbacks), the asylum procedure, administrative detention of asylum applicants, as well matters pertaining to the return of those not granted protection were also flagged during the discussions. In 3/10 cases participants provided no reply.

Regarding the EU funds considered as most affected by violations, RRF was noted by most participants (5/10), followed to an equal degree (4/10) by ESF+, ERDF and AMIF (4/10), BMVI (3/10), ISF (2/10), and lastly EAFRD (1/10). No reply was provided in 2 cases.

As to the most relevant fundamental right violations in EU funds, the majority noted institutionalisation and deprivation of liberty (5/10 in both cases), followed by segregation in housing (4/10), education (3/10), and technologies for surveillance (2/10). In one case the participant also flagged torture, inhuman and degreading treatment of asylum applicants, and in another the protection of personal data privacy. In 3/10 cases participants did not reply.

In what concerns aspects that are in need of improvement with a view to effectively safeguarding fundamental rights under the Funds, with one exception, there seems to be consensus amongst participants that a stronger legal framework (EU and/or national) would not bring significant added value. Rather reflecting on the mismatch between the legal framework and its effective application, which in one form or another is reflected in previous

replies, in absolute numbers, participants emphasized the need for NGOs (8/10) and fundamental rights bodies (6/10) to be more closely and proactively involved throughout the process. The need for members of the groups affected to be given the space to also and effectively engage with the process from the outset (e.g. design of national programmes), was also noted by one participant. Lastly, the need for better reporting mechanisms of fundamental rights violations in EU funds at both national and EU level were also flagged in 4/10 cases, with a similar number of participants (4/10) highlighting the need for available legal options, such as the suspension of payments, to be (actually) used. In 2 cases, participants provided no reply. Only in one case the participant also noted stronger legal requirements at both national and EU level, albeit both were hierarchically last in their choice.

On who should take more responsibility in preventing and tackling fundamental rights violations in EU funds, participants placed priority to an equal degree (3/10) on EU institutions and national authorities, with two participants choosing fundamental rights bodies as their first option. Participants' second choice presents relative uniformity, with EU bodies selected as the second choice for 3/10 participants, and the rest an equal number of responses (2/10). Lastly, in 2/10 cases participants selected EU institutions and national authorities as their third choice, in one 1/10 national authorities and fundamental rights bodies and in 2 cases participants did not reply.

In what concerns the most effective response to fundamental rights violations in EU funds, the majority of participants (6/10) noted the suspension of payments as the first choice. In absolute terms, this was followed to an equal degree (6/10) by litigation, the need to modify programmes and calls for proposals, and the exclusion of beneficiaries from EU funds operations, which, however, most participants ranked as the last choice. The need for legal actions by the EC, including through infringement proceedings was also flagged in one case, albeit the participant expressed their reservations over the effectiveness and prospects of this mechanism to lead to actual redress. No reply was provided in 2 cases.

Lastly, and potentially reflecting a disillusionment over the effective application of relevant legal frameworks, only 3 participants confirmed they would be involved in the consultation of the post-27 regulatory package. All of these participants recommended more attention to be placed on capacity building (training) for public authorities and fundamental rights bodies, even if with different degrees of prioritisation, while one also noted the need for more detailed legal provisions. In one case, the participant flagged as a priority the need to facilitate meeting between victims of fundamental rights violations and public authorities followed by more field visit for national and/or EU authorities.

ANNEX III

In accordance with article 38 CPR, member states are required to set up one or more monitoring committees for the implementation of EU funded programmes, which are *inter alia* responsible for examining the fulfilment of enabling conditions and their application throughout the programming period.[78]

The precise composition of the Committee(s), which as per article 38(1) CPR have to be set up within three months from the time the national authorities are notified of the programmes' approval by the EC, is at the discretion of member states. As per article 39 CPR, states are, however, under an obligation to ensure a *"balanced"* representation between state authorities, intermediate bodies and partners who, as a minimum, must also, amongst others, include *"bodies representing civil society […] and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination"*.[79]

In the case of Greece and in what regards the three Home Affair Funds for the period of 2021-2027, a relevant Committee was initially established in December 2022 by Decision of the Minister of Migration and Asylum, which was subsequently amended in January and in November 2023, and again in July 2024. In a welcome development, this initial Decision was issued well before the deadline set by the CPR, within less than a month from the approval of the programmes by the EC.[80] However, despite it being a legally binding obligation, the inclusion of actors from the civil society sector working in the field of migration and asylum was only effected with delay in November 2023. This was also reportedly done following persistent communications –and presumably pressure– to the Greek authorities by the EC, which already since December 2022 had flagged to Greece the incorrect application of CPR provisions on account of this gap.[81]

Notwithstanding this development, as of the time of writing there are a number of mostly structural issues that still raise questions of compliance with CPR provisions and the extent to which application of the Charter can be effectively ensured as part of the Committee's proceedings.

The first relates to an ongoing lack of balance in the Committee's composition. As per the latest amendment (July 2024) the Committee is comprised of a total of 43 representatives with voting rights on horizontal issues covering the Funds and thus the HECs. The vast majority of those are high level representatives of state bodies and Ministries, including from Ministries' that have been under the spotlight for systematically reported violations of fundamental rights of refugees and migrants in Greece (e.g. pushbacks, inhumane reception

[78] Article 40 (1)(h) CPR.
[79] Article 39 (1), in conjunction with article 8(1) CPR.
[80] Namely, Commission Implementing Acts approving Greece's Programmes under Home Affair Funds were issued on 10 November 2022 for AMIF, on 15 November 2022 for BMVI and on 30 November 2022 for ISF.
[81] Solomon, "The legislative "game" of the Ministry of Migration with the European funds", 15 July 2024, available in Greek at: https://tinyurl.com/33vs8mrr.

conditions, etc.). Two are from institutionally independent human rights bodies –namely the Greek Ombudsman and the National Commission for Human Rights– and only four are from civil society organisations working in the field of migration and asylum. As noted by others,[82] this imbalance in representation in itself seems to create a *"controlled environment"*, where scrutiny of fundamental rights violations (or the risk thereof) seems unlikely from the outset.

This is particularly the case given that, where unanimous consensus cannot be reached, the Committee's decisions are to be taken by absolute majority,[83] meaning that state bodies have a *de facto* monopoly over the outcome. That being said, an examination of decisions reached through the Committee's written procedures, seems to highlight that decisions have at least on some –if not all– occasions been taken only by a minority of those holding voting rights. This can likely be the result of a failure to meet voting deadlines, in which case non-replies are considered as tacit acceptance.[84] Though operationally sound, this seems to highlight there is significant room for improvement in terms of the Committee's members engagement with the procedure.

Moreover, and secondly, in what concerns the separate Home Affair Funds, the aforementioned CSOs only have voting rights on AMIF-related documents and projects. This further limits the possibility of effective oversight over projects funded under ISF and especially BMVI, for which concerns are identified in subsequent sections. To be noted, this limitation in voting rights was also noted by Ms. Wolfova, Head of Unit of the EC during the Committee's 3rd session in June 2024, during which she "*encourage[d] the authorities to consider similar arrangements [to those for AMIF] for […] for the Border Management and Visa Instrument (BMVI) programme and the Internal Security Fund (ISF)"*[85] as well.

As per discussions with the Managing Authority in November 2024, the specific limitation seems to have been based on the non-direct engagement (i.e. implementation) of partner CSOs in projects funded under either BMVI or ISF, which in all fairness is a reasonable and potentially sound argument from an operational perspective. However, direct knowledge of the field, including of fundamental rights violations by such partners, could have provided as a minimum an opportunity to discuss potential or past violations that may have arisen under these Funds, prior to the approval of new projects, with the aim of strengthening fundamental rights safeguards.

This directly leads us to the third point. An examination of the proceedings held by the Monitoring Committee since its establishment in 2022,[86] seems to highlight a lack of examination of fundamental rights aspects during these proceedings. To be precise, though the importance of respecting fundamental rights as part of the Funds implementation is noted

[82] *Ibid.*
[83] Article 7(A)(3) Rules of Procedure of the Monitoring Committee.
[84] Article 7(B)(iii) Rules of Procedure of the Monitoring Committee
[85] Minutes of the 3rd Meeting of the Monitoring Committee, 27 June 2024, available (Greek and English) at: https://tamey.gov.gr/mc2021-2027-synedriasi/003/
[86] Namely, three meetings (in December 2022, January 2023 and June 2024), as well as a total of twelve written procedures, all of which are available (primarily in Greek) at: https://tamey.gov.gr/mc2021-2027/meetings/.

on several occasions during the Committees meetings, at least publicly, there seems to be no available indication as to if and how fundamental rights violations (potential or identified) or concerns are examined or even discussed.

This is particularly striking given that two of the Committees written proceedings, on 16 June and 25 July 2023, were held at a very short interval following the well-known shipwreck of the Adriana vessel off the shore of Pylos on 14 June 2023. Importantly, the latter such procedure (25 July) approved the inclusion in Greece's 2021-2027 BMVI programme of "Specific Action Equipment for EBCG national components, purchased under BMVI and put at the disposal of Frontex",[87] which *inter alia* foresees the procurement of a Coastal Patrol Vessel (CPV), as part of specific objective 1 (European Integrated Border Management).[88]

Though not necessarily identical in nature, this approved action bears quite a similarity to specific action "Frontex equipment", which under specific objective 2 ("borders") of Greece's 2014-2020 ISF programme, led to the procurement of 4 CPVs under the previous programmatic period. One of those CPVs (920) was the only vessel on the spot at the time of the Pylos shipwreck, following which the actions and omission of the HCG have been put under the microscope. Given the time proximity, the links with EU funds and the Committee's stated role in assessing the fulfillment of HECs,[89] one would presume that the fulfillment of this role would have as a minimum required some type of reflection or assessment over the safeguards required to ensure that similar EU-funded assets (CPVs), do not end up engaging in similar omissions as the ones in Pylos, with tragic consequences for the right to life (article 2 CFR).

Lastly, the only explicitly identified process for assessing fundamental rights compliance in Home Affair funded projects seems to lie in article 9 of the Committee's regulation. As per this article, the Committee is to receive detailed reports by the Fundamental Rights Officer (FRO) of the Ministry of Migration and Asylum (MoMA), and the Special Committee on Compliance with Fundamental Rights, on a trimonthly and on a yearly basis respectively. Though positive at face value, particularly given the Greek state's initial reluctance to even consider establishing a position such as that of the FRO,[90] a number of considerations continue questioning the potential of this process to operate in an independent, impartial and effective manner. Given these have already been sufficiently addressed in the public discourse, suffice

[87] Monitoring Committee for Migration and Home Affairs Funds for the programming period 2021-2027, *6th Written Procedure of the Monitoring Committee*, 25 July 2023, available in Greek at: https://tamey.gov.gr/mc2021-2027/meetings/grapti-diadikasia-006/, p.2.
[88] Programme Greece - Instrument for Financial Support for Border Management and Visa Policy (BMVI) of the Integrated Border Management Fund, Ref. Ares(2023)5089046 - 21/07/2023, CCI: 2021EL65BVPR001, available at: https://tamey.gov.gr/bmvi2021-2027/b-version-2-0/, p.61.
[89] Amongst others, as per article 3(6) of its internal regulation. See Monitoring Committee for Migration and Home Affairs Funds, *Rules of Procedure of the Monitoring Committee*, 16 December 2022, available in Greek at: https://tamey.gov.gr/mc2021-2027/kanonismos/.
[90] For instance, see GCR, *Greek Council for Refugees input for the forthcoming report of the Special Rapporteur on the human rights of migrants with respect to human rights violations at international borders: trends, prevention and accountability*, 28 February 2022, available at: https://tinyurl.com/2s44vwer, p.5.

to highlight at this point that these reports are not published, and are therefore not available for public scrutiny. This seems to further reinforce the impression of a *"controlled"* environment or, as a minimum, to highlight an ongoing lack of sufficient information to assess the effective fulfillment of HEC 3 already from the outset – something that had already been flagged by the EC as part of its additional observations for all of Greece's Home Affair programmes.

ANNEX IV

The volume of information, documentation and evidence on irregular forced returns (i.e. pushbacks) taking place at Greece's land and sea borders has been so overwhelming in recent years that efforts to once more make a case on their occurrence are deemed unnecessary under the present report. Besides, other recent reports already provide a detailed and up to date analysis of this specific topic,[91] based also on legal cases represented by GCR.

More importantly, as of January 2025, the systematic nature of these practices, coupled with the persistent non-investigation on the side of Greek authorities, has been acknowledged by the European Court of Human Rights (ECtHR) in cases of G.R.J. v Greece and A.R.E. v. Greece. In both cases, the Court found *"strong indications [... of] a systematic practice of "pushbacks" from the Greek [territory] to Türkiye"*, in the latter condemning Greece for violations of articles 3, 5 and 13 of the European Convention on Human Rights.

Accordingly, the present section will limit itself in briefly highlighting the risk of such violations being further perpetrated, primarily through a number of BMVI-supported projects in Greece during the current funding cycle. These are namely projects aimed at enhancing the country's capacity in the field of border control and surveillance, *inter alia*, through the procurement of technologic means, such as border patrol vessels, drones and thermal cameras, rough road (4x4) and transportation vehicles, including for the transportation of canine, and night visions goggles, as well as through enhancing the operational capacity of the Greek security forces (for a relevant list, see section 7.1).

In principle, the procurement and use of such means does not in itself prejudge an outcome when it comes to respect for fundamental rights, such as the right to life. For instance, beyond the surveillance and control of border areas, which is the sovereign responsibility of each state, such means (e.g. vessels, particularly if properly equipped) have the potential to be used both in the context of deterrence and pushback practices, as well as for the purpose of

[91] GCR, *At Europe's Borders: Pushbacks Continue as Impunity Persists*, November 2024, available at: https://tinyurl.com/4rrrya23

enhancing the capacity of competent authorities to identify persons at risk at sea and thus triggering Search and Rescue (SAR) operations in a timely manner.[92]

In this context, as in other cases,[93] so too in this report the instrumental contribution of the Greek security forces, and in particular the Greek Coastguard in saving lives at sea is both acknowledged and respected.

However, documented precedents of the use of such means in pushback operations, both in Greece and in other member states, give rise to significant cause of concern, particularly amidst what remains to date a consolidated culture of impunity vis-a-vis the perpetrators of such actions at the national level.[94]

Indicatively, the Border Violence Monitoring Network (BVMN) has reported, in the case of Croatia,[95] how drones, x-ray cameras, helicopters, dogs, scanners with the ability to identify movement, breathing and heartrates, video surveillance system with thermal imaging, day and night cameras, and ground-based radars, cars, night vision goggles, flashlights and smartphones have been used in the context of documented pushback operations that, as in the case of Greece,[96] have been frequently accompanied by violence amounting to inhuman and degrading treatment of the victims (e.g. electric shocks, and water immersion), and the deprivation of victims of their personal belongings. In the case of Greece, amongst the reported victims of such practices have also been vulnerable persons, including pregnant women, single-parents with minor children, persons with mental and with physical disabilities, as well as seriously ill persons.[97]

Based on its legal actions and representation of pushback victims,[98] GCR has also been made aware by the victims of the use of drones, dogs and goggles during such clandestine operations (i.e. pushbaks) in the region of Evros. To be noted, in several cases the victims

[92] Also see Homo Digitalis, "Drones & Artificial Intelligence at Greece's high-tech borders", 23 August 2023, available at: https://homodigitalis.gr/en/posts/131019/.
[93] Border Criminologies, "Breakdown of the Rule of Law in Greece: Violence in detention centres, pushbacks at land and sea, humanitarians on trial", 20 May 2024, available at: https://tinyurl.com/y342kmx9.
[94] Also see GCR & HLHR, Joint letter by GCR & HLHR on irregular forced returns (pushbacks), criminalisation and the Rule of Law in Greece, 17 March 2023, available at: https://gcr.gr/wp-content/uploads/GCR_HLHR_letter_final.pdf.
[95] BVMN, *Submission to the Special Rapporteur on contemporary forms of racism, xenophobia and related intolerance for the report on Race, Borders, and Digital Technologies: The role of technology in illegal push-backs from Croatia to Bosnia-Herzegovina and Serbia*, 27 January 2021, available at: https://tinyurl.com/mr3ecsep.
[96] For more, *inter alia* see to date reports of the Recording Mechanism of Incidents of Irregular Forced Returns, which has been established under the Greek National Commission for Human Rights, available at: https://nchr.gr/en/reports.html.
[97] For instance, Recording Mechanism of Incidents Irregular Forced Returns, *Annual Report 2023*, Jun 2024, available at: https://nchr.gr/images/pdf/RecMechanism/Final_Annual_Report_202311.pdf, pp. 5-6.
[98] For more, see *GCR's Information Note* on interventions and on interim measures granted by the ECtHR in cases regarding pushbacks, Updated up to 18 February 2025, available at: https://gcr.gr/en/news/item/1984-information-note/.

ended up being pushed back to Türkiye in flagrant disregard of interventions (*interim measures*) that had already been made by the European Court of Human Rights (ECtHR).[99]

Moreover, similar finding on the use of technology have been made publicly available through the Serious Incident Reports (SIRs) mechanism under Frontex. Specifically, between October 2022 and March 2024, the Fundamental Rights Office (FRO) of Frontex issued at least 17 SIRs,[100] as part of its investigation of reported pushback incidents that took place in Greece between 2022 and 2023. As part of these investigations, the Office was able to conclude with varying degrees of certainty, ranging from "plausible" to "beyond any doubt", that a pushback operation had indeed occurred.

