

Greek Council for Refugees' Submission
to the UN Special Rapporteur's on the human rights of migrants Report
on the externalization of migration and the impact on the human rights of migrants

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The Greek Council for Refugees (GCR)¹ is a Non-Governmental Organization, founded in 1989, that specializes in the provision of free legal aid and social support to persons in need of international protection in Greece. GCR *inter alia* participates in the Greek National Commission for Human Rights (GNCHR) since 1999, has a Consultative Status in the Economic and Social Council (ECOSOC) of the UN since 2001 and is a member of the Racist Violence Recording Network (RVRN)² and the recently established Recording Mechanism of Informal Forced Returns³ under the GNCHR. GCR systematically and successfully carries out a series of institutional interventions to uphold and respect human rights and to improve the living conditions of people in need of international protection in Greece and Europe.

GCR welcomes the opportunity to provide input to the Report on externalization of migration and the impact on the human rights of migrants of the UN Special Rapporteur for the 80th session of the General Assembly. This submission highlights externalization practices in Greece.

I. The concept of 'externalization'

GCR welcomes the Special Rapporteur's clarification that the concept of "**externalization**" **can be broadly understood as** *"the process of shifting functions that are normally undertaken by a State within its own territory so that they take place, in part or in whole, outside its territory"* and the acknowledgement that

¹ Greek Council for Refugees (GCR), <https://gcr.gr/en/>

² Racist Violence Recording Network, <https://rvrn.org/en/>

³ Recording Mechanism of Informal Forced Returns, <https://nchr.gr/en/recording-mechanism.html>

“[s]uch practices may expose individuals to situations in which their human rights are not protected”.

Externalization measures can be both formal and informal. In the case of Greece, the implementation of the 2016 EU- Türkiye Joint Statement and, since 2021, the designation of Türkiye as a “safe third country” by consecutive Ministerial Decisions of the competent Ministers of Migration and Asylum, and of Foreign Affairs, form part of a formal, EU-wide policy approach on externalization. Informal forced returns (“pushbacks”), aside from highlighting a flagrant disregard for the principle of *non-refoulement*, serve as the informal component of the same externalization approach.

II. Informal Forced Returns

1. Pushbacks across the Greek-Turkish land and sea borders have been widely documented over the years and to this day, by an increasing number of authoritative bodies.⁴ “[D]uring 2020-2022, UNHCR recorded 809 incidents of ‘summary forced return’ at land and sea borders [...] involving at least 28,497 individuals”.⁵ Most recently, according to data shared with the Council of Europe Commissioner for Human Rights, UNHCR received information about “248 summary returns incidents which reportedly occurred in the first half of 2024 and has assessed and documented 166 of them as substantiated (38 at land borders and 128 at sea borders). These affected at least 4 229 persons, mainly originating from Afghanistan, Syria, Palestine, Türkiye, and Iraq, and including unaccompanied and separated children, single parent families, persons with medical needs, and pregnant women”.⁶

⁴ See *inter alia* UN High Commissioner for Refugees (UNHCR), Submission by the Office of the United Nations High Commissioner for Refugees in the case of G.R.J. v. Greece (App. No. 15067/21) before the European Court of Human Rights, 16 April 2024; Written submission to the European Court of Human Rights (Third Section) made by the Greek National Commission for Human Rights as a third party, in relation to Applications nos. 15067/21 - G.R.J. v. Greece, and 15783/21 - A.E. v. Greece, 28 March 2024; Third party intervention by the Greek Ombudsman Your letter of 14.03.2024 (ECHR-LE14.8bP3 mod) Applications nos. 15067/21- G.R.J. v. Greece, 15783/21- A.E. v. Greece; CPT, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023, 12 July 2024.

⁵ UN High Commissioner for Refugees (UNHCR), Submission by the Office of the United Nations High Commissioner for Refugees in the case of G.R.J. v. Greece (App. No. 15067/21) before the European Court of Human Rights, 16 April 2024, <https://www.refworld.org/jurisprudence/amicus/unhcr/2024/en/147997> , para. 2.2.2.