More importantly for the purposes of this report, during the aforementioned SIR investigations, the FRO was in some cases also able to precisely identify EU-funded assets that have been used in the contexts of such operations. In particular, the Hellenic Coastguard vessel CPV LS – 910, which as noted[101] was *"originally purchased using EU funds under the Special Equipment Action chapter of the Internal Security Fund"*, and the Frontex co-financed vessel CPB 617. In the first case, the EU-funded asset was engaged in what the FRO concluded was the very likely involvement of the Hellenic Coastguard (HCG) in a pushback operation, where a group of 105 persons were reportedly abandoned in life rafts near Farmakonisi and Kos islands in May 2022. The second case concerns the well-known publication of the New York Times in May 2023,[102] where the FRO established beyond any doubt that 12 persons, including women, children and a six-month old baby, were on 11 April 2023 subjected to ill-treatment and pushed back from Lesvos to Türkiye by the HCG and other masked individuals acting in concert and coordination with the Greek authorities.[103] In this case, as noted, the Frontex co-financed vessel was the one that *"brought the migrants in Turkish territorial waters and abandoned them adrift in a life raft"*[104]. The Aegean Boat Report has also reported the use of EU-funded assets, in particular under ISF, in pushbacks operations by the Greek authorities.[105]

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[99] Ibid.

[100] Namely, SIRs 10244/2023 (finalised on 27 July 2023), 10248/2023 (finalised on 29 September 2023), 10263/2023 (finalised 22 June 2023), 10887/2023 (finalized on 18 August 2023), 13279/2022 (finalized on 4 October 2022), 13821/2022 (finalized on 31 March 2023), 14056/2022 (finalized on 15 December 2022), and 14509/2022 (finalized no 31 December 2022), 14828/2022 (finalised on 31 March 2023), concerning incidents reported to have taken place in 2022, and SIRs 11023/2023 (finalized on 28 July 2023), 11027/2023 (finalized on 22 June 2023), 11203/2022 (finalized on 28 July 2023), 12070/2023 (finalized on 18 September 2023), 12230/2023 (finalized on 6 December 2023), 13276/2023 (finalized on 23 April 2024), 13563/2023 (finalized on 23 November 2023), 15485/2023 (finalized on 28 March 2024) concerning incidents reported to have taken place in 2023. All SIRs retrieved from FRONTEX's public register of documents at: https://prd.frontex.europa.eu/ [last accessed 13 November 2024].

[101] SIR 10263/2023, p.3.

[102] NYT, "Video Shows Greece Abandoning Migrants at Sea", 19 May 2023, available at: https://www.nytimes.com/2023/05/19/world/europe/greece-migrants-abandoned.html

[103] SIR 12070/2023, retrieved from FRONTEX's public register of documents at: https://prd.frontex.europa.eu/ [last accessed 13 November 2024].

[104] *Ibid*, p.1.

[105] Aegean Boat Report, "Illegal Pushbacks Funded By EU Continues In Greece, Unhindered And Unchallenged", 19 April 2024, available at: https://tinyurl.com/23829ub3.

To be noted, all of the above findings by the FRO were made possible based on information the Office was able to acquire and assess in most –if not all– cases in spite of a documented, by the FRO, systematic lack of cooperation and support of the Office's investigations by the Greek authorities.[106] This lack of cooperation is noted by the FRO both in the SIRs referenced in the present report, as well as in an Opinion issued by the FRO on 10 July 2023.[107] Crucially, the specific Opinion, which follows three previous Opinions issued by the FRO during 2022, which expressed *"serious concerns about numerous and credible accounts of ill-treatment and pushbacks of migrants on land and at sea by Greek authorities"*,[108] clearly flags the risks for the Agency's (i.e. FRONTEX) indirect involvement and effective instrumentalisation in fundamental rights violations committed by the Greek authorities, leading the FRO to recommend the suspension or termination of Frontex's activities in Greece.[109]

Lastly, when it comes to acts and/or omissions by the Greek authorities leading to fundamental rights violations at the borders, special mention should be made to the well-known case of the Adriana vessel (i.e. Pylos) shipwreck of 14 June 2023 were more than 600 people went dead and missing.[110] As in previous cases, so too in this case a SIR was triggered by the FRO,[111] as part of which the Office *inter alia* concluded that the Greek authorities did not trigger a SAR operation, for what had evidently been a boat in distress at sea within the Greek Search and Rescue (SAR) zone, *"until the moment of the shipwreck when it was no longer possible to rescue all people on board, [and even then had] deployed insufficient and inappropriate resources considering the number of people on board"*[112], while failing to make use of available resources offered by Frontex.

The refusal of the Greek authorities to facilitate investigations on the incident as well as inconsistencies in the Greek authorities' reporting of the incident, were noted in this case as well by the FRO. These included the reported attempt of a Hellenic Coastguard (HCG) vessel to tie a rope and tow the Adriana vessel, despite clear dangers for the vessels stability in doing

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[106] For instance, and among other issues of concern, the FRO has consistently noted the Greek authorities' limited responses and at times refusal to provide detailed responses to the Office's inquiries, as well as inconsistencies and unreliable reporting of the incidents investigated by the FRO from the side of Greek authorities, even in cases where available evidence (video footage) were available to prove contradictions in the Greek authorities reporting of such incidents (SIR 14056/2022). For more see SIRs 10263, 10887/2023, 11023/2023, 11027/2023, 11203/2023, 12070/2023, 12230/2023, 13276/2023, 13279/2022, 13821/2022, 14056/2022, and 15485/2023, retrieved from FRONTEX's public register of documents at: https://prd.frontex.europa.eu/ [last accessed 13 November 2024].

[107] FRONTEX, "Opinion by the Fundamental Rights Officer: Greece – advice to suspend or terminate Frontex operations in Greece in accordance with Article 46(4) of the EBCG Regulation", Warsaw, 10 July 2023. See Annex X

[108] *Ibid* p.1.

[109] *Ibid* p.3.

[110] Also see Amnesty International, *Greece: 6 Months On, No Justice for Pylos Shipwreck*, 14 December 2023, available at: https://tinyurl.com/mrfkkwzv.

[111] SIR 12595/2023 (finalized on 1 December 2023), retrieved from FRONTEX's public register of documents at: https://prd.frontex.europa.eu/ [last accessed 13 November 2024].

[112] *Ibid* p. 16.

so. While the Greek authorities initially denied these allegations, the FRO found them to be *"incompatible with some of the consistent accounts of the [surviving] migrants"*[113].

The HCG vessel in question and the one that was on the spot during the shipwreck was vessel Coastal Patrol Vessel (CPV) 920, which seems to be the third in a row of a total of four (initially two) vessels procured by the HCG in May 2021, reportedly as part of 55.56 million euro contract between the Greek Ministry of Maritime Affairs and the Italian-based company Cantiere Navale Vittoria.[114] It further arises that 90% of the costs were covered by the EU, via Greece's 2014-2020 ISF programme, under specific objective 2 ("borders") and specific action "Frontex equipment", with a primary aim of contributing to a *"[s]atisfactory response to search and rescue operations"*, as *inter alia* noted in the third and final amendment of the grant approval decision.[115] As per its specifications, it holds two state-of-the-art electro-optical/thermal camera systems which, however, were reported as not functioning at the time of the shipwreck, despite relevant Frontex recommendations, which if applied, could have shed a direct light over the precise circumstances of the shipwreck.[116]

In fact, the refusal of the HCG to even trigger disciplinary investigations on the incident prompted the Greek Ombudsman to commence an own-initiative investigation on the circumstances of the shipwreck in November 2023.[117] Following its conclusion in February 2025, the Ombudsman found clear evidence of criminal liability among senior Coastguard officers.[118] The competent Ministry of Maritime Affair's reaction was to insinuate quite blatantly the Ombudsman's report was politically motivated,[119] further raising concerns on the dwindling state of the Rule of Law in Greece, as well as on the potential ongoing

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[113] *Ibid* p. 15.

[114] Soudaport, "In Souda the brand new CPV 920", 12 August 2021, available in Greek at: https://tinyurl.com/ehd74s35; Naval Analyses, CNV P355GR, the new coastal patrol vessels of the Hellenic Coastguard, 31 October 2020, available at: https://www.navalanalyses.com/2020/10/cnv-p355gr-new-coastal-patrol-vessels.html. Also see RSA, "Pylos Shipwreck: Timeline and archive of a tragedy that could have been avoided", 27 July 2023, available at: https://rsaegean.org/en/pylos-timeline-archive/.

[115] Minister of Citizen Protection, *3rd Amendment of the Grant Decision on Action "Supply of Coastal Patrol Vessels"* from the National Programme of the "Internal Security Fund/Borders and Visas Sector for the period 2014-2020", 19 April 2020, available in Greek at: https://tinyurl.com/26x88pyz, p.2. For more, see Greece National Programme ISF, CCI: 2014GR65ISNP001, available at: https://tinyurl.com/4cy48nd6, p.21; Soudaport, *op.cit.*; Secretary General of Public Order, *2nd Amendment of the Grant Decision on Action "Supply of Coastal Patrol Vessels"*, 14 March 2019, available in Greek at: https://tinyurl.com/3t6tachj, *2nd amendment of the Agreement to finance Action "Supply of Coastal Patrol Vessels vessels" from the National Programme of the "Internal Security Fund/Sector Borders and Visas Sector for the period 2014-2020": Grant Decision*, 26 February 2019, available in Greek at: https://tinyurl.com/3cs2xkan.

[116] For more, see Solomon, "Under the unwatchful eye of the authorities' deactivated cameras: dying in the darkest depths of the Mediterranean", 6 July 2023, available at: https://tinyurl.com/4f8rmjyc.

[117] Greek Ombudsman, "Ombudsman investigates the Pylos shipwreck", 9 November 2023, available in Greek at: https://tinyurl.com/55tmfve3.

[118] See RSA, "Scathing report by the Greek Ombudsman on the Pylos shipwreck", 5 February 2025, available at: https://tinyurl.com/2k4rtx4a.

[119] Ministry of Maritime Affairs and Insular Policy, "Announcement of the Ministry of Shipping and Island Policy regarding the Press Release of the Ombudsman (04.02.2025)", 4 February 2025, available in Greek at: https://tinyurl.com/3my4bv5m.

engagement of EU-funded assets in acts and/or omissions with dire consequences for the right to life (article 2 of the Charter) amongst others.

ANNEX V

In what regards access to asylum, two cases, linked with EU Funds, are in need of particular attention. The first relates to the systematic (mis)use of the "safe third country" concept by the Greek authorities. The second relates to barriers to accessing asylum and concomitantly rights reserved to applicants on the mainland.

A) Unlawful application of the "safe third country" concept

In June 2021, pursuant to Joint Ministerial Decision (JMD) 42799/03.06.2021 as amended, Greece designated Türkiye as a "safe third country" for asylum applicants from Syria, Afghanistan, Somalia, Bangladesh and Pakistan. In practice, this expanded both the geographical scope, and the nationalities covered by the logic underpinning the 2016 EU Turkey statement (mainly, outsourcing of asylum). Since then, applicants from these nationalities have had their asylum applications (at least initially) examined under the so-called "admissibility procedure". This means that the examination of their application focuses on whether they could have been safe and therefore remained in Türkiye, rather than whether they themselves are in need of international protection.

There are a number of legal and policy issues that could be raised here, both from a procedural and a substantial perspective. These include, for instance, the lack of legal reasoning in the Joint Ministerial Decisions (JMDs) designating Türkiye as safe, for which reference is instead made to an array of non-public documents, in possible breach of articles 12(1)(d) and 38(2)(c) of the Asylum Procedures Directive.[120] Another, is the seeming disregard for increasing barriers to accessing asylum in Türkiye, including on account of reported pushback practices of Syrian and Afghan refugees.[121]

[120] For more see Katsigianni Z. and Koutsouraki E., Safe Third Countries and Safe Countries of Origin: Safety Assessment and Implementation for Refugees Seeking Protection in Greece, in *Quarterly on Refugee Problems, 2025, Vol. 64, Issue 1*, available at: https://ejournals.bibliothek.thws.de/qrp/issue/view/27/24, pp. 22-54 and AIDA, *Country Report on Greece (2023 update)*, *op.cit.* pp.154-155.

[121] For more, *inter alia* see Politico, "The EU is helping Turkey forcibly deport migrants to Syria and Afghanistan", 11 October 2024, available at: https://www.politico.eu/article/the-eu-is-helping-turkey-forcibly-deport-migrants-to-syria-and-afghanistan/; AIDA, *Country report on Türkiye (2023 update)*, August 2024, available at: https://asylumineurope.org/wp-content/uploads/2024/08/AIDA-TR_2023-Update.pdf, in particular pp.28-34; RSA, "European Commission dispels Greece's designation of Türkiye as a "safe third country" for refugees – Repeal the national list of safe third countries", November 2022, available at: https://rsaegean.org/en/safe-third-country-letter/; HRW, "No One Asked Me Why I Left Afghanistan": Pushbacks and Deportations of Afghans from Turkey", November

Yet for the purposes of the current report, suffice to once more flag that since March 2020 Türkiye has stopped accepting back rejected asylum applicants from Greece. The resulting lack of any reasonable prospect of return for close to 5 years, means that Greece has been arbitrarily applying the "safe third country" concept in such cases, in breach of article 38(4) Asylum Procedure Directive and article 18 of the Charter. The resulting legal limbo applicants rejected under this concept frequently find themselves, can likely also trigger further breaches of the Charter, including articles 4 and 6, on account of their possible exposure to severe material deprivation and detention.[122]

To be noted, the specific issue has on several occasions also been flagged by the EC, including in its additional observations on Greece's 2021-2027 Home Affair programmes (AMIF, BMVI, ISF).[123] Indeed, the EC has systematically called on Greece to comply with its legal obligations, but to no avail.[124]

The same blatant disregard for the rules has also been exhibited following a preliminary ruling of the Court of Justice of the European Union (CJEU) in October 2024, in a case represented by the Greek Council for Refugees (GCR) and Refugee Support Aegean (RSA). The Court, namely, specifically held that member states *"may not […] issue a decision rejecting an application for asylum as inadmissible on the basis of the concept of 'safe third country' in cases where they have established that the applicant for asylum will not be allowed to enter the territory of a country designated as safe"*[125]. Despite this, the GAS still continued to examine and issue inadmissibility decisions in such cases, including during 2025.

That being said, in what regards the dimension of EU funds, perhaps the more apparent link can be made by considering the large contribution EU funds have in maintaining the operational capacities of the GAS. In particular, as highlighted in the 2021 Greek Implementation Report of AMIF funds during the 2014-2020 programme cycle, the contracts of 620 staff of the GAS with responsibilities over the *"registration, examination and notification of decisions on asylum applications"*[126], was covered by this Fund. Moreover, as further specified in Greece's approved 2021-2027 AMIF programme,[127] the specific staff has the competence of drafting the final decision on asylum applications examined in the context of admissibility procedures and thus also under the "safe third country" concept, while taking

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2022, available at: https://www.hrw.org/report/2022/11/18/no-one-asked-me-why-i-left-afghanistan/pushbacks-and-deportations-afghans-turkey.

[122] For more, see AIDA, *Country Report on Greece (2023 update)*, *op.cit.* pp.154-165.

[123] The Commission's additional observations have been published following a request for access to information on 23 March 2024. They are available at: https://www.asktheeu.org/request/ec_assessments_of_enabling_condi#incoming-52832. The documents referred to are in particular Documents 13.1 and 14.1.

[124] See HIAS Greece and RSA, *The role of the European Commission in the implementation of the EU asylum acquis on the Greek islands*, January 2023,available at: https://rsaegean.org/wp-content/uploads/2023/02/RSA_HIAS_EU-Ombudsman_submission.pdf, para. 38.

[125] GCR and RSA, CJEU ruling on the concept of "safe third country", 4 October 2024, available at: https://tinyurl.com/mryknmmy.

[126] Greece National Programme AMIF, Implementation Report: AMIF, CCI: 2014GR65AMNP001, available at: https://tinyurl.com/5xan9bb3, p.4.

[127] Asylum, Migration and Integration Fund version 3, available in Greek at: https://tamey.gov.gr/amif2021-2027/a-version-3/, p.14.

into account the opinions of EUAA staff "on accepting [i.e. admitting] or not [such] asylum applications".

Accordingly, on the one hand, from an operational perspective the Fund's contribution to supporting and enhancing Greece's capacity to process asylum applications and thus ensuring applicants' access to asylum in a timelier manner cannot be underestimated. Yet on the other, it is also difficult not to argue that they may have also supported the arbitrary misuse of EU law, with detrimental consequences for the rights of applicants of international protection, and with the EC's full awareness.

To be noted, as of 21 March 2025, the designation of Türkiye as a "safe third country" has been annulled by decision of Greece's Supreme Administrative Court (Council of State), which has *inter alia* also ruled that applications of asylum rejected at second instance (i.e. appeal) on this basis should also be annulled.[128] This follows the aforementioned ruling of the CJEU, in the same case brought forth by the Greek Council for Refugees (GCR) and Refugee Support in the Aegean (RSA).[129] Yet the first reactions of the Ministry of Migration and Asylum, such as the announcement of the preparation of a new Decision designating Türkiye as "safe" just three days following the Judgement,[130] have been less than promising with regards to the Greek state's willingness to comply with its legal obligations. More concerning, statements made by the Minister of Migration and Asylum on forthcoming legal amendments aimed at pressuring rejected applicants to voluntarily depart the country have raised critical reactions by the Union of Administrative Judges, who have underscored "*these statements […] are part of a more general framework of interventions of the executive power towards the judiciary and aim to foster a climate of intimidation towards judges in the exercise of their judicial work, acting as a quasi-warning for those judges who "question" the correctness of […] forthcoming regulations"*.[131]

B) Access to asylum on the Greek mainland

In close relation to the first point, the second relates to the establishment of a similar, at its core, barrier to accessing asylum on the Greek mainland.

Since July 2022, persons wishing to apply for asylum on the Greek mainland, without first having undergone reception and identification procedures, have to first fill a form in an online

[128] Greek Council of State, "Announcement by the President of the Council of State regarding the outcome of the conference on cases discussed in plenary on 7 February 2025 concerning the designation of Türkiye as a safe third country", 21 March 2023, available in Greek at: https://tinyurl.com/24c7f2z6.
[129] For more see GCR & RSA, "The Council of State annuls the designation of Turkey as a 'safe third country' for asylum seekers", 27 March 2025, available at: https://tinyurl.com/4rn4sub6.
[130] Ministry of Migration and Asylum (MoMA), "M. Voridis on SKAI: Tackling illegal migration, effective organization of legal immigration and the review of the asylum framework - Greece is a state governed by the rule of law, but it cannot be an unprotected state", 26 March 2025, available in Greek at: https://tinyurl.com/43xc4dbz.
[131] Newsbeat, "The Union of Administrative Judges reacts to Voridis' statements on asylum procedures", 28 March 2025, available in Greek at: https://tinyurl.com/mu8pa4p4.

platform launched by the Ministry of Migration and Asylum. Following this, they receive an appointment date for the registration of their application, during which they have to present themselves at one of two designated reception facilities covering southern (Malakasa RIC) and Northern (Diavata RIC) Greece.

As in the previous case, so too in this case, there are a number of issues that could be highlighted, given their negative impact on the ability of these applicants to have access to the asylum procedure in Greece. These include: frequent instances since its launch during which the platform was not operational;[132] waiting periods –at times of many months– between the filling of the form by applicants and the date of the registration appointments granted; the extent to which the platform can be accessed by persons lacking technologic literacy; or the highly restrictive designation of only two, remote, mainland facilities for the purposes of registering asylum applications, which hinders applicants' ability to access them, on account of the lack of organized transportation, which in practice means applicant have to frequently try to reach these facilities on their own means.[133]

More importantly, however, for the purposes of the present report, as per the established practice of the Ministry of Migration and Asylum, filling of the aforementioned form and booking an appointment is not recognized as tantamount to expressing one's will to apply for asylum in Greece. In practice, this means that with few exceptions (e.g. UAM) until applicants are able to register their application per the given appointment in each case, they do not have access to any of their legally enshrined rights as applicants of international protection, including protection against administrative detention.

This persistent practice is contrary both to the Asylum Directive (recital 27) and to relevant national legislation (recital c of L. 4939/2022), based on which a person is considered an applicant of international protection from the moment they have expressed their will –orally or in writing– to apply for asylum, which is the case when filling the aforementioned online form. This has also been acknowledged in several national Court decisions concerning cases of applicants, primarily from Afghanistan, brought forth by GCR, who had been administratively detained for the purposes of return, even though they had already booked an appointment for the registration of their asylum application through the platform.[134] Despite these, the Ministry has yet to change this practice, which to the extent that GCR is

[132] For instance, Joint CSO Statement, "Shutdown of the Greek Asylum Service Database Leaves People Unable to Claim Asylum and in Limbo", 21 June 2023, available at: https://tinyurl.com/2p9kaym2.

[133] For more, *inter alia* see AIDA, *Country Report on Greece (2023 update)*, *op.cit.* pp.23, 25-26, 67-68, 176-177, 202, 230; and GCR, Submission of The Greek Council for Refugees to the Committee of Ministers of the Council of Europe concerning the groups of cases of M.S.S. v. Greece (Application No. 30696/09) and Rahimi v. Greece (8687/08), July 2023, available at: https://tinyurl.com/m2ypvn44, p.3.

[134] Amongst others, see GCR, "Decision of the Administrative Court of First Instance declares unlawful the return and detention of a person who has requested through the Ministry's online platform the scheduling of the full registration of the asylum application", February 2023 available at: https://tinyurl.com/ynz2cbkx and "The detention of asylum seekers, to whom the Ministry of Immigration & Asylum does not recognise the status of applicant, is again ruled illegal", March 2023, available at: https://tinyurl.com/2hvcvry.

aware, continues (even if to a more limited degree[135]) leading to cases of unlawful detention of applicant of international protection, in turn yet again raising rule of law considerations that need to be addressed.

As per the findings of this report, it arises that the specific platform has been fully funded (100%) by AMIF, during the 2014-2020 programme period, and was included in a call for an 1,258,200,00€ contract for the development of electronic services and infrastructure for the Greek Asylum Service that was issued in 2018.[136] Considering the logos that still accompany the main pages of this platform,[137] it also arises that its operation continues being supported through HOME Affair funds during the current (2021-2027) funding cycle.

ANNEX VI

When it comes to the inclusive education of children with disabilities, there are positive developments that need to be acknowledged.

For instance, during a period of 8 years the number of children with disabilities enrolled in the general public system of education (primary and secondary) has increased by close to 62%, from 68,000 during the 2014-2015 school year to 110.000 during the 2022-2023 school year.[138] Moreover, the number of requests for parallel educational support within the school class that have been approved by the Greek Ministry of Education, has per the Ministry's data also registered an upward trend, with the number of such approvals more than doubling during a period of 5 years: from 8,989 during the 2019-2020 school year to 21,842 during the 2023-2024 school year.[139]

This is not to say that chronic challenges do not still persist.

For instance, amidst the reported approval of 16,940 such requests during the 2022-2023 school year, the number of professionals that were employed to cover them was reported at 11,624 for parallel support teachers, and at 3,668 for other supportive staff, such as nurses. Likewise, in what concerns the 2023-2024 school year, despite a significant increase in the

[135] AIDA, *Country Report on Greece (2024 update)*, forthcoming and AIDA, *Country Report on Greece (2023 update),* June 2024, available at: https://tinyurl.com/22smfe2a, p.230.
[136] See Ministry of Migration and Asylum, Greek Asylum Service, *Notice of an open electronic tender for the development of the electronic services and infrastructure of the Asylum Service of the Ministry of Migration Policy*, 18PROC004246376 2018-12-20, available in Greek at: https://tinyurl.com/m7b2bx5u. Specific reference to the platform and its technical specifications can be found on pp.14, 51-52, 65 *et.seq.* of this call.
[137] Relevant website at: https://applications.migration.gov.gr/ and https://applications.migration.gov.gr/ypiresies-asylou/.
[138] Alfavita, "Students with disabilities in schools: Large increase in the last decade", 5 May 2024, available in Greek at: https://tinyurl.com/yckb545c.
[139] Esos, 15 April 2024, *op.cit.*

number of approvals (21,842), the resources that the Ministry had allocated for this purpose, were reported to be able to cover only up to 14,000 such requests.[140]

This highlights an ongoing discrepancy between acknowledged needs and their actual coverage, which has been flagged on several occasions,[141] including for the 2024-2025 school year by teacher's associations and initiatives.[142] As consistently highlighted by the Greek National Confederation of Disabled People (NCDP),[143] and the Greek Ombudsman,[144] the result is an ongoing situation where children frequently end up not receiving parallel support or, in most cases, only receiving partial support (e.g. only for some hours or during some days) and with significant delays. As noted by the Ombudsman,[145] this constitutes a violation of children's rights to education. This is further compounded when examined in conjunction with additional factors, such as the identified lack of accessibility in several public schools, which further hinder disabled children's effective access to the public system of education.[146]

In any case, and particularly given these obstacles have been noted to be to a large degree a result of chronic underfunding,[147] under the scope of EU funding, which this report addresses, and to the extent such funding is being used, for instance, for the hiring of parallel support teachers,[148] a reasonable argument could be made that in the specific case, EU funding contributes to the gradual realization of the aim of inclusive education, irrespective of the degree of progress that still needs to be made, which is ultimately the primary responsibility of each member state.

[140] Especial, 17 September 2023, *op.cit.*
[141] The Press Project, Huge gaps in Parallel Support - "Our children come home upset", 19 September 2023, available in Greek at: https://tinyurl.com/r2nrehzn.
[142] Alfavita, Parallel support: 'Significantly fewer recruitments compared to actual needs', 10 October 2024, available in Greek at: https://tinyurl.com/3s477swp and "Gaps in schools: 'Shame! Zero recruitment of Parallel Support Substitute Teachers in the country's largest DPE", 10 October 2024, available in Greek at: https://tinyurl.com/e2v4b3cm.
[143] For instance, *NCPD, Observatory on Disability Issues: January-September 2023 Report*, available in Greek at: https://tinyurl.com/4dcmrzuv, in particular pp.77-79.
[144] Greek Ombudsman, *Findings: Obstacles to the educational integration of pupils with disabilities or and/or special educational needs*, July 2022, available in Greek at: https://tinyurl.com/cjn2as5t, pp.16-24.
[145] *Ibid.* p.25
[146] For more see NCPD, *Observatory on Disability Issues: January-September 2023 Report*, *op.cit.*
[147] Greek Ombudsman, *Findings: Obstacles to the educational integration of pupils with disabilities or and/or special educational needs,* July 2022, *op.cit.*, p.25.
[148] Alfavita, "Ministry of Education: On the recruitment of substitute teachers in Parallel Support", 5 August 2023, available in Greek at: https://tinyurl.com/mssxk8e8.

The issue arises when considering the link of EU funding with facilities, such as Special Schools and Special Vocational Education and Training Workshops (SVETW), which as segregated educational settings[149] contravene the rights of children with disabilities to equality and non-discrimination and to (inclusive) education (*inter alia* articles 5 and 24 UNCRPD).[150] This seems to be particularly the case for SVETWs, which though part of the obligatory system of secondary education, which in itself covers only half of the full secondary education system (i.e. only Gymnasium, but not Lyceum), does not hold the educational equivalence necessary for children to be able to continue their studies (e.g. University).[151]

> *"Segregation occurs when the education of students with disabilities is provided in separate environments designed or used to respond to a particular impairment or to various impairments, in isolation from students without disabilities"*
>
> Source: CRPD, General comment No. 4, para. 11

Such educational settings have also been noted to provide education of inferior quality by the NCDP,[152] which has also flagged issues pertaining to infrastructure, such as the *"complete unsuitability for educational use"* of several of the buildings used to house special schools, and the incomplete, inadequate, and inaccessible premises used for others.[153]

In what concerns the infrastructural component, to the extent this report was able to identify, this seems to be covered through the Public Expenditure Programme, even though it remains somewhat unclear whether this regards exclusively its national component or if it also engages its co-funded component.[154] Yet to the extent that, as also identified (see section 7.2), EU funds, and in particular funds under the "Human Resources and Social Cohesion" strand of ESF+ continue being used during the current programmatic period for the purpose of (e.g.) covering staff expenses for these facilities, an argument could be made that EU funding makes possible their ongoing operation, thus potentially perpetuating cases of segregated education.

It is also important to consider aspects pertaining to the financial viability of virtually maintaining two systems of education for children with disabilities or indeed the lack of such viability, which has, in the past, been flagged by the Greek National Commission for Human

[149] Also see Joint Position Paper, *Segregation of People with Disability is Discrimination and Must End*, September 2020, available at: https://tinyurl.com/yp8zhu9k, pp.3, 6-7.
[150] CRPD, *General comment No. 6 (2018) on equality and nondiscrimination*, 26 April 2018, available at: https://documents.un.org/doc/undoc/gen/g18/119/05/pdf/g1811905.pdf, para.64.
[151] For instance, see relevant information (in Greek) on the websites of the National Organization for the Certification of Qualifications & Vocational Guidance and the SVETW Aigaleo.
[152] For instance, see NCDP, 10th Bulletin of the Observatory of NCDP: data on the education of pupils with disabilities and/or special educational needs, 5 July 2021, available in Greek at: https://tinyurl.com/59rdb5am, p.11.
[153] NCPD, *Observatory on Disability Issues: January-September 2023 Report*, *op.cit.*, p.77.
[154] The Public Expenditure Programme has a national and a co-founded component that includes projects funded by the European Union and other International Financial Institutions and national resources. Examination of a document approving the refurbishment of infrastructure for the purposes of housing a SVETW in the Attica region, highlights the engagement of this Programme, yet it is unclear whether this relates to its co-founded component. The document is available in Greek at: https://diavgeia.gov.gr/decision/view/%CE%A8%CE%99%CE%983%CE%9F%CE%9E%CE%A7%CE%94-%CE%9A%CE%A95.

Rights as the foremost factor hindering the effectiveness of special schools in Greece.[155] As further noted by the Council of Europe Commissioner for Human Rights *"special schools and other forms of separate educational provision are far more costly to the state than mainstream schools"*[156].

In this context, and given the aforementioned chronic underfunding of more inclusive aspects of education, dividing limited resources between two models of education seems to be as a minimum counterintuitive. It is also incompatible with article 4(2) UN CRPD, under which states are obliged to take measures to the maximum of their available resources towards the progressive and full realisation of economic, social and cultural rights, including education.[157]

Towards this aim, competent civil society actors, such as the NCDP, have frequently called for diverting funds form segregated special schools to inclusive education,[158] which seems to be increasingly the case in Greece. Thus has also, however, raised concerns by others, who have *inter alia* claimed that the diversion of funds would *inter alia* result in "*"downgrading the educational and learning character of the already degraded special education structures"*.[159]

On the other hand, factors, such as the increase in the number of children going to special schools –even if to a much more limited extent compared to those attending mainstream education– between the school years of 2016-2017 and 2022-2023 (from 10,500 to 12,800);[160] the increase (with fluctuations) in the number of special schools between school years 2018-2022 and 2021-2022 (from 488 to 522),[161] and the maintenance of special schools as a seemingly core element of Greece's 2024-2030 strategy on the rights of persons with disabilities,[162] need to be also taken into consideration for a full assessment, which is beyond the scope of this report and would require careful consideration to ensure that any action undertaken in the context of EU funding does not end up at the detriment of children's right to inclusive education.

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[155] GNCHR, *GNCHR Recommendations on the Bill on Special Education*, 10 July 2014, available in Greek at: https://www.nchr.gr/images/English_Site/PAIDIA/GNCHR_special_education.pdf, p.7.

[156] CoE Commissioner for Human Rights, *Fighting school segregation in Europe through inclusive education: a position paper*, 2017, available at: https://rm.coe.int/fighting-school-segregationin-europe-throughinclusive-education-a-posi/168073fb65, p. 14.

[157] CRPD, *General comment No. 4 (2016) Article 24: Right to inclusive education*, 2 September 2016, available at: https://tinyurl.com/33s4wr5n, para. 39.

[158] NCPD, *Observatory on Disability Issues: January-September 2023 Report*, *op.cit.*, p.135.

[159] Alfavita, "Special Education: "The Ministry of Education announces the abolition of special schools", 13 May 2024, available in Greek at: https://tinyurl.com/29nksewd.

[160] Alfavita, "Students with disabilities in schools: Large increase in the last decade", 5 May 2024, available in Greek at: https://tinyurl.com/yckb545c.

[161] Hellenic Statistical Authority (ELSTAT), Press Release: "Survey of Special Education and Training Schools: End Of School Year 2019/2020", 7 December 2021, available in Greek at: https://tinyurl.com/2ube6txa; "Survey of Special Education and Training Schools: End Of School Year 2020/2021", 6 December 2022, available in Greek at: https://tinyurl.com/4ewt562u and "Survey of Special Education and Training Schools: End Of School Year 2021/2022", 4 July 2024, available in Greek at: https://tinyurl.com/2r6jrnu8.

[162] Hellenic Republic, Presidency of the Government, *A Greece with All for All: National Strategy for the Rights of Persons with Disabilities 2024-2030*, September 2024, available at: https://amea.gov.gr/strategy/strategy-2024-2030#s_1, pp.79-80.

ANNEX VII

A) Preliminary considerations

Similar to what was discussed with regards to the process of inclusion of children with disabilities in the public system of education, so too in regards independent living and de-institutionalisation, some positive progress should be acknowledged.

As noted in section 4.2, Greece has both a National Strategy for the Rights of Persons with Disabilities (SRPD) for the period of 2024-2030, as well as a strategy on de-institutionalisation (DI) since February 2021. These strategies serve as significant positive steps, insofar as they inter alia highlight an institutional awareness and acknowledgement of the necessity and merits of inclusion, as well as a political commitment to work in this direction. They also highlight a commitment to act upon concerns and recommendations raised by the UN Committee on the Rights of Persons with Disabilities (CRPD) during its latest (2019) observations on Greece,[163] which are included in the text of the SRPD as core aspects guiding the actions foreseen under its 6 pillars.