⁶ Council of Europe Commissioner for Human Rights, Memorandum on migration and border control, following the Commissioner’s visit to Greece from 3 to 7 February 2025,

2. Pushback practices are not only a violation of the non-refoulement principle. They are also violent practices carrying out life-threatening risks, risk of ill-treatment and arbitrary detention. UNHCR states that they have recorded direct accounts of people died after they had been forced to jump into the water, some without life vests, and swim to nearby shores or islets in Turkish territory, within the framework of pushback operations.⁷ Such accounts have also been documented by international media.⁸
3. From March 2022 to 18 February 2025, GCR has supported more than 1,140 individuals wishing to apply for asylum in Greece before the European Court for Human Rights (ECtHR), requesting for the individuals, amongst who many children, to be granted humanitarian assistance and access to the asylum procedure. The ECtHR granted the requested interim measures for all cases, ordering the Greek government not to remove them from the country's territory and, in the majority of the cases, to provide them with food, water and proper medical care. In 58 out of these 100 cases the persons complain they have been pushed back to Türkiye; in 33 the persons have gone missing after the Court's decision and GCR is not aware of their whereabouts; in only 24 cases were the persons concerned (or a number of them from the same case) formally arrested by the Greek authorities. It should be noted that, even from the groups that were formally arrested, the individuals complain that in the past they had been subjected to violent and informal return (pushback) from Greece to Türkiye.⁹
4. The Committee for the Prevention of Torture (CPT) of the Council of Europe, in its latest report on Greece (2024), underlined that "[...] *there is sufficient evidence to conclude that pushbacks to Türkiye have taken place and continue to take place [...]*".¹⁰
5. As noted by the Greek Ombudsman, the number of reported pushback cases represents "*the tip of the iceberg*"¹¹ and "*the 'grey number' of foreigners who are afraid to become*

<https://rm.coe.int/memorandum-on-greece-on-migration-and-border-control-following-visit-1680b5a661> , para 11.

⁷ UN High Commissioner for Refugees (UNHCR), Submission by the Office of the United Nations High Commissioner for Refugees in the case of G.R.J. v. Greece (App. No. 15067/21) before the European Court of Human Rights, 16 April 2024, <https://www.refworld.org/jurisprudence/amicus/unhcr/2024/en/147997>, para. 2.3.6.

⁸ BBC, Greek coastguard threw migrants overboard to their deaths, witnesses say, 17 June 2024, <https://www.bbc.com/news/articles/c0vv717yvpeo>

⁹ Greek Council for Refugees, GCR's Information Note on interventions and on interim measures granted by the ECtHR in cases regarding pushbacks Updated on the 18th of February 2025 , <https://gcr.gr/el/news/item/1984-information-note/>

¹⁰ Council of Europe: Committee for the Prevention of Torture, Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 November to 1 December 2023, CPT/Inf (2024) 21, 12 July 2024, <https://rm.coe.int/1680b0e4e1> , para.161.

¹¹ Greek Ombudsman, Special Report | National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA) – 2022, <https://www.synigoros.gr/en/category/ekdoseis->

formally involved in legal proceedings against the security forces should not be overlooked”.¹² In his intervention before the ECtHR, in March 2024, the Greek Ombudsman stated that “unlawful pushbacks at land and sea borders present features that do not correspond or correlate to an isolated phenomenon”.¹³

6. Equally, the Greek National Commission for Human Rights (GNCHR), on the basis of the information recorded by the Recording Mechanism of Informal Forced Returns, has underlined that informal forced returns (pushbacks) “have developed the pattern of a systematic and organized operation”.¹⁴
7. It is worth noting that the Greek Authorities have consistently denied¹⁵ or challenged all pushback allegations, which to a certain extent may also explain the lack of any effective investigation of such allegations at the national level. For instance, in the third periodic report submitted by Greece under article 40 of the International Covenant on Civil and Political Rights, the Greek state has challenged the remarks previously made by the UN Special Rapporteur on the Human Rights of Migrants on pushback practices having become a *de facto* general policy in Greece¹⁶, albeit by simply referring to what is provided and thus should be occurring upon an irregular entry based on the law.¹⁷

[ek8eseis/post/special-report-or-national-mechanism-for-the-investigation-of-arbitrary-incidents-\(emidipa\)-2022](#), p. 30.

¹² Greek Ombudsman, Special Report | National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA)– 2023, <https://www.synigoros.gr/el/category/ekdoseis-ek8eseis/post/emhdipa-or-ethsia-ek8esh-2023>, p. 61-62.