In this context, the Strategies need to also be read in light of the CRPD's recommendation to Greece to *"adopt a comprehensive national strategy with clear time-bound measures and sufficient funds for effective deinstitutionalization at all levels"*[164].

As highlighted by the Office of the United Nations High Commissioner for Human Rights (OHCHR)[165] and reaffirmed by the European Union Agency for Fundamental Rights (FRA), in order to be effective, strategies on de-institutionalisation need to be both *"adequately funded"* and linked with *"clear time frames and benchmarks"*[166]. These are ultimately minimum requirements for ensuring the possibility of measuring progress made and, where necessary, re-evaluating and adjusting components of the strategies for the purpose of strengthening their impact vis-à-vis the genuine and effective inclusion of persons with disabilities.

Viewed under this lens, one cannot fail but notice that such elements seem to be present in a mostly general or even abstract manner in the SRPD[167] and are largely absent in Greece's

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[163] UN Committee on the Rights of Persons with Disabilities (UN CRPD), *Concluding observations on the initial report of Greece*, 24 September 2019, available at: https://tinyurl.com/myh4f62m.
[164] *ibid*, para. 29.
[165] UN Office of the High Commissioner for Human Rights (OHCHR), *Thematic study on the right of persons with disabilities to live independently and be included in the community : report of the Office of the United Nations High Commissioner for Human Rights*, 21 December 2014, available at: https://digitallibrary.un.org/record/792502/usage?v=pdf, para. 25.
[166] European Union Agency for Fundamental Rights (FRA), *From institutions to community living: Part I: commitments and structures*, 8 December 2017, available at: https://tinyurl.com/52s5d9cb, p.11.
[167] For instance, with scarce exceptions, the Strategy lacks a specific and importantly data-driven analysis of the national context it aims to address per each of its 6 pillars. Concomitantly, even though

current DI strategy. When it comes to funding, with few exceptions in the SRPD, both strategies also lack concrete commitments or links between foreseen actions and Greece's national budget, with more focus being seemingly placed on how EU Funds can support their implementation in general terms. With regards to this, seeking support from the EU budget is a legitimate aim and in fact an understandable –if not imperative one– given the country's financial circumstances. Yet the ensuing impression is that of a disproportionate reliance on EU Funds, which poses questions over the Strategies' long-term viability and the extent to which the Greek state is ready to take ownership for the realisation of the rights enshrined under the UNCRPD.

Based on these factors, particularly the DI Strategy falls short of fulfilling the CRPD's aforementioned recommendation to Greece. Furthermore, while acknowledging that several of the actions foreseen in the SRPD and the DI Strategy aim to address core gaps, such as the lack of comprehensive data on disability or the creation of separate timeframes for the closure of institutionalised settings, both strategies might also need to be checked as to the extent to which they substantially meet requirements set by article 15 (1) CPR. This is particularly the case given that core elements of the approach pursued in the SRPD vis-à-vis independent living/de-institutionalisation create, as a minimum, a tension with obligations arising under article 19 CRPD and concomitantly the regulatory framework governing the Funds.

Namely, as per the SRPD, de-institutionalisation, as a core pre-requisite for the materialisation of the right to independent living for persons with disabilities seems to be mainly pursued through two actions, both of which are heavily funded by the EU: the "personal assistant" and "Supported Living Homes" (SLH) for persons with disabilities.

In regards to the first, the "personal assistant" scheme aims to provide persons with disabilities with dedicated, in-home, and personalised professional support in an array of daily activities, ranging from sustenance to leisure and participation in social life. It was initially established in 2021[168] as a two-year pilot project, funded with 41 million euro under Greece's RRF, that reached a total of 2,250 beneficiaries between 2022-2024.[169] Importantly, following its evaluation, which is expected by December 2025,[170] the project is to expand in scope to provide universal coverage throughout Greece,[171] with funding (320 million euro) having already been secured under Greece's current ESIF and in particular its Regional Operational Programmes.[172] Overall, and notwithstanding challenges and gaps that are bound to arise in

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it includes indicators that can be used to track progress of its envisioned actions, the lack of some type of initial reference point or indicator upon which these actions aim to build during the Strategy's implementation (e.g. from x disabled children in mainstream education in 2024, to x+ in 2030), could significantly limit the value of insights gained as part of its future evaluation.

[168] Articles 32-39 L. 4837/2021, as amended.

[169] Website of the Information System Supporting the Pilot Project "Personal Assistant for people with disabilities": https://prosopikosvoithos.gov.gr/#!/info#body.

[170] Hellenic Republic, Presidency of the Government, *A Greece with All for All: National Strategy for the Rights of Persons with Disabilities 2024-2030*, September 2024, available at: https://amea.gov.gr/strategy/strategy-2024-2030#s_1, action 30.

[171] Article 38 L. 4837/2021.

[172] G. Stamatis, "Personal assistant for people with disabilities, a commitment put into action", 14 April 2022, available in Greek at: https://tinyurl.com/34zks7kc.

the process of streamlining this approach throughout Greece, or the need for consistent quality control during implementation to ensure fundamental rights compliance, the "personal assistant" scheme seems to serve as a good example of efforts to meet obligations arising under article 19 (b) UNCRPD and of the contribution EU funds can have towards this aim.

This is not the case for Supported Living Homes (SLH), primarily for structural reasons.

B) Supported Living Homes (SLH)

As per the currently applicable legal framework,[173] SLHs are small-scale facilities, consisting of boarding houses and apartments[174] with a capacity to accommodate between 1-4 or 5-9 persons with disabilities above the age of 18, each with their own room, and with shared communal spaces.[175]

On a positive note, the framework is clear that such facilities can only be established within the urban fabric, in areas of general or pure residential use, and in close proximity to social services,[176] thus forbidding the potential of such facilities being geographically segregated from local communities. It also provides concrete specifications that each facility needs to meet in order to be allowed to operate, covering both general and more specialized infrastructural aspects, depending on residents' specific needs (e.g. separate provisions for movement or sensory impairment). It lastly, and amongst others, places significant emphasis on a personalized approach by creating positive obligations for the entities managing such facilities to prepare and provide on an ongoing basis an array of services, including personalized schedules, food, leisure activities and activities promoting residents' access to education and work, based on their aspirations, needs and with their participation.

That being said, there are a number of elements, already arising in the legal framework governing the establishment of SLHs, which makes it impossible to perceive them as fully decoupled from defining elements of inistitutionalised settings, as these have *inter alia* been defined by the CRPD and the World Health Organisation (WHO).[177]

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[173] JMD 13107/283/2019 on Conditions for the establishment and operation of Sheltered Housing for Persons with Disabilities, as amended.
[174] The terminology employed is that employed by the Greek government in its 2015 submission to the CRPD. See Greek Government, *Initial report of Greece submitted in accordance with Article 35 of the Convention,* CRPD/C/GRC/1, 1 June 2015 available at: https://tinyurl.com/5xvm88tu, para. 160.
[175] Article 3 (1) JMD 13107/283/2019 as amended.
[176] Article 11 (1) JMD 13107/283/2019 as amended.
[177] Committee on the Rights of Persons with Disabilities (CRPD), *Guidelines on deinstitutionalization, including in emergencies*, 9 September 2022, available at: https://tinyurl.com/vb2e7mre, in particular para. 14 and *General comment No. 5 (2017) on living independently and being included in the community*, 27 October 2017, available at: https://docs.un.org/en/CRPD/C/GC/5, in particular para. 16 (c); World Health Organisation (WHO), *World report on disability*, 14 December 2021, available at: https://www.who.int/publications/i/item/9789241564182, p. 305.

First, the extent to which residents are at full liberty to choose where and with whom to live, which as *inter alia* noted by FRA[178] is a *"fully applicable"* component of article 19 and thus not subject to progressive realisation, should be questioned.

The framework provides for a procedure of entry, which starts by application of the person concerned, their parents or legal guardians, and which subject to approval by the management body of each SLH, is subsequently followed by a six-month preparatory period aimed at smoothening the transition of accepted applicants, by providing them the time and space to meet the other tenants and the SLH's staff.[179] Residents are also free to interrupt their stay in the SLH whenever they or their parents or legal guardians want, subject to signing a relevant declaration and covering potential legal or financial issues that might have occurred. Based on factors such as these, a reasonable argument could be made that the framework provides for the opportunity of free and informed choice. Yet the degree of freedom of choice needs to also be assessed in conjunction with the following:

a. SLHs are aimed at providing support to persons *"who cannot live independently without appropriate support"*[180], and *"who […] do not have a family or their family cannot support them"*[181].
b. The composition of the residents of each SLH is determined by the Interdisciplinary Team of the entity that establishes the SLH and not the tenants themselves.[182]
c. Though cohabitation between two tenants in the same room is allowed, e.g. in case of couples or family members, this is subject to an initial a recommendation/ proposal of the SLH's Interdisciplinary Team.
d. As noted in Greece's DI Strategy,[183] and potentially pending the full roll-out of the personal assistant scheme, SLHs remain *"the only alternative to institutional care"* for persons with disabilities.

In conjunction, these factors place *de facto* limitations to the degree to which freedom of choice can be effectively exercised.

Second, SLHs are defined as *"permanent"* residential settings,[184] where persons with disabilities are *de facto* unable to live together with their families (potentially with the exception of family members with similar disabilities that might be accommodated in the same SLH).

[178] FRA, *From institutions to community living: Part I*, 8 December 2017, op.cit. p.9.
[179] Article 4 JMD 13107/283/2019 as amended
[180] Article 4 (1) JMD 13107/283/2019 as amended
[181] Greek Government, *Initial report of Greece submitted in accordance with Article 35 of the Convention,* CRPD/C/GRC/1, 1 June 2015 available at: https://tinyurl.com/5xvm88tu, para. 158, as well as article 2 (2) JMD 13107/283/2019 as amended.
[182] Article 3 (2) JMD 13107/283/2019 as amended
[183] European Association of Services Providers (EASPD), *De-industrialisation strategy in Greece: Technical support for the de-institutionalisation process in Greece*, February 2021, available at: https://tinyurl.com/37jw5zt3, p.26.
[184] Article 1 (b) JMD 13107/283/2019 as amended.

Third, before entry, tenants are required to sign an agreement, through which they *inter alia* commit *"to participate in the programmes and activities of the facility which are deemed* [i.e. by others] *necessary for his/her development and the strengthening of his/her independence"*[185]. This seems to contradict the provision for *"personalized schedules adapted to the specific characteristics of each tenant […] according to their wishes"*[186]. Tenants are also bound by each facility's operating regulation (κανονισμός λειτουργίας), which is prepared by the facility's administration.[187]

> **Institution**: *"any place in which persons with disabilities, older people, or children live together away from their families. Implicitly, a place in which people do not exercise full control over their lives and their day-to-day activities. An institution is not defined merely by its size."*
>
> Source: WHO, p. 305

Consideration of two random such regulations that was possible to find during the research, also poses questions as to the level of freedom of movement enjoyed by tenants of at least some SLHs. In both cases, the regulations specifically note that "the family […] picks up the resident from the SLH during the festive periods of Christmas, Easter, summer and whenever requested and agreed by the Interdisciplinary Team".[188] Without entering into an assessment of the potential reasons requiring such an approval by the Interdisciplinary team, which GCR is not qualified to assess, from the standpoint of freedom of movement, wording seems to introduce an exogenous procedural step that needs to fulfilled as a precondition for the exercise of the specific right.

Fourth, tenants do not have a say on who they receive assistance from. The facilities' permanent or part-time staff is selected directly by the managing entity in collaboration with the facility's Director. The same applies for potential collaborations that might be required with external experts (e.g. psychiatrists) for the facility's smoother operations.[189]

> *"Although, institutionalized settings can differ in size, name and setup, there are certain defining elements, such as: obligatory sharing of assistants with others and no or limited influence over by whom one has to accept assistance […]"*
>
> Source: CRPD, General Comment no. 5, para. 16 (c)

Fifth, tenants are also by definition required to share assistants, while the legal framework allows for the sharing of supporting staff between more SLHs, as long as these operate in the same building and are managed by the same entity.[190] By definition, services the services received are contingent on residence in the SLH, which is a further indicator of an institutionalised setting.[191]

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[185] Article 4 (h) JMD 13107/283/2019 as amended.
[186] Article 5 (3) JMD 13107/283/2019 as amended.
[187] Article 7 JMD 13107/283/2019 as amended.
[188] Association for the Protection of Equality and the Rights of Persons with Disabilities "Hyperion", *Operating Regulation of Supported Living Home in Lixouri, Kefalonia*, 2022, available in Greek at: https://tinyurl.com/ms654f2d, p5. and Society of Parents of Mentally Handicapped Persons E.G.A.N.Y., *Internal Regulation: SLH "Boarding House" (9 person-capacity)*, 2023, available at: https://tinyurl.com/3tws3et4, p.4.
[189] Article 6 (3) and (5) JMD 13107/283/2019 as amended
[190] Article 6 (3) JMD 13107/283/2019 as amended.
[191] Also see FRA, *Summary overview of types and characteristics of institutional and community-based services for persons with disabilities available across the EU*, November 2017, available at: https://tinyurl.com/3fm6vzkr, p.10.

All of the aforementioned (non-exhaustive) factors indicate a structural incompatibility between the current framework governing the SLHs and applicable standards under article 19 UNCRPD. This is particularly the case when considered under the light of the referenced CRPD Comment and Guideline, which the EC also seems to adopt, including in its dedicated Guidance on independent living in the context of EU Funding.[192]

From a strategic point of view, this means that when it comes to the process of fully realising the standards enshrined under article 19 UN CRPD, though it is understandable why SLHs can be perceived as a significant step forward, it would be incorrect to consider them as in line with the full realisation of these standards. From an EU Funds point of view, the aforementioned factors also mean that SLHs fail some of the checks established by the EC in its aforementioned Guideline[193] as a means to ensure *"alignment of [EU-funded] operations and projects […] in light of the provisions of the Charter of Fundamental Rights of the EU and the UNCRPD"*.[194] Concomitantly, this also raises questions of compatibility between ongoing investment in SLHs and CPR provisions that needs to be checked.

ANNEX VIII

Article 159 of Law 4483/2017: Temporary Relocation of Roma – A cautionary tale for potential use of EU funding

Athens 15.3.2025

*By Georgios Tsiakalos, *Attorney at Law, Director - Pro Bono Publico*

In 2017, Greece introduced Article 159 of Law 4483/2017 as part of an effort to address the dire housing situation in certain Roma camps. This provision created an **"organized temporary relocation"** scheme for vulnerable social groups living in hazardous or irregular settlements – in practice, primarily targeting Roma who reside in shantytowns or other informal encampments. Article 159 establishes a special fast-track procedure whereby, *with the consent of the affected community*, a municipality can relocate Roma inhabitants from an illegal or unsafe encampment to a designated **Organized Temporary Settlement Area**. These organized areas are meant to provide basic decent living conditions (weather-proof housing units or containers, clean water, sanitation, electricity, etc.) and to operate under government standards and oversight. The law's intent is to be a humanitarian stop-gap: to ensure no Roma family is left sleeping in squalid or dangerous conditions, even as longer-term housing solutions are pursued. Crucially, Article 159 relocations are by definition *temporary* – the

[192] EC, *Commission Notice: Guidance on independent living and inclusion in the community of persons with disabilities in the context of EU funding*, 20 November 2024, C(2024) 7897 final, available at: https://tinyurl.com/mr2vchwb.
[193] In particular, its self-assessment checklist on independent living and inclusion in the community. *Ibid.* p.16.
[194] *Ibid*.

ultimate goal is the social inclusion of Roma, either by integrating them into mainstream housing or upgrading their current settlement.

Initial implementation – Delphi (Amfissa) pilot. The first application of this new framework was attempted in the Municipality of Delphi (which includes the town of Amfissa) in 2018. Local authorities, in coordination with the Special Secretariat for Roma Inclusion, identified an informal Roma camp in Amfissa ("Nisi – Koumpourou" area) with approximately 45 Roma families (~250 people) living in shacks. The municipality proposed to relocate these families to a new organized site at an area called "Kaminos"[195]. A Joint Ministerial Decision in March 2018 approved the Delphi relocation plan, laying out the design for an organized temporary settlement.[196] The plan envisioned a model settlement with 45 prefabricated houses, internal roads, a central square and green space, and a *"Polykentro"* multi-purpose center to host social services and communal facilities.[197] Notably, the site would host a branch of the local Community Center specifically to provide Roma residents with social support (health, education, employment services) as part of a holistic inclusion strategy. The settlement's layout was conceived as neighborhoods or "quarters" to mimic normal urban design, and great care was ostensibly given to architectural and bioclimatic aspects to ensure the site was liveable.[198] In short, Delphi's project was meant to showcase a humane, well-planned Roma relocation in line with Article 159's standards.

Challenges and local opposition. Despite detailed planning, the Delphi relocation has faced significant obstacles and remains largely **unrealized** years later. A major hurdle has been resistance from segments of the non-Roma local community. During public consultations in mid-2018 and afterward, many Amfissa residents strongly opposed establishing a Roma settlement at "Kaminos"[199]. Concerns raised included the site's suitability and fear that a "temporary" camp could become permanent. Indeed, a 2024 press report indicates that the Kaminos location – while officially zoned for this purpose – was later deemed *"inappropriate for siting a Roma camp"* by the local consultation committee[200]. Local authorities, caught between the legal mandate to relocate the Roma and community pushback, have struggled to proceed. As of May 2024, the Delphi municipal council was still debating alternative solutions. One idea considered was to disperse the families in smaller groups across various communities (to avoid concentrating all 45 families in one place).[201] In the interim, however, the Roma remain largely in their original precarious camp. The *Amfissaface* local news described the situation in 2018: community opposition and "immature conditions" effectively stalled the project, as residents were *unwilling to accept the plan to relocate Roma to a special*

[195] See relevant website on Roma Social Inclusion with regards to housing at: egroma.gov.gr.
[196] *Ibid.*
[197] *Ibid.*
[198] *Ibid.*
[199] Amfissaface, "Conditions not ripe for the Roma settlement", 11 September 2018, available in Greek at: https://tinyurl.com/y22zt5yr.
[200] Orapaper, "Press release on the meeting of the Consultation Committee for the Roma", 16 May 2024, available in Greek at: https://tinyurl.com/3nzadd2k.
[201] *Ibid.*

organized area[202]. Thus, the Delphi pilot illustrates the implementation challenge of Article 159: even when funding and political will exist, relocation projects can falter due to **NIMBYism** (Not-In-My-Backyard syndrome) and planning setbacks. The municipality now acknowledges that Kaminos may be the "only legally designated" site available, but also "unsuitable," and is seeking other locations through an urban plan revision.[203] The delay undermines the goal of quickly improving Roma living conditions. It also shows the importance of early community engagement and transparent communication to dispel fears – a lesson for future initiatives.

Katerini's failed relocation attempt. Another case study highlighting the difficulties of Article 159's implementation is the Roma relocation project in Katerini (Central Macedonia). In 2018, the Municipality of Katerini launched a plan to rehouse approximately 330 Roma (about 56 families) who were living in an informal camp, by constructing a *"model"* temporary settlement in the *Pelekas* area, 2.8 km from the city.[204] The project secured a budget of €2.5 million, co-financed by European and national funds.[205] This suggests authorities attempted to leverage EU Structural Funds or EEA Grants (Norway Grants) alongside Greek funds for the relocation. Initial steps seemed promising: feasibility studies were contracted and a Joint Ministerial Decision in mid-2019 approved the Katerini relocation under Article 159.[206] However, by 2023 the project had **collapsed**. Investigations revealed that the chosen relocation site at Pelekas had previously been used as an **unregulated landfill (dump)** – making the land environmentally unsafe and legally ineligible for housing development .[207] This oversight proved fatal: once it came to light, the European co-funder (the EEA/Norway Grants in this case) withdrew its financing, deeming the site unsuitable.

In April 2023, Greek media reported the relocation plan had *"ended in shipwreck"*, as the Pelekas location could not be built upon and no alternative site was prepared.[208] Furthermore, criticisms were raised about poor planning and **lack of due diligence** by the previous municipal administration in selecting the site.[209] The Roma families, who had expected new housing, were left in limbo –their living conditions unchanged and perhaps worsened by dashed expectations. This Katerini case underscores practical challenges such as land availability and bureaucratic coordination. It also flags the risk that **segregated relocation sites may be placed on marginal lands** (e.g. former dumps, flood-prone zones, or industrial outskirts) that no one else wants –a pattern observed in other countries that can perpetuate environmental injustices against Roma.

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[202] Amfissaface, 11 September 2018, *op.cit.*
[203] Orapaper, 16 May 2024, *op.cit.*
[204] Emakedonia, "Katerini: The contract on the study for the temporary relocation of 56 Roma families was signed", 1 February 2022, available in Greek at: https://tinyurl.com/y5d3hnkc.
[205] Ertnews, "The relocation of three hundred and thirty Roma in Katerini 'naufragiated'", 26 April 2023, available in Greek at: https://tinyurl.com/2p763xuy.
[206] Unicef, *Deep Dive on Child Poverty and Social Exclusion: Unmet Needs and Access Barriers EU Child Guarantee in Greece*, December 2021, available at: https://tinyurl.com/53eb8u8x.
[207] Ertnews, 26 April 2023, *op.cit.*
[208] Ertnews, 26 April 2023, *op.cit.*
[209] Olympiobima, "Katerini - Relocation of Roma: The sloppiness of the Hionidis administration led to a "wreck"", 25 April 2023, available in Greek at: https://tinyurl.com/bde6wsvd.

In both Delphi and Katerini, the **spirit** of Article 159 –providing decent interim housing as a bridge to full inclusion– has been difficult to realize. Key barriers include: local community opposition; the reluctance of some Roma to move without guarantees (though in Delphi, Roma leaders did consent to the Kaminos plan in principle);[210] administrative delays; and problems securing appropriate land. Additionally, funding these projects is complex, which leads to the next topic: the role of EU funds and the need to ensure compliance with anti-segregation rules.

EU Funds and Roma Relocations: Conflicting Claims and Anti-Segregation Safeguards

Use of ESF/ERDF in Roma housing projects. A critical question is whether Greece is tapping EU Structural Funds –such as the European Social Fund (ESF) or European Regional Development Fund (ERDF)– to finance Article 159 relocation areas or other Roma housing interventions. Officially, the Greek government has often stated that Roma housing initiatives are financed primarily through national resources. For instance, during Council of Europe reviews, Greek authorities noted that housing policy for Roma was *"exclusively financed by national funds"* with no direct EU funding for building Roma camps.[211] In line with this, programs like the 2001–2008 housing loan scheme for Roma were funded from the state budget. However, in practice Greece has sought to complement national funds with European support for Roma inclusion under the EU's Structural and Investment Funds framework. The Special Secretariat for Roma Inclusion (former Greek NRCP) explicitly coordinated with the ESF management authorities to dedicate part of **Thematic Objective 9** (social inclusion priority) of regional EU programmes to Roma actions[212]. One of the six key action categories planned was a **rent subsidy** program for Roma –an initiative to help Roma families move from camps into private rental housing, which was to be ESF-funded

This indicates that while building of temporary sites may rely on domestic funds, parallel measures (like rental subsidies or settlement upgrades) are leveraging EU money.

The case of Katerini shows a direct instance of European co-financing: the €2.5 million budget was said to come from *"European and national funds"*[213], and indeed the European Economic Area (EEA) grants (funded by Norway, Iceland, Liechtenstein via an EU-associated mechanism) were involved. When the Pelekas site was deemed a former dump, the EEA grants authority promptly *"decided to withdraw funding"* to avoid sponsoring an illegal and inappropriate project[214]. This reflects a broader principle –**EU-funded projects must not breach**

[210] Fonografos, "The Roma of VIOPA accept relocation to "Camino", 19 July 2024, available in Greek at: https://tinyurl.com/5cka97ky.
[211] Parliamentary Assembly of the Council of Europe (PACE), *Reply from the Committee of Ministers adopted at the 989th meeting of the Ministers' Deputies (14 March 2007)*, 20 March 2007, Doc. 11212, available at: https://tinyurl.com/526ar33e and Greek Government comments on ECRI's fifth report on Greece, 24 February 2015, available at: http://rm.coe.int/government-comments-on-the-fifth-report-on-greece/16808b57a2, p.9.
[212] Egroma, *op.cit.*
[213] Ertnews, 26 April 2023, *op.cit.*
[214] *Ibid.*

environmental or social standards. Using EU funds for a segregated Roma camp on a toxic dumpsite would clearly contradict EU objectives, so the funding was pulled. In Delphi's case, the financing was primarily national (with help from the Ministry of Interior and other ministries) and technical support from the Secretariat;[215] no significant EU funding was reported, perhaps to avoid entanglements with EU anti-segregation rules.

EU policy on segregation and funding. The European Commission and EU regulations have set forth strict conditions to prevent Structural Funds from contributing to ethnic segregation. Under the EU's **Race Equality Directive** and the Common Provisions Regulation governing cohesion funds, authorities must ensure that any housing interventions with EU money do not discriminate on racial/ethnic grounds and do not *create or perpetuate segregated settings*. Indeed, the very purpose of EU inclusion funding is to **promote desegregation** – as emphasized in the EU Framework for Roma Integration. For example, since 2010 the ERDF has allowed financing of housing for marginalized communities (including Roma) but only as part of an integrated approach: new housing should be in mixed, non-segregated areas and include access to services, rather than building or refurbishing ghettos. The European Commission has warned member states that EU funds intended for Roma inclusion must *"EU Funds should not be used to perpetuate segregation, which falls within the scope of discriminatory treatment."* [216]. In other words, projects that inadvertently **cement segregation** –for instance, rebuilding a Roma-only settlement in the same isolated location without improving integration– would violate EU funding rules.

In Greece's context, there have been **conflicting narratives** about EU fund usage. The government tends to highlight that Article 159 settlements are temporary and aimed at inclusion, implying they are aligned with EU principles and thus could be eligible for EU co-financing. Caution is advised that building new "organized" Roma camps (even if improved) risks entrenching segregation, and thus **EU funds should not be used** for such purposes. The Katerini plan's failure, after funders balked at the site conditions, underscores the vigilance of funding authorities. It raises a legitimate question: *Are Article 159 relocations a stepping stone to desegregation, or a repackaging of segregated camps?* The answer may determine if EU resources can be justifiably invested. If a temporary site demonstrably leads to Roma moving into regular housing (i.e. it's part of a clear "pathway" to integration), one could argue it complements EU inclusion goals. However, if it simply relocates Roma from one segregated area to another (albeit with better infrastructure), it could run afoul of the **Race Equality Directive's ban on segregation as a form of discrimination**. In fact, maintaining Roma in separate group housing, even with good facilities, has been deemed discriminatory. The European Roma Rights Centre noted that Italy's policy of funneling Roma into separate camps

[215] Egroma, *op.cit.*

[216] European Commission. Note on the use of EU Funds in tackling educational and spatial segregation 2021-2027 programming period p. 8 Available at: https://tinyurl.com/yc5xdd6p.

constituted a *"fundamental breach of Europe's Race Equality Directive"*, in line with the recent finding of the Council of Europe's European Committee of Social Rights (ECSR) ruling.[217]

Similarly, the European Commission has an active infringement proceeding against Slovakia for school segregation of Roma, highlighting that **segregation = discrimination** under EU law.

In practical terms, Greece so far appears cautious about directly using ERDF/ESF to build the temporary camps themselves. Instead, EU funds are used for complementary measures (infrastructure upgrades, soft measures, rent subsidies, education, etc.) around the National Roma Strategy, while the hard cost of housing units might be borne by national or municipal budgets. This approach is likely to ensure **compliance with EU funding regulations**, which prohibit projects that *"contribute to segregation or exclusion"*. There is, however, some ambiguity: for instance, if an Article 159 site is established and then a municipality applies for ERDF funds to extend water and sewage networks to it (a basic infrastructure improvement), is that allowable? Arguably yes, if it's about providing essential services, but it treads a fine line. The safer route –and one Greece professes to follow– is to use EU money to integrate Roma into mainstream housing rather than creating new segregated locales.

In summary, **EU funds can support Roma housing inclusion in Greece, but only within an anti-segregation framework**. Conflicting claims exist because on one hand authorities want to maximize resources (including EU funds) to tackle Roma housing deprivation, yet on the other hand they must ensure those interventions meet EU anti-discrimination standards. Aligning Article 159 relocations with EU policy means Greece must design them as truly temporary, with clear inclusion outcomes, and ideally focus EU financial support on permanent housing solutions (like housing allowances or mixed housing projects) instead of semi-segregated encampments. The next section examines the European legal framework – both EU law and broader human rights law– that underpins these requirements.

European Legal Framework: Non-Discrimination and Housing Rights

EU Race Equality Directive and Charter rights. At the core of EU law on this issue is the **Race Equality Directive (2000/43/EC)**, which prohibits racial or ethnic discrimination in access to housing (among other areas). All EU member states, including Greece, must ensure that Roma are not treated less favorably than others in housing –whether by public authorities, landlords, or any entity. Segregated housing of Roma, if the result of state policy or practice, is considered unlawful discrimination under this Directive. The directive mandates equal access and also allows positive action to improve disadvantaged groups' conditions, but *not* in a way that further isolates them. In the case of Italy's Roma camps, for instance, the ECSR and NGOs found that the government's maintenance of Roma-only camps constituted systemic discrimination, violating both the Race Equality Directive and the European Social Charter.[218]

[217] ERRC, "Italy found guilty of violating European Social Charter over anti-Roma discrimination in housing", 17 May 2024, available at: https://tinyurl.com/4dztuap6.
[218] ERRC, 17 May 2024, *op.cit.*

The **Charter of Fundamental Rights of the EU** further reinforces these principles: Article 21 of the Charter forbids discrimination on grounds of ethnic origin, and Article 34(3) recognizes the right to social and housing assistance for those in need, to promote social inclusion and dignity. While the Charter applies to member states primarily when implementing EU law, it becomes highly relevant if EU funds or EU-mandated programs (like the NRIS – National Roma Integration Strategy) are involved in Roma housing initiatives. In essence, Greece is bound to ensure that any EU-supported Roma housing action **upholds human dignity (Charter Article 1)** and does not segregate or exclude.

EU Roma Framework and anti-segregation commitments. In 2011 the EU launched its Framework for National Roma Integration Strategies, calling on states to close the gap between Roma and the general population in key areas including housing. The Framework (2011–2020) asked governments to *"promote non-discriminatory access to housing, including social housing, and the elimination of any spatial segregation"*. Greece's own Roma Inclusion Strategy echoed these goals, but progress was limited (as CERD noted, a lack of coordination and data hampered the 2012–2020 strategy[219]). The new **EU Roma Strategic Framework 2020–2030** sets even clearer targets: it calls for cutting in half the proportion of Roma living in segregated settlements by 2030 and ensuring that all Roma have access to basic services like water and electricity. It also emphasizes the use of EU funds in line with these targets. Thus, Greece has an EU-level commitment to actively reduce residential segregation of Roma. Simply relocating Roma from one segregated camp to a "better" segregated camp will not fulfill this commitment. Rather, measures like Article 159 must be coupled with pathways to integrated housing, or else Greece risks falling short of its agreed goals under the EU Roma Framework. Additionally, the **EU Charter of Fundamental Rights** implicitly requires that Roma, as EU citizens (or legally resident persons), enjoy the same fundamental rights to adequate housing and community integration as others.

Council of Europe standards (ECHR and ESC). Beyond EU law, Greece is subject to the European Convention on Human Rights (ECHR) and the European Social Charter, which provide strong legal standards on housing rights and non-discrimination. The European Court of Human Rights (ECtHR) has developed important case law regarding Roma and Travellers' housing. Notably, in **Yordanova and Others v. Bulgaria (2012)**, the Court ruled that the planned forcible eviction of a long-established Roma community in Sofia, without provision of alternate shelter, would violate Article 8 of the ECHR (right to respect for home and private life).

The ECtHR stressed that authorities must consider the *extremely vulnerable position of Roma* and that evicting them into homelessness is disproportionate and unacceptable.[220] Similarly, in **Winterstein and Others v. France (2013)**, the ECtHR found France in breach of Article 8 for evicting Traveller families from land where they had lived for years; the state had not

[219] Committee on the Elimination of Racial Discrimination (CERD), *Concluding observations on the combined twenty-third and twenty-fourth periodic reports of Greece*, 24 December 2024, available at: https://tinyurl.com/8xh22s6f.
[220] *Ibid.*

adequately examined proportionality or provided suitable relocation, especially given the applicants' strong ties to the place. The principle from these cases is clear: **housing is not a mere commodity for Roma families, but a right intertwined with their identity and dignity**, imposing positive obligations on states. Greece must therefore ensure that any removal of Roma from informal sites via Article 159 is coupled with *adequate alternative housing*; otherwise it could constitute a "forced eviction" contrary to human rights standards. Indeed, the UN CERD has explicitly urged Greece to halt the *"continued subjection of Roma to forced evictions, without alternative housing or compensation"*[221] –effectively requiring that relocations be consensual and accompanied by proper resettlement solutions.

Under the **European Social Charter (revised)**, housing rights are further elaborated. Article 16 (right of the family to social, legal and economic protection) and Article 31 (right to housing, for states that accepted it) obligate states to promote access to adequate housing and prevent homelessness. The ECSR's decisions against Greece (ERRC v. Greece, Complaint No. 15/2003, and INTERIGHTS v. Greece, No. 49/2008) found Greece in violation of these obligations specifically regarding Roma. The 2005 ECSR ruling held that Greece had failed to *"provide sufficient number of permanent dwellings or proper temporary camping sites for Roma"* and condemned the practice of evictions without rehousing as incompatible with the Charter[222]. The follow-up 2010 decision noted that despite some efforts, Roma continued to suffer systemic housing exclusion and discrimination.[223] These decisions are legally binding on Greece and have led the Council of Europe's Committee of Ministers to press for compliance. One concrete response by Greece was the introduction of the very law (4483/2017 art.159) we are examining – indicating it was at least partially motivated to address the ECSR's concerns by setting up a *relocation mechanism* rather than leaving Roma in intolerable conditions or evicting them *ad hoc*. However, if the mechanism is not effectively implemented (or if it results in new segregated camps), Greece could still be failing its Charter duties.