¹³ Greek Ombudsman, Third party intervention before the European Court of Human Rights in the cases G.R.J. v. Greece and A.E. v. Greece (applications nos. 15067/21 and 15783/21), 14.03.2024, <https://www.synigoros.gr/el/category/grafeio-typoy-and-epikoinwnias/post/deltio-typoy-or-parembash-tritoy-toy-synhgoroy-toy-polith-katopin-prosklhshs-toy-edda-gia-to-zhthma-twn-epanaprow8hsewn>

¹⁴ GNCHR, Written intervention by the GNCHR in the ECHR as regards the case of G.R.J. v. Greece and A.E. v. Greece, 28 March 2024, <https://www.nchr.gr/en/news/1798-written-intervention-by-the-gnchr-in-the-echr-as-regards-the-case-of-g-r-j-v-greece-and-a-e-v-greece.html>

¹⁵ See for example Council of Europe, Commissioner for Human Rights, Letter to the Minister for Citizens’ Protection of Greece, the Minister of Migration and Asylum of Greece and the Minister of Shipping and Island Policy of Greece, 3-5-2021, CommHR/DM/sf 019-2021, <https://rm.coe.int/letter-to-mr-michalis-chrysochoidis-minister-for-citizens-protection-o/1680a256ad>. As noted by the Commissioner on p.2 : “I am deeply concerned that the official reaction of the Greek authorities has often been to simply dismiss allegations of pushbacks despite the overwhelming body of evidence that has been presented in recent years”.

¹⁶ UN Special Rapporteur on the Human Rights of Migrants, Human rights violations at international borders: trends, prevention and accountability, 26 April 2022, A/HRC/50/31, <https://documents.un.org/doc/undoc/gen/g22/328/57/pdf/g2232857.pdf>, para. 32.

¹⁷ Third periodic report submitted by Greece under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2022 : International Covenant on Civil and Political Rights, available at: <https://digitallibrary.un.org/record/4020540?v=pdf>, para. 158. As noted there: “Reports indicating that the practice of so-called “pushbacks” “has been established as the *de facto* border policy” do not correspond to the real situation”.

8. The Commissioner for Human Rights, in its Memorandum on migration and border control following his visit to Greece in February 2025, noted the Greek General Prosecutor's categorical denial of systematic practices of summary returns from Greece, which contradicts the judgments of the ECtHR.¹⁸
9. On 7 January 2025, the European Court of Human Rights has issued the first ever Judgment regarding a pushback case at the Greek-Turkish Borders. In the [A.R.E. v Greece](#) case (Application no 15783/21, case legally represented by GCR), the Court found that the Applicant had indeed been sent back to her country of origin, without having been previously allowed access to the asylum procedure, and without any prior examination of the risks she would face upon return under Article 3 (prohibition of torture) of the European Convention on Human Rights (§§ 265-267, 279-284). The Court further noted that pushbacks form a “*systematic practice*” of the Greek Authorities at the Greek - Turkish land borders of Evros (§§ 216, 222-229). A request for referral of the *A.R.E. v. Greece* case to the Grand Chamber of the Court has been submitted and is currently pending.
10. Similar remarks were made by the Court with regards to the sea borders in [G.R.J. v Greece](#) (Application no 15067/21), where the Court noted an equally systematic character of ‘pushbacks’ from the Greek islands to Türkiye (§§ 190, 225).
11. Despite these legal developments, pushbacks practices have not been terminated and GCR has continued to receive complaints on alleged pushbacks. Following the [A.R.E. v Greece](#) Ruling of 7 January 2025, GCR has supported at least ten additional cases of persons alleging a risk of pushback, by filling applications for *interim measures* (Rule 39) before the ECtHR, all of which have been granted by the Court. None of the persons for whom the ECtHR granted *interim measures* has been officially arrested and registered by the Greek Authorities.
12. By early April 2025, it was also reported that the Fundamental Rights Office of the European Border and Coast Guard Agency (Frontex) was investigating twelve (12) cases of alleged human rights violations at the borders by the Greek Authorities, amongst which two (2) cases regarded incidents reported during 2025, nine (9) regarded incidents reported in 2024, and the last (1) regarded 2023.¹⁹

¹⁸ Council of Europe Commissioner for Human Rights, Memorandum on migration and border control, following the Commissioner's visit to Greece from 3 to 7 February 2025, <https://rm.coe.int/memorandum-on-greece-on-migration-and-border-control-following-visit/1680b5a661>, para 21.