In sum, the legal framework spanning EU law, the ECHR, and the ESC converges on several key points: **Roma have a right to adequate, non-segregated housing; states must not discriminate or segregate in housing policies; and evictions of Roma require suitable alternatives or else violate human rights**. Article 159 and related policies will be judged against these benchmarks. To be compliant, Greece must ensure that temporary relocation sites truly serve as a springboard to integration (not a dead-end), and that Roma families are treated equally –meaning inclusion in mainstream housing programs and municipalities, rather than relegation to isolated zones. European case law and Directives effectively demand *"desegregation in practice"*.

Risks of Segregation via "Soft" Funding: Lessons from Italy, Hungary, and Slovakia

[221] CERD, 24 December 2024, *op.cit.*, para. 22(b).
[222] ERRC, 17 May 2024, *op.cit.*
[223] European Committee of Social Rights (ECSR), *Complaint No. 49/2008 International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Greece*, available at: https://tinyurl.com/yp55n6a7.

Even when formal rules forbid using public funds for segregated housing, on-the-ground practices in several EU states show that "soft" funding mechanisms can inadvertently perpetuate Roma segregation. **Misallocation or misuse of EU funds** – often by local authorities – has been documented in countries like Italy, Hungary, and Slovakia, providing cautionary tales for Greece. These cases illustrate how important it is to have oversight and clear criteria to ensure Roma inclusion goals are met, not undermined, by funded projects.

- **Italy's Roma camps and EU funds:** Italy has a long history of confining Roma (including Italian citizens and migrants) in segregated camp settlements, especially around major cities like Rome, Naples and Milan. While these camps were primarily funded by Italian local authorities, indirect use of EU money occurred in various forms –for instance, EU social funds have supported certain services or infrastructure in camps. This drew criticism that EU resources were subsidizing a segregated system. The situation led to multiple condemnations: the ECSR in 2019 found Italy's housing policies toward Roma (the so-called "Nomad Camps" system) violated the Social Charter, and NGOs pointed out that such camps amount to ethnic segregation.[224] Under pressure, the European Commission also scrutinized Italy's compliance with the Race Equality Directive. Ultimately, Italy was compelled to start dismantling some large camps and to pledge that EU regional funds would be used for **integrated housing solutions** (e.g. small-scale social housing, rent vouchers) rather than refurbishing camps. The lesson from Italy is that segregated housing, even if initially justified as culturally appropriate or temporary, becomes a **dead-end** that traps generations in exclusion –something EU law and funds cannot countenance. Greece should avoid repeating this model; any EU-funded project must aim to integrate Roma into regular neighborhoods, not create Greek versions of the "campi nomadi."
- **Hungary's urban renewal and evictions:** In Hungary, there have been cases where municipalities tried to use EU development funds in ways that would effectively displace Roma communities or reinforce segregation. A striking example is the *Hajdúhadház relocation case*. The town won a EU-funded grant (about €1.6 million) for urban upgrading in a predominantly Roma neighborhood.[225] However, local authorities then told the Roma families to **vacate** their homes during the project, without providing any rehousing plan.[226] Essentially, EU money earmarked for improving a marginalized area was about to be used to evict its Roma residents and perhaps renovate the area for others. Hungarian human rights advocates intervened, alerting the European Commission that this would breach EU anti-discrimination rules.[227] The Commission and national managing authorities halted the project's implementation until it was redesigned. If it had proceeded as initially planned, over 80 Roma (including 50 children) would have been made homeless, a scenario clearly

[224] Amnesty International, "Italy: Ruling on scandal of discriminatory housing policies against Roma must finally spur authorities into action", 13 May 2024, available at: https://tinyurl.com/ythpn4zx.
[225] Habitat for Humanity, *Addressing Housing Deprivation of Roma in Central and Eastern Europe*, February 2024, available at: https://tinyurl.com/24sz2382, p.56.
[226] *Ibid.*
[227] *Ibid.*

at odds with EU objectives.[228] This case underscores the risk that **local misuse of EU funds** can slip through if not monitored –municipalities might see an opportunity to "beautify" a city by pushing out a Roma enclave. Fortunately, EU oversight in this instance forced compliance: funds had to be used to benefit the Roma community or not at all. Greece can learn from this by establishing strong monitoring and accountability for any EU-funded Roma projects at the municipal level. Any hint that a municipality is using a relocation as a pretext to free up land or move Roma out of sight should trigger corrective action (or funding withdrawal, as happened in Katerini and Hajdúhadház).

- **Slovakia and the segregation trap:** Slovakia has faced criticism for investing in **Roma-specific housing settlements** that entrench segregation. In some Slovak towns, EU structural funds were used to build low-cost apartment blocks or "container housing" units exclusively for Roma on the far outskirts of municipalities. While the intention was to replace slums with better housing, the result often was new ghettos – settlements separated by distance (and sometimes walls) from the majority population, lacking access to jobs and services. For example, in one case, a municipality built a new Roma housing project on a remote site, leading to difficulties for residents in finding employment or education opportunities – essentially segregating them in a different location.[229] Civil society reports (e.g. a 2015 Open Society Foundations study[230]) have flagged such practices as **misuses of EU funds**: the projects formally fell under "Roma inclusion," but in effect they perpetuated exclusion by relocating Roma to segregated enclaves. The European Commission has tightened requirements, making clear that new housing or infrastructure investments must not increase the concentration or isolation of marginalized groups.[231] This has pushed Slovakia to reconsider its approach and emphasize integrated social housing within towns, however many problems remain[232]. The takeaway for Greece is to ensure that well-meaning improvements (like building new housing units for Roma) are not done in isolation –literally and figuratively. If EU money in Greece were ever to be used for constructing housing for Roma, it should be **within mixed communities**, not on municipal outskirts that mirror Slovakia's mistakes.

These examples highlight a broader issue: **soft constraints vs. hard reality**. On paper, EU funds come with non-discrimination conditions, but it requires vigilance and political will to enforce them. Local authorities may face political pressure from non-Roma constituents to maintain distance from Roma settlements, leading to choices that conflict with inclusion goals. If central

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[228] *Ibid.*

[229] *Ibid.* pp.31-32.

[230] Open Society Foundations (OSF), *Main Risks of Misusing EU Funding in the Field of Roma Inclusion*, 2015, available at: https://www.ombudsman.europa.eu/pdf/en/59844.

[231] EC, *Guidance for Member States on the use of European Structural and Investment Funds in tackling educational and spatial segregation*, 2015, available at: https://tinyurl.com/4zn46h3m.

[232] OHCHR, "Experts of the Committee on the Elimination of Racial Discrimination Commend Slovakia on Improving Census Methodologies, Ask about Low School Enrolment Rates for Roma Children and Housing Segregation of the Roma Community", 17 August 2022, available at: https://tinyurl.com/jt4etj7r.

or EU authorities do not intervene, segregation can be financed under euphemisms like "urban revitalization" or "social housing for Roma" –a paradoxical outcome. In Greece, given the smaller scale of Roma communities relative to some CEE countries, it is entirely feasible to avoid this trap. The government and EU delegations can ensure funds are directed to inclusive programs (e.g. subsidizing Roma families' rents in standard neighborhoods, upgrading mixed areas, or acquiring apartments for Roma within various parts of a city). **Transparency in use of funds** is key: civil society and Roma representatives should be involved in monitoring where money goes, to prevent misallocation.

In conclusion, the experiences of Italy, Hungary, Slovakia (and others like Romania, Czech Republic in similar veins) serve as cautionary lessons. They show the importance of aligning funding with policy: money should follow the goal of desegregation, not undermine it. Greece's reliance mostly on national funds for Article 159 relocations might shield EU funds from misuse, but the principle remains –even national funds should not build new segregation. Ultimately, resources (from wherever) must contribute to breaking the cycle of ghettoization. The next section provides recommendations to ensure Greece's policies and funding truly foster Roma inclusion, drawing on best practices.

Policy Recommendations and Best Practices for Inclusive Roma Housing

To fulfill its commitments and human rights obligations, Greece should recalibrate its Roma housing policies toward **sustainable, desegregated solutions**. The following recommendations, informed by EU best practices and the challenges observed so far, aim to guide Greek authorities (and their EU partners) in improving Roma housing conditions while upholding anti-segregation principles:

1. Prioritize Integration over Isolation: All housing initiatives for Roma should be oriented towards integration into mainstream society. In practice, this means favoring housing within or near ordinary residential areas, not in segregated zones. If temporary relocation sites (Article 159 areas) are used, they should be *centrally located or well-connected* to the town, ensuring access to jobs, schools, and healthcare. The experience of some Romanian cities that placed Roma in remote outskirts proved counterproductive –residents were cut off from opportunities.[233]

Greece should avoid such geographic marginalization. Whenever possible, **relocation to an integrated environment** in line with the EU's desegregation principle should be pursued.[234] This could involve allocating plots for Roma housing within various neighborhoods or using scattered-site placements (e.g. a few families in each of several villages rather than a big camp in one location, as even discussed in Delphi[235]). Small-scale dispersion helps dilute opposition

[233] *Ibid.* p.56.
[234] *Ibid.* p.35.
[235] Orapaper, 16 May 2024, *op.cit.*

and fosters inclusion, as Roma become part of multiple local communities rather than an "outsider enclave" in one place.

2. Strengthen Community Consultation and Mediation: Early and genuine consultation with all stakeholders can make or break a project. International best practice emphasizes working **with both Roma communities and their non-Roma neighbors** to build support for integration. In the Delphi case, while Roma consented to the plan,[236] non-Roma residents were initially resistant.[237] Greece should invest in mediation mechanisms – for example, setting up local dialogue committees including Roma representatives, municipal officials, and nearby residents to address concerns and debunk myths. Public education campaigns about Roma inclusion can preempt xenophobic backlash. In Spain, some municipalities successfully closed Roma shanty towns by gradually rehousing families in apartments across the city, paired with social workers mediating with neighbors and supporting the Roma tenants. Such approaches show that **transparency and involvement** can ease tensions. When people see that a Roma family is just a family –not a threat– prejudice can give way to acceptance over time. Therefore, every relocation or housing project should include a robust information and mediation strategy. This also aligns with CERD's call for *"effective and meaningful consultation"*[238] with Roma at all stages of policy implementation.

3. Link Temporary Relocations to Permanent Housing Solutions: To ensure that "temporary" sites do not become permanent slums Greece must establish clear pathways for families to move into regular housing. Each Article 159 camp should come with a **sunset plan** – e.g., a 3 to 5-year timeline during which residents receive intensive support (job training, education, etc.), after which the camp is dismantled and families transitioned to apartments or houses in the community. Policy could mandate that a certain percentage of Roma residents be relocated out of the temporary area each year through housing benefit programs or inclusion in social housing stock. The **rent subsidy scheme** (ESF-funded) should be fully activated and expanded so that Roma families can afford homes in the private rental market, dispersing into various neighborhoods by choice. Additionally, Greece could emulate **"housing first"** principles that prioritize getting families into standard housing as a first step to social inclusion, rather than keeping them in transitory shelters indefinitely. International practice shows that offering a real home (not a shack or container) is foundational –it stabilizes the family and significantly improves outcomes in health, education, and employment. Therefore, the government might set a goal that by 2030 (in line with the EU Roma Framework) all Roma currently in temporary camps will have been offered either a social housing unit or a housing allowance for private housing, thus allowing the closure of those camps.

4. Improve Existing Settlements in the Interim: While pursuing new housing solutions, Greece should not neglect the immediate needs in current Roma settlements. Many Roma will

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[236] *Ibid.*

[237] Amfissaface, 11 September 2018, *op.cit.*

[238] Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined twenty-third and twenty-fourth periodic reports of Greece (CERD/C/GRC/CO/23-24),* 2024, available at: tbinternet.ohchr.org

continue to live in their present locations for some years until relocation or inclusion programs reach them. It is critical to upgrade conditions in these settlements as a stop-gap measure – this means installing or improving basic infrastructure: clean water supply, sanitation (toilets, sewage), electricity, garbage collection, and access roads.

Such upgrades address public health and safety without legitimizing segregation permanently. They also demonstrate to Roma communities that the state cares about their welfare, building trust that is essential for them to agree to future moves. Indeed, one reason cited for past failures is Roma mistrust due to years of neglect, a longstanding pattern of threatened or forced evictions of Roma communities, coupled with municipal authorities' repeated failures to honor commitments to provide subsidized replacement housing, and compounded by inadequate needs assessments that factor in local nuances—such as relationships between Roma and non-Roma neighbors, intra-group tensions within Roma communities, and specific cultural considerations (for instance, family structure, household composition, and types of employment)—alongside underfunded budgets and weak resource mobilization, insufficient participatory planning and design that involves both Roma and non-Roma populations in broader urban development projects, and poor transportation options and limited access to city centers, numerous systemic shortcomings persist.[239]

By visibly improving living conditions *now*, authorities can show good faith. Funding for these upgrades can come from national sources or carefully targeted ERDF projects (since providing infrastructure is within EU funding scope, as long as it is part of an inclusion plan). The **municipalities** that applied for funds to improve "Type I and II" settlements (the most deprived categories) should be supported to quickly implement those works. Of course, these improvements must go hand-in-hand with a long-term plan – they should not be an excuse to leave people segregated, but a way to ensure dignity while desegregation is in progress.

5. Enforce Anti-Discrimination Laws at the Local Level: The national government should actively enforce the anti-discrimination and anti-segregation legal framework vis-à-vis municipalities. This could involve issuing guidelines or regulations on Roma housing (under Article 159 and beyond) that explicitly forbid municipalities from engaging in practices like building walls around Roma areas, concentrating Roma in one sub-district if alternatives exist, or refusing Roma in local social housing. Greece's equality body (the Greek Ombudsman) and the National Commission for Human Rights can be empowered to monitor municipal actions. If a municipality resists integrating Roma or attempts evictions without rehousing, the central government should invoke its authority to intervene or penalize non-compliance. For instance, tying state or EU funding to performance on Roma inclusion could create incentives: municipalities that actively desegregate (perhaps by allocating a set number of housing units to Roma or adopting inclusive zoning) might receive priority in funding allocations. Those that obstruct could see funding reduced. This approach has precedent – the European Commission in recent years linked some funding to progress in Roma inclusion under the **EU Rule of Law**

[239] UNICEF, *Deep Dive on Child Poverty and Social Exclusion: Unmet Needs and Access Barriers EU Child Guarantee in Greece*, December 2021, available at: unicef.org, p.80.

framework. Domestically, Greece could condition certain grants on adhering to the National Roma Strategy benchmarks. In short, **hold local authorities accountable** to national/EU standards, ensuring that local politics do not override Roma rights.

6. Maximize the Use of EU Funds for Integration Measures (not camps): Greece should continue to leverage EU funds, especially ESF+ and ERDF in the 2021–2027 period, but direct them to **inclusive measures**. Best practices include: housing allowances or rent subsidies for low-income Roma (enabling choice of residence across the city); renovation of dilapidated houses that Roma own or occupy in integrated villages; purchase and allocation of public housing apartments for vulnerable families (Roma among them) in mixed complexes; and community development programs that involve both Roma and non-Roma. Notably, **education and employment** interventions are also crucial and complementary to housing – EU funds can support Roma inclusion in these areas, which in turn facilitates smoother integration in housing (a Roma family with stable jobs and kids in local schools is more readily accepted in a new neighborhood). What should be avoided is using EU money to build or refurbish segregated Roma-only facilities. The **Hungarian case** showed the Commission is alert to such misuse.[240] To reassure all stakeholders, Greece could publicly commit (in its Roma Strategy action plan) that no EU fund will be used to create new segregated settlements – instead, every EU-funded project will be assessed for its desegregation impact. This kind of pledge increases transparency and is in line with EU policy. The **Main Risks of Misusing EU Funds** report (OSF 2015) recommended precisely this kind of rigorous assessment: check each local project for segregation risk and involve Roma NGOs in monitoring.[241] Greece should implement that recommendation.

7. Draw on Best Practice Models from Other EU Countries: While every country's context differs, Greece can learn from successful initiatives elsewhere in Europe. For example, **Ireland** developed a policy for Traveller housing that includes not just serviced halting sites but also standard social housing and support for Travellers to move into regular neighborhoods – emphasizing choice for the families. **Spain** (Andalusia, Catalonia, Madrid) undertook comprehensive shanty-town eradication programs: in Avilés and Madrid, virtually all substandard Roma settlements were closed and families rehoused in ordinary flats with social support. The Spanish model often cited is the use of an integrated approach – combining housing relocation with employment training (the Acceder program), education support, and strong mediation. This holistic model led to many Roma becoming self-sufficient and accepted in their new communities. **Finland** provides another interesting example – though it has a small Roma population, it focuses on guaranteeing equal access to municipal housing and preventing any ethnic clustering through careful allocation policies. *Peer learning* with these countries could be beneficial. Greece could request technical assistance or twinning projects via the EU (the European Platform for Roma Inclusion facilitates exchange of best practices).

[240] Habitat for Humanity, February 2024, *op.cit.*

[241] OSF, *Main Risks Of Misusing EU Funding in The Field Of Roma inclusion*, available at: ombudsman.europa.eu

Ultimately, successful practices tend to share themes: **holistic support, participation of beneficiaries, gradual integration steps, and combating prejudices**. Adapting these to Greece could accelerate progress.

8. Ensure Temporary Sites Meet Decency Standards and Human Rights: For any organized temporary relocation that does proceed, it is vital to maintain high standards of living conditions and human rights protection there. They must truly be *"organized"* in the sense of being legal, authorized camps with proper infrastructure – not ad hoc tent cities. Each such site should have on-site management (possibly Roma mediators employed to manage community issues), policing that protects residents from any hate crimes or harassment, and unhindered access for NGOs and social workers. Basic amenities – potable water, sanitation, waste removal, electricity – should be ensured from day one. Moreover, the state should monitor these areas under the framework of the **European Charter for Fundamental Rights** and domestic law: residents remain entitled to all rights (healthcare, education, voting, etc.) and should face no arbitrary restrictions. This is important to prevent the creation of **"ghettos with inferior rights"**. Greece should also implement a moratorium on evictions of Roma from any site *unless* Article 159 procedures are followed or alternate adequate housing is provided – aligning with ECtHR jurisprudence that forced evictions without rehousing violate Article 8 ECHR.[242] By formally adopting such a moratorium, Greece can avoid situations where, for instance, a Roma camp is cleared by police and people end up on the street (a scenario CERD strongly warned against).[243] Instead, any relocation must be carried out as a structured, rights-respecting process.

9. Monitor and Evaluate Outcomes: Finally, establishing a clear monitoring and evaluation mechanism is recommended to track progress and adjust policies accordingly. Data collection on Roma housing conditions should be improved (in compliance with privacy norms) – e.g., how many Roma are living in informal settlements year by year, how many benefit from rent subsidies, how many temporary sites have closed, etc. Such indicators should feed into annual reports under the National Roma Strategy. In addition, independent evaluations (possibly with EU technical support) can identify what is working or not. For example, if a relocation pilot shows that after two years only 10% of adults have found jobs, additional measures can be introduced to address employment, recognizing that housing alone isn't a silver bullet. Continuous learning will ensure that Greece's policies remain responsive and effective.

By adopting these recommendations, Greece can move away from an emergency or ad hoc approach, towards a **proactive, rights-based approach** to Roma housing. The ultimate aim should be to eradicate the phenomenon of segregated Roma camps altogether – fulfilling the vision that all Greek citizens, Roma included, can **live in dignity in decent housing, without discrimination**. This aligns not only with European standards but with Greece's own constitutional principles of equality. Implementing best practices and avoiding past pitfalls will be key. The evidence from across the EU is that when given a real chance – decent homes in

[242] ECtHR, *Yordanova and Others v. Bulgaria* (25446/06) Judgement of 24 April 2012, available at: hudoc.echr.coe.int
[243] CERD, *op.cit.*, p.7.

inclusive communities – Roma families thrive and segregation can be broken. The challenges in Greece are serious but not insurmountable: with political will, community dialogue, and smart use of resources, the next decade could finally see the end of Roma housing deprivation in Greece, replacing shacks and tent camps with proper homes and genuine inclusion.

ANNEX IX

Roma Branches: EU Law Compliance & Desegregation Analysis

Athens 15.3.2025

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1. Roma Branches of Municipal Community Centers Near Segregated Settlements

Establishment and Purpose

With the aim of improving the social and economic situation of the Roma, "Roma Branches" were established and integrated into Community Centers. These branches represent an evolution of the Socio-Medical Centers, within the framework of the Regional Operational Programs of the Third Community Support Framework (Government Gazette B' 196) and the Roma and Vulnerable Groups Support Centers during the 2007–2013 programming period (Government Gazette B' 824). By operating in this capacity, they seek to create a central point of reference for welcoming, serving, and connecting this population with all the social programs and services offered in the intervention area.

The services included and their quality of service provision varies and may include counseling and psychological support, primary healthcare services, and targeted initiatives for education, addressing school dropout rates, promoting literacy, as well as measures to advance employment and foster social inclusion. Nonetheless, many Roma Branches have been limited to providing only access and applications to social welfare benefits. Community Centers are co-funded by the European Social Fund (ESF+)[244], offering one-stop social services; many include special "Roma branches," 56 nationwide, often located near or within segregated Roma settlements, and sometimes physically separated from the Community Centers. These branches aim to reduce social isolation and improve Roma access to welfare, housing, education, and civil registration services, often employing Roma mediators. In theory, they serve as a bridge between marginalized Roma communities and mainstream municipal services.

[244] ESF Actions Coordination and Monitoring Authority (EYSEKT), *Guide to the Implementation and Operation of Community Centres – 2024*, available in Greek at: https://www.espa.gr/el/Pages/elibraryFS.aspx?item=2606

Both the Community Centers and the Roma Branches are heavily relied on ESF+ funding, prompting a parliamentary question expressing concerns as to their continuation with the Ministry of Social Cohesion and Family responding that it has initiated the drafting of a sustainability plan in order, on the one hand, to substantiate to the European Commission the need for these services to continue operating, and on the other, to determine how the social structures will continue their operation during the programming period and after its completion.[245]

EU Charter & Race Equality Directive Compliance

Under EU law, ethnic segregation or differential treatment by public authorities can violate fundamental rights. The EU Charter of Fundamental Rights guarantees equality and non-discrimination (Article 21) and fair access to social services. The Race Equality Directive (2000/43/EC) – transposed in Greece by Law 4443/2016 – prohibits direct or indirect discrimination based on ethnic origin in social protection, education, and access to goods and services (including housing)[246]. Positive action is permitted to compensate disadvantages, but creating separate structures purely on ethnic lines is in contradiction with the essence of positive action. The principle of equality requires that Roma citizens have equal access to mainstream services without segregation. Segregation is a form of discrimination – for example, the European Court of Human Rights (ECtHR) found that authorities' failure to take anti-segregation measures for Roma pupils constituted discrimination and breached the right to education [247]. By analogy, if Roma are channeled into separate community center branches rather than included in standard services, this "parallel" setup risks breaching the duty to ensure equal, non-segregated access to public services.

Common Provisions Regulation (CPR) 2021/1060 – Funding Conditions

EU Structural Funds come with binding anti-discrimination and inclusion conditions. Article 9 of CPR 2021/1060 requires Member States and the Commission to respect fundamental rights and comply with the Charter when implementing EU-funded programs[248]. Moreover, as part of the horizontal enabling conditions, Greece must have effective mechanisms to ensure EU-funded actions do not violate the Charter (which encompasses racial non-discrimination)[249]. In practice, this means ESF-supported structures like Community Centres must not perpetuate segregation or unequal treatment. EU guidance on using European Structural and Investment (ESI) funds explicitly warns that delivering services within segregated settings is acceptable

[245] "Continue the operation of the Community Centers, Roma Branches, KEM, Structures providing basic necessities, ΚΔΗΦ, ΚΗΦΗ, SYD, and Homeless Structures, staffed by the already existing experienced and qualified personnel." Hellenic Parliament Question No. 2194/16-12-2024 Available at: https://www.hellenicparliament.gr/Koinovouleftikos-Elenchos/Mesa-Koinovouleutikou-Elegxou?pcm_id=57daefae-d620-4957-a958-b24800e7f124

[246] Migration Policy Group on Law 4443/2016 (transposition of Race Equality Directive): https://migpolgroup.com

[247] SAMPANI AND OTHERS v. GREECE (Application no. 59608/09) Available at: https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-115493%22]}

[248] CPR 2021/1060 Annex III – horizontal enabling condition on anti-discrimination: https://bridge-eu.org

[249] European Commission guidance on ESI Funds in segregated settings: https://ec.europa.eu

only if strictly temporary and geared towards desegregation. Projects in Roma settlements should "pave the way for desegregation processes" and are justified only when short-term inclusion into mainstream facilities is not feasible. This aligns with the EU's commitment that no EU money should finance ethnic segregation or ghettos. For that reason, any extension of services in segregated Roma areas must be for a very limited timeframe and must accompanied by a plan to integrate beneficiaries into mainstream society.

Jurisprudence and EU Policy on Segregation

European case law and policy underscore that separate is not equal in public services. Besides the education cases (e.g. *Sampanis* and *Lavida* cases in Greece) where ECtHR condemned the operation of Roma-only classes or schools, principles extend to other services. The ECtHR in *Lavida v. Greece* noted that the State's continuing segregation of Roma and refusal to implement anti-segregation measures amounted to unlawful discrimination. The European Commission has likewise emphasized in its Roma Framework and evaluations that Roma must have equal access to mainstream services, and that creating parallel structures can violate the Race Equality Directive's mandate of equal treatment. Notably, the Commission has pursued infringement actions against Member States for systemic Roma segregation (e.g. against the Czech Republic for school segregation), signaling that sustained separate systems may trigger EU law scrutiny.

"Segregated settlements" are defined slums and substandard housing settlements of an informal and stable nature, with physical, functional and/or social isolation, where the objective conditions related to housing, poverty and access to rights and public services are significantly worse as compared to the rest of the population.[250] The existence of municipal services designated exclusively for those areas must be assessed against this standard. If Roma branches function as the only point of access for Roma (with inferior resources or political status), that could contravene the duty to provide services in a non-segregated, non-stigmatizing manner.

Inclusion vs. Parallel Structure – Impact Analysis

It is difficult to assess whether Roma branches promote inclusion or entrench segregation. It could be argued that these branches are a form of affirmative outreach – a first contact to encourage Roma participation in social support programs. Located near Roma enclaves, they lower practical barriers (distance, trust, language) and help Roma navigate bureaucracy. Indeed, the program's intent is to "offer specialist support" to Roma and other vulnerable groups as a pathway into the social safety net. Each branch, if properly managed and staffed, provides mediation, basic services (e.g. assistance with benefit applications, child protection, health referrals), and then refers individuals to the central Community Centre or other agencies as needed. In this best-case scenario, the Roma branch acts as a bridge –building

[250] Habitat for Humanity, Addressing Housing Deprivation of Roma in Central and Eastern Europe February 2024 Bratislava

confidence and capacity so Roma clients eventually feel comfortable accessing mainstream municipal offices.

However, these branches can become or already are "ghettoized" services which provide only access to social welfare benefits. If mismanaged, they risk evolving into permanent parallel administrations for Roma effectively isolating Roma clients from general services. This can stigmatize Roma as "separate clients" and absolve mainstream services from proactively including Roma. The Roma-targeted schemes must not relieve municipalities of their general obligation to serve Roma equally, as enshrined in the Code of Municipalities[251]; segregated service points should be a last resort, not the default. Moreover, concerns exist about quality and sustainability – are Roma branches staffed and resourced on par with main community centers, and do they offer the same range of services? Any significant gap could indicate indirect discrimination in service provision.

Segregation by design?

A worrisome indicator is that the official guide of implementation of 2016[252] dictates that the Roma Branches must be foundered in the Roma settlements.[253]

What is even more troubling is that early in their conceptualization, Roma Branches were instructed to be foundered near the Roma settlements/localities by the central government

[251] Law 3463/2006 – Code of Municipalities and Communities

[252] ΟΔΗΓΟΣ ΕΦΑΡΜΟΓΗΣ & ΛΕΙΤΟΥΡΓΙΑΣ ΚΕΝΤΡΩΝ ΚΟΙΝΟΤΗΤΑΣ ΑΘΗΝΑ, ΜΑΙΟΣ 2016, pp 10-11

[253] Ad Literam the guide dictates: "A Community Center may expand its activities with Branches, so as to serve pockets of poverty, Roma camps, areas with a high concentration of migrants and beneficiaries of international protection, etc. It may also be reinforced with mobile units for the detection and servicing of individuals in remote areas.
The Branches and mobile units shall be supervised by the same services that supervise the Community Centers, namely by the Directorate of the relevant Local Government Authority (OTA), which exercises responsibilities of Social Protection through the Social Service.
The Branches and the mobile units shall provide all of the services offered by the Community Center to which they belong. In addition, the Branches may specialize in one or more services, depending on the needs of each area or target group. Finally, beyond the Branches presented below, a Community Center may establish a Branch to address the cases referred to under the heading 'Beneficiaries' in Chapter C, 'Mode of Operation – Service Provision,' of the Implementation Guide."
"Expanded Community Center with a Branch in Roma camps
In areas where Roma concentrations are found:
A. If during the previous programming period there were 'Centers for Supporting Roma and Vulnerable Population Groups' in operation, it is foreseen that those already existing structures shall continue to operate as Branches of the Community Center of the relevant Municipality. The specialties that were stipulated for staffing these structures in the previous programming period may continue to exist in the current period, while there is also the possibility of concluding a project contract to cover any extraordinary or specialized needs of the center. It is also possible, where deemed necessary—and with the approval of the Managing Authority of the relevant Region—to increase the number of employed staff in those specialties.
B. If during the previous programming period there were no 'Centers for Supporting Roma and Vulnerable Population Groups' in operation, then the potential beneficiary is in a position to request in its proposal the establishment of a Community Center with a Branch for Roma. It is recommended that the central structure of the Community Center be located in the residential/urban fabric of the Municipality, while the Branch [be located] in the Roma gathering area (settlement, etc.).
The Beneficiary—in both cases—may allocate staff of the Branch between it (the Branch) and the Central Structure, depending on the needs that arise."

itself.[254] This guidance was later updated in 2023 stipulating that *"It is recommended that the Roma Branch be located in the Roma concentration area (enclave, settlement, camp, etc.). In areas where high concentrations of Roma are found, more than one Branch may operate near the Roma concentration points.."*[255]

Additionally, a clear warning sign arises when a municipality implements an ESF+ Roma Branch near a segregated settlement, but fails to plan measures that would connect the settlement to the broader urban fabric, such as improving roads, expanding public transportation, and other necessary infrastructure. The question that should be answered always is this: Are Roma branches helping beneficiaries transition to regular services, or are they becoming an institutional trap?

Risks of Segregation and the NIMBY Syndrome

Absent an organized and time-bound desegregation plan, **Roma community center branches can inadvertently reinforce the very segregation they aim to alleviate**. By providing services *only or primarily in Roma-majority enclaves*, authorities may be sending the message that Roma are not welcome or not expected to participate in mainstream public life. This dynamic aligns with the **"Not In My Backyard" (NIMBY)** syndrome, where local non-Roma residents and even officials tacitly prefer Roma-focused facilities to be sited at the margins – out of sight and separate from the rest of the community. While a Roma branch can be justified as a means to overcome immediate accessibility barriers (distance, discrimination at the main center, etc.), it should not become a **permanent substitute for full inclusion**. If it does, it risks stigmatizing Roma users and normalizing a parallel system of inferior provision.

International human rights jurisprudence provides cautionary tales about yielding to NIMBY pressures and maintaining segregated structures. In the education context, the European Court of Human Rights (ECtHR) has repeatedly condemned segregated schooling for Roma. In *Sampanis and Others v. Greece* (2008), local Greek authorities, faced with protests by non-Roma parents unwilling to have Roma children in the regular school, established a **"special" annex school made of prefab containers for Roma pupils** in a Roma settlement[256] . This was presented as a temporary solution, but in practice it segregated Roma children from their peers. The ECtHR found this arrangement discriminatory, noting that the placement of Romani pupils in a separate facility was not educationally justified and was driven by community hostility[257]. The Court emphasized that even if called "preparatory" or temporary, such

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[254] ΟΔΗΓΟΣ ΕΦΑΡΜΟΓΗΣ & ΛΕΙΤΟΥΡΓΙΑΣ ΚΕΝΤΡΩΝ ΚΟΙΝΟΤΗΤΑΣ ΑΘΗΝΑ, ΜΑΙΟΣ 2016, pp 10-11 Available at: https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.mou.gr/elibrary/Guide_KentraKoinothtas2016.pdf

[255] ΟΔΗΓΟΣ ΕΦΑΡΜΟΓΗΣ & ΛΕΙΤΟΥΡΓΙΑΣ ΚΕΝΤΡΩΝ ΚΟΙΝΟΤΗΤΑΣ (Επικαιροποιημένος) ΑΘΗΝΑ, ΜΑΙΟΣ 2023, p. 17 Available at: https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://karpathos.gr/prosklisi-ektaktis-sinedriasis-dimotikou-symvouliou-stis-26-iouliou-2023/%3Fdownload%3D26323&ved=2ahUKEwiK5OuD0LGMAxWzSfEDHZS8BpUQFnoECBQQAQ&usg=AOvVaw1lOGPJGltfw8GDmw_55bO3

[256] ERRC Welcomes European Court Judgment on Segregated Education of Roma in Greece 06 June 2008 Available at: errc.org

[257] *ibid*

segregation violated the children's right to equal education. This case starkly illustrates how **community pressure (NIMBYism) can lead authorities to create parallel systems that breach equality standards**. The lesson is directly applicable to community centers: a "Roma branch" set up because neighbors object to Roma visiting the main center would be a similarly suspect response, likely inconsistent with the duty to ensure equal treatment.