¹⁹ Reuters, EU border agency reviewing 12 cases of potential rights violations by Greece, 8 April 2025, <https://www.reuters.com/world/europe/eu-border-agency-reviewing-12-cases-potential-rights-violations-by-greece-2025-04-08/>

III. Arbitrary use of the ‘safe third country’ concept

13. In June 2021, by Ministerial Decision 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- Türkiye statement. Since then, the concept has been arbitrarily applied, in breach of EU law²⁰, given that already since March 2020 Türkiye has suspended the readmission of applicants of international protection from Greece to its territory. This is notwithstanding concerns of a more substantial nature over the extent to which Türkiye meets the criteria of a “safe third country” under applicable refugee law standards.²¹
14. In March 2025, the Greek Council of State (CoS), following an Application for Annulment submitted by the Greek Council for Refugees and Refugee Support Aegean, annulled the Joint Ministerial Decision designating Türkiye as a safe third country.²² Specifically, the CoS found that *"[s]ince it is apparent from the information in the file that Türkiye has generally suspended the readmission of applicants for international protection to its territory since March 2020, the competent Greek authorities cannot, as the Court of Justice held in its judgment of 4 October 2024 in Case C-134/23, reject applications for international protection as inadmissible [...] on the ground that Türkiye is a safe third country"*.
15. Despite this Judgement, and the prior preliminary Ruling by the Court of Justice of the European Union in Case C-134/23, the competent status determination authority (Asylum Service) has failed to align its practice accordingly. Instead of providing applicants subject to the examination of their asylum applications under the safe third country concept with access to an in-merit examination of their case, the Asylum Service postponed their asylum interviews.
16. In addition, on 9 April 2025, the Greek Authorities issued a new, identical Joint Ministerial Decision, re-designating Türkiye as a "safe third country" for asylum applicants from Syria, Afghanistan, Somalia, Pakistan and Bangladesh.²³ This is despite the fact that readmissions to Türkiye remain suspended and there is thus no reasonable prospect of returning those whose applications get rejected under this provision to Türkiye.

²⁰ Namely article 38(4) Directive [2013/32/EU](#).

²¹ For more on the application of the “safe third country” concept in Greece, see relevant yearly AIDA reports on Greece, available at: <https://asylumineurope.org/reports/country/greece/>.

²² GCR, Press Release: The Council of State annuls the designation of Turkey as a 'safe third country' for asylum seekers, 27 March 2025, <https://gcr.gr/en/news/press-releases/item/to-sumvoulio-tis-epikrateias-akuronei-ton-xaraktirismo-tis-tourkias-os-asfalous-tritis-xoras-gia-aitountes-asulo/>

²³ Ministry of Migration and Asylum, Press Release, 9 April 2025, <https://migration.gov.gr/i-toyrkia-paramenei-asfalis-triti-chora-gia-toys-aitoyntes-asylo/>

17. Up until today the arbitrary and contrary to Article 38 (4) of the Procedures Directive/Article 91(5) of L. 4939/2022 application of the safe third country concept has led to a significant number of Applicants to be rejected as inadmissible, to be deprived of an in-merits examination of their asylum application and to remain in legal limbo, without access to reception conditions and health care, while also exposing them to the risk of detention.
18. Between 2022 and 2023, the applications of more than 10,000 asylum seekers were rejected as inadmissible under the safe third country concept, despite the lack of any reasonable prospect of return.²⁴ Another 3,275 asylum applications were found inadmissible on the same grounds during 2024 (2,143 at first instance and 1,132 at second instance),²⁵ despite all of the preceding developments.

²⁴ 2022: 3,409 first instance inadmissibility decisions and 2,696 second instance inadmissibility decisions; 2023: 3,454 first instance inadmissibility decisions and 1,237 second instance inadmissibility decisions, see AIDA Report on Greece, update 2023, June 2024, p. 156 and AIDA Report on Greece, update 2022, June 2023, p. 128.

²⁵ Ministry of Asylum and Migration, Informative Note December 2024 – Appendix A, https://migration.gov.gr/wp-content/uploads/2025/01/Report_A_December-2024_International-Protection_Appendix-A_NEW.pdf