In the housing sphere, segregated solutions have also been deemed unlawful. A notable recent example is the **European Committee of Social Rights (ECSR) decision in 2024 regarding Italy's treatment of Roma**. For decades, authorities in cities like Rome and Milan relegated Roma to isolated "campi nomadi" (nomad camps) – effectively parallel housing zones – while excluding them from mainstream social housing programs. The ECSR found Italy in **systemic violation of the European Social Charter** due to these policies, noting that Roma were subjected to *ethnically segregated living conditions in substandard camps, denied equal access to public housing, and subjected to recurrent forced evictions* .[258] It concluded that **"in practice segregation of Roma… continues to exist"** and required Italy to ensure access to **adequate, non-segregated housing** for Roma as a matter of compliance[259]. This ruling underscores that creating or perpetuating a separate channel for an ethnic minority –whether in housing or other services– is inherently discriminatory and harmful. The **two-track system** that emerged in Italy (camps for Roma vs. flats for others) parallels the potential two-track scenario of having Roma community centers versus regular community centers. The NIMBY mindset was evident: rather than confronting local opposition and integrating Roma into towns and cities, authorities chose to segregate them in designated areas.

The **risks of maintaining Roma branches without a path to inclusion** are therefore manifold:

- **Legal Risk**: The longer a Roma-specific branch operates without integration benchmarks, the more it resembles an endorsement of segregation. This could expose municipalities and states to legal challenges under EU anti-discrimination law or human rights law for maintaining segregated services. As seen in *CHEZ* and the case of Italy before ECSR, policies singling out Roma communities for different treatment can be struck down as unlawful discrimination.[260]

- **Social Stigmatization**: A permanent Roma-only center can stigmatize Roma users as a separate class of beneficiaries. It may also **reinforce prejudices** among the non-Roma public, who see that Roma "have their own center" and thus feel less obligation to interact or share community spaces. This runs counter to the goal of social inclusion.

- **Quality and Equality of Services**: Separate facilities often end up receiving less resources and oversight than mainstream ones over time. If a Roma branch is not fully

[258] 13th May 2024
Italy: Ruling on scandal of discriminatory housing policies against Roma must finally spur authorities into action amnesty.eu
[259] *ibid*
[260] Judgment in Case C-83/14 CHEZ Razpredelenie Bulgaria AD v Komisia za zashtita ot diskriminatsia europeansources.info; Amnesty International, Italy: Ruling on scandal of discriminatory housing policies against Roma must finally spur authorities into action, 13 May 2024, available at: amnesty.eu

equal in quality, range of services, staffing, and infrastructure to the main community center, Roma are effectively given a second-tier service – a clear inequality. Even if the intent is to provide equal services on-site, isolation from the broader network can mean fewer opportunities (e.g. fewer job postings or training programs reach the branch, fewer healthcare specialists, etc.).

- **Perpetuation of Ghettos**: By anchoring services in the segregated settlement, the branch may unintentionally **entrench that settlement's existence**. Residents might have less incentive or opportunity to venture out to city services if everything is kept inside the enclave. This could delay or derail efforts to encourage mobility (for instance, moving to housing in mixed neighborhoods) because the status quo becomes more tolerable or simply static.
- **Missed Integration Opportunities**: Crucially, a Roma branch that is not paired with integration efforts misses the opportunity to build inclusive experiences. For example, if Roma adults and children only use a community center in their enclave, they miss interacting with non-Roma neighbors at the main community center's events, classes, or child care programs. Integration is a two-way process; isolating Roma in separate programs means non-Roma also lose the chance to overcome stereotypes through regular contact.

In summary, **maintaining a Roma community center branch indefinitely, without a credible plan to merge or phase it out into mainstream services, risks violating both the spirit and letter of EU equality guarantees**. It can become a form of sanctioned segregation, appeasing local NIMBY sentiments at the expense of Roma rights and integration. Such an outcome would contravene the EU's foundational values of equality and dignity, and potentially expose the authorities to legal liability.

Transitional Justification: Roma Branches Only as Part of Desegregation Plans

Given the above risks, this analysis posits that **Roma community center branches are justifiable only as transitional mechanisms within a clearly defined desegregation strategy**. They should function as **stepping stones toward full integration**, not as permanent fixtures. Several key conditions must be met to ensure these branches serve a legitimate, lawful purpose aligned with EU standards:

- **Organized Strategy**: The municipality (in cooperation with national authorities and Roma representatives) must have a *comprehensive desegregation plan* envisaged in their Local Action Plans for Roma inclusion, equality and participation governing the establishment and operation of the Roma branch. This plan should identify how the branch will facilitate Roma individuals' progression into mainstream services. For example, it may outline outreach to register Roma with the main community center, preparatory programs to build trust, and measures to address any discrimination at

the main center. The plan should integrate housing, education, and employment actions – recognizing that true desegregation is multidimensional. An organized plan allocates responsibilities (which agencies/doctors/teachers are involved), resources, and support services (like transport for Roma to city facilities, intercultural training for staff, etc.) to make integration feasible.

- **Time-Bound Framework**: A crucial element is **specific timelines and benchmarks**. The desegregation plan must include a realistic but firm schedule indicating when key milestones will be achieved – and ultimately, when the separate Roma branch will no longer be needed. For instance, the plan might aim that within two years, X% of Roma branch users will also be using the main community center; within five years, the Roma settlement's population will have access to standard housing dispersed in various neighborhoods; by a certain date, the special branch will be merged into the central community center or transformed into an inclusive facility serving all local residents. Time-bound targets create accountability and prevent "mission creep" where a temporary intervention quietly becomes permanent. They also resonate with the principle of **"making sufficient progress with all deliberate speed"** in desegregation efforts (echoing desegregation jurisprudence in other contexts aei.pitt.edu).

- **Pragmatic Measures**: The plan must be *pragmatic* – meaning it is grounded in the local reality and addresses foreseeable challenges. Desegregation cannot be achieved by mere decree if underlying issues (like extreme poverty, discrimination in schools, or lack of affordable housing) are not addressed. Thus, a pragmatic plan for a Roma branch might include: securing a quota of placements for Roma in general housing programs; agreements with nearby schools to enroll Roma children and provide any necessary extra support; anti-rumor or community dialogue initiatives to reduce local resistance; and continuous monitoring of progress. For example, if the branch provides childcare or health services in the interim, the plan should prepare Roma families to use mainstream kindergartens or health clinics (perhaps by arranging group visits to those facilities, or co-locating some services). It should also contain contingency steps if milestones are not met (e.g. if housing integration stalls, what additional support or incentives can be offered). **Community involvement** is key to pragmatism – Roma community members should co-design the steps so that they are culturally appropriate and address actual needs and fears.

- **Desegregation Benchmarks**: To measure success, the plan needs clear **integration benchmarks**. These could include quantitative indicators (number of Roma families moved from segregated camps into standard neighborhoods; increase in Roma participation in city-wide programs; reduction in the number of services exclusively provided at the Roma branch) and qualitative assessments (Roma user satisfaction, perceptions of inclusion, absence of tensions). Monitoring these benchmarks allows adjustment of strategy and also demonstrates to funding bodies or oversight

authorities that the branch is indeed a transition tool. Benchmarks also help guard against complacency – if data shows little change in integration metrics after a few years, it signals that the branch might be perpetuating isolation and that new approaches are needed.

When these conditions are met, **Roma branches can serve a legitimate short-term function**: they can act as an entry point for marginalized Roma who would otherwise not access any services, while simultaneously preparing both the Roma users and the mainstream institutions for eventual integration. In such a model, a Roma branch might initially provide tailored assistance (e.g., literacy classes, ID document help, trust-building activities) to Roma who have been historically excluded. But with a plan in place, each service delivered at the branch is linked to a future transfer: for instance, health check-ups at the branch feed into enrolling patients at the public health center; tutoring programs at the branch aim to get children ready to join regular schools. **The branch's very mandate is to render itself unnecessary** by closing the gap between the Roma settlement and the rest of the municipality.

This approach aligns with EU policy best practices. It reflects the *"explicit but not exclusive targeting"* principle – acknowledging Roma-specific needs explicitly, but not creating an exclusive long-term service for them.[261] It also operationalizes the *"aiming for the mainstream"* principle –using targeted support as a bridge to mainstream inclusion.[262] The European Commission's 2019 evaluation of national Roma strategies identified *embedding targeted interventions in general frameworks so they remain temporary* as a success factor.[263] In other words, **targeted Roma branches should be embedded in (and not separate from) the overall municipal service system** and have a built-in sunset clause once equal access is attained. If municipalities can demonstrate that their Roma branch is indeed part of such an embedded, transitional scheme, they are more likely to meet EU law compliance tests. Any differential treatment (separate facility) could be defended as a proportionate means to achieve legitimate aim (full equality), *provided it truly is temporary and no less-beneficial alternative exists*. However, if these conditions are not met – for example, if a Roma branch operates indefinitely with no integration progress –it would be difficult to justify under EU non-discrimination law or to reconcile with the **prohibition of racial segregation as a form of discrimination**.

Challenges in Transitioning to Integrated Services

Transforming Roma branches from segregated outposts into fully integrated service points is challenging. First, the entrenched social segregation of Roma settlements –often isolated on the outskirts of towns– makes physical integration difficult. Roma may feel unwelcome or intimidated in city centers due to past discrimination, while some non-Roma populations harbor prejudices, creating a hostile atmosphere. Second, political and institutional inertia can obstruct merging the Roma branch into the main center. Local officials might prefer to keep

[261] EUROMA, Checklist for the Effective Inclusion of Roma interventions within European Cohesion Policy Funds programming 2021-2027, available at: https://tinyurl.com/nr2f8k72, p.28.
[262] *Ibid.*
[263] *Ibid.*

"Roma issues" separate, and attempts to close a Roma branch might spark community fears. Third, local authorities sometimes use Roma branches to showcase "inclusion" to EU funders without committing to deeper structural change. Lastly, resource dependency on EU money can be problematic: once EU-funded projects end, municipalities might let a branch service lapse or keep it as an ethnic silo rather than integrate it.

Policy Recommendations

1. *Embed Desegregation Goals.* Each Roma branch should operate under a clear mandate to foster Roma transition to mainstream services, with protocols or action plans. Progress should be tracked and reported to funding authorities.
2. *Equal Service Standards.* Ensure that the quality and scope of services at Roma branches match those of the main community centers. EU law demands no lesser treatment on ground of ethnicity.
3. *Integrated Locations & Networking.* Where feasible, situate Roma branches in a way that is visible and accessible to both Roma and non-Roma. Use mobile units for outreach but connect people back to permanent, mainstream facilities.
4. *Community Involvement.* Involve Roma community members in service design and evaluation. This participatory approach can ensure the branches address real barriers and empower Roma to advocate for improvements.
5. *Sunset Clause & Monitoring.* Treat Roma branches as temporary special measures (aligned with Art. 5 of Directive 2000/43/EC). They should not become permanent. Set benchmarks for phasing out exclusive Roma branches once certain inclusion targets are met.

In summary, Roma branches can be compliant with EU law and beneficial only if they function as a stepping-stone toward inclusion, operating under robust anti-discrimination safeguards. By reorienting them to prioritize desegregation – and heeding ECtHR and EU warnings against segregation – Greece can leverage these branches to gradually dismantle parallel systems and fulfill Roma citizens' rights to equal treatment in public services.

ANNEX X: FRONTEX FRO OPINION

FRONTEX

Warsaw, 10 July 2023

Internal decision-making
Internal ref. [redacted]

Opinion by the Fundamental Rights Officer

Greece — advice to suspend or terminate Frontex operations in Greece in accordance with Article 46(4) of the EBCG Regulation

Repeated alerts by Frontex' Fundamental Rights Officer on fundamental rights violations committed in Frontex Joint Operations in Greece

Frontex' Fundamental Rights Officer issued three Opinions in 2022 expressing serious concerns about numerous and credible accounts of ill-treatment and pushbacks of migrants on land and at sea by Greek authorities, and the risks of Frontex being indirectly or directly implicated in such fundamental rights violations.[1] In the last Opinion, from 1 September 2022, the Fundamental Rights Officer already advised the Executive Director to trigger the mechanism to withdraw the financing, suspend or terminate Frontex activities as provided for in Article 46 of the European Border and Cost Guard Regulation. Since then, the Agency has been working with the Greek authorities to put into effect measures contained in the Greek Implementation Plan to mitigate negative impacts on fundamental rights.

Violations of fundamental rights committed by Greek authorities remain frequent and of a serious nature

Frontex' Fundamental Rights Office continues to receive allegations of collective expulsion, often coupled with violence against migrants and theft of their property (so called pushbacks) from leading and credible international organisations. Such allegations are also confirmed by other actors, international and national. The Greek Ombudsman, the National Transparency Office and the Greek National Commission for Human Rights have all received and recorded such allegations.

During missions to Greece, the Fundamental Rights Office are regularly made aware of detailed allegations of pushbacks of migrants from Greek territory (including vulnerable persons, asylum seekers and persons with a refugee status), ill-treatment of migrants both at sea and at land and separation of families during the above practices.

Since September 2022, the Fundamental Rights Office has opened 22 Serious Incident procedures for Greece under Joint Operations Terra and Poseidon - a number significantly higher than for any other host member state. Incidents have included repetitive allegations, related to pushbacks, removing irregular migrants from the Greek territory, illegally and without providing them access to relevant procedures, including international protection. Serious Incident Reports have repeatedly concerned the use of violence and/or the involvement of masked persons, who are believed to be affiliated to the national authorities or at least to be working in coordination with them. The Office's investigations

[1] *Greece, on the fundamental rights situation in areas where Frontex is operating, Opinion by the Fundamental Rights Officer, 5 April 2022,* [redacted] *Greece, on the need for urgent actions related to fundamental rights situation in Frontex operational areas, Opinion by the Fundamental Rights Officer, 1 June 2022,* [redacted] *Greece, advise to suspend or terminate Frontex operations in Greece in accordance with Article 46(4) of the EBCG Regulation, 1 September 2022,* [redacted]

concluded in a large majority of the closed cases that alleged violations were likely or confirmed to have occurred. In addition to the many Serious Incident Reports during this time period, there is also one case under the complaint mechanism containing allegations of collective expulsion from Greece to Turkey in the area of the Evros river.

Serious Incidents in the past indicated patterns of behaviour, the cumulation and nature of recent cases from Evros and the Greek Aegean islands now leads the Fundamental Rights Officer to conclude that pushbacks (with other associated fundamental rights violations) are complex, well-resourced and highly coordinated, covert operations conducted systematically, rather than isolated incidents.

The Greek implantation plan and the enhanced cooperation with the Agency has not lead to changes - Greek authorities continue to deny wrongdoing, failing to address systematic fundamental rights violations **of a very serious nature,** making the situation very likely to persist

The measures in the Greek implementation plan has had no measurable impact on the practices on the ground. Allegations regarding fundamental rights violation have continued throughout the implementation of these mitigating measures.

The measures in the implementation plan were either delayed or partially implemented by the Greek authorities in a manner that was merely of procedural nature, with no real potential to achieve their aim [redacted] The ineffective use of Frontex resources and assets in the front-line border surveillance operations including in areas most affected by migration pressure and where fundamental rights violations occur, persists. Regarding the incidents in which Frontex is involved, information on follow up or [redacted], as required in the implementation plan, was not provided. Furthermore, the Fundamental Rights Office understands that in June 2023, [redacted]

modus operandi of law enforcement x3

In the context of Serious Incident investigations, the Fundamental Rights Office has observed regular denial of wrongdoing by Greek officials, despite clear incriminating evidence, formalistic and limited responsiveness to enquiries, and refusal to provide potentially decisive evidence. Moreover, the Greek authorities have regularly challenged the Fundamental Rights Officer's mandate to investigate violations of fundamental rights. At the same time, the authorities themselves have never found an officer responsible for violations communicated through the Serious Incident procedure. It should be noted that Greece has already been convicted twice by the European Court of Human Rights in the last six months for failing to effectively investigate cases of fundamental rights violations of migrants' rights (B.Y. v. Greece - application no. 60990/14, and Safi and others v. Greece - application n 5418/15).

modus operandi of law enforcement

In addition to systematically [redacted] the Fundamental Rights Office also recorded frequent cases of non-reporting of incidents or incorrect reporting in [redacted] Furthermore, the Fundamental Rights Office has on several occasions documented attempts to influence the reporting of Frontex assets in what appears to be intended to conceal incidents with impact on fundamental rights. Such practices result in mistrust.

Internal decision-making

The Agency is indirectly involved and effectively instrumentalised in fundamental rights violations committed by the Greek authorities

modus operandi of law enforcement

The Fundamental Rights Office documented cases where it is likely or proven that Frontex officers and/or assets were instrumentalised or indirectly involved in fundamental rights violations (e.g., most recently in the case reported by the New York Times in May 2023 [redacted]. Moreover, the use of Frontex detection capacities may have led to more illegal returns to Türkiye, which makes it a clear risk that Frontex' support enables the Greek authorities to violate fundamental rights even more. On these grounds, it must be concluded that Frontex support to Greece not only harms the reputation of the Agency but also, at least indirectly, enables fundamental rights violations.

For these reasons, and as stated at the Management Board meeting on 21 June 2023, the Fundamental Rights Officer considers it necessary to advise the Executive Director to trigger the mechanism to suspend or terminate Frontex activities as provided for in Article 46 of the European Border and Cost Guard Regulation and the corresponding Standard Operating Procedure.


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