

**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 the report submitted by Greece
under article 40 of the ICCPR**

The Greek Council for Refugees (GCR)¹ is a Greek Non-Governmental Organisation, founded in 1989, that specializes in the provision of legal aid and social support to persons in need of international protection in Greece. *Inter alia* GCR 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 it is a member of the Racist Violence Recording Network (RVRN)² and the recently established Recording Mechanism of Informal Forced Returns under the GNCHR.³ With the present written contribution GCR would like to provide information on selected issues in view of the 142nd session of the Human Rights Committee and the consideration of the Report submitted by Greece States parties under article 40 of the ICCPR.

Pushback practices and practices at the borders

1. Pushback practices across the Greek-Turkish land and sea borders have been widely documented over the previous years and up until today. For example, UNHCR states that “*during 2020-2022, UNHCR recorded 809 incidents of ‘summary forced return’ at land and sea borders (informally referred to as ‘pushback’) involving at least 28,497 individuals*”.⁴ In the recent 2024 Report of the Committee for the Prevention of Torture (CPT) of the Council of Europe, the CPT underlines that “[...] *there is sufficient evidence to conclude that pushbacks to*

¹ <https://gcr.gr/en/>

² Racist Violence Recording Network, <https://www.nchr.gr/en/racist-violence-recording-network.html>

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

⁴ 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



Türkiye have taken place and continue to take place [...].⁵ From March 2022 to May 2024, GCR has supported more than 820 individuals in risk of pushback and/or victims of multiple pushbacks before the European Court of Human Rights by submitting 60 Applications for Interim Measures under Rule 39, which all have been granted.⁶

2. The Ombudsman notes that the number of pushback cases reported represents “*the tip of the iceberg*”⁷ and “*the ‘grey number’ of foreigners who are afraid to become formally involved in legal proceedings against the security forces should not be overlooked*”.⁸ In its intervention before the European Court of Human Rights, 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*”.⁹ Equally, the Greek National Commission for Human Rights, on the basis of the information recorded by the Recording Mechanism of Informal Forced Returns, underlines that informal forced returns (pushbacks) “*have developed the pattern of a systematic and organized operation*”.¹⁰ It worth to be noted that Greek Authorities consistently deny all pushback allegations,¹¹ which to a certain extent may also explain the lack of any effective investigation of such allegations (see below). To this regard, it is mentioned that in para. 158 of the Third period report submitted by Greece under article 40 of the Covenant,¹² Greek Authorities are

⁵ 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.

⁶ 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 2nd of May 2024, <https://gcr.gr/el/news/item/1984-information-note/>

⁷ Greek Ombudsman, Special Report | National Mechanism for the Investigation of Arbitrary Incidents (EMIDIPA) – 2022, [https://www.synigoros.gr/en/category/ekdoseis-ek8eseis/post/special-report-or-national-mechanism-for-the-investigation-of-arbitrary-incidents-\(emidipa\)-2022](https://www.synigoros.gr/en/category/ekdoseis-ek8eseis/post/special-report-or-national-mechanism-for-the-investigation-of-arbitrary-incidents-(emidipa)-2022), p. 30.

⁸ 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.

⁹ 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>

¹⁰ 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>

¹¹ 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>, “*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*”.

¹² Third period report submitted by Greece under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2022, 13-9-2023, CCPR/C/GRC/3, para. 158, “*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*”.



directly challenging the relevant reference of the Report of the UN Special Rapporteur on the Human Rights of Migrants on pushback practices in Greece,¹³ by mentioning that this “*do not correspond to reality*”.

3. Pushback practices are not only a violation of the non-refoulment 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.¹⁴ Such accounts have also been documented by international media.¹⁵

4. Furthermore, cases of delay to search and rescue response are also reported. Pylos shipwreck (14-6-2023), one of the deadliest shipwrecks in the Mediterranean sea, with hundreds of dead and missing,¹⁶ occurred 15h and 31minutes after the initial information received by the Greek Authorities with regards the situation of the vessel.¹⁷ FRONTEX FRO found that the Greek Authorities declared the SAR operation only when the boat was capsized, “*i.e. when it was too late to rescue all the migrants. In the hours prior to the shipwreck, the authorities deployed insufficient and inappropriate resources to assist the migrants considering the number of persons aboard*” and added that “*the resources mobilized by the authorities during the day (including merchant vessels and HCG helicopters) were not sufficient for the objective of rescuing the migrants. Judging from the resources actually deployed, as well as based on some migrant testimonies, it appears that the authorities immediate focus prior to the shipwreck was not rescue*”.¹⁸ Moreover, the Frontex screening team, which conducted interviews with the survivors has reordered that “[s]everal migrants described attempts to tow them from what they presumed was a Hellenic Coast Guard vessel”.¹⁹

¹³ 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, where mentioned “*In Greece, pushbacks at land and sea borders have become de facto general policy*”.

¹⁴ 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.

¹⁵ BBC, Greek coastguard threw migrants onboard to their deaths, witnesses say, 17 June 2024, <https://www.bbc.com/news/articles/c0vv717yvpeo>

¹⁶ IOM, Missing Migrants Project, https://missingmigrants.iom.int/migrant-incident-report?main_id=2023.MMP0412

¹⁷ Refugees Support Aegean, Timeline of the Pylos Shipwreck: 13 and 14 of June 2023, <https://rsaegean.org/en/pylos-timeline-archive/>

¹⁸ FRONTEX, FINAL SI REPORT SIR 12595/2023, 1-12-2023, <https://rsaegean.org/wp-content/uploads/2024/02/Pylos-Frontex-Incident-Report.pdf>, p.15-16.

¹⁹ *Ibid*, p. 9.



5. To this regard, it should be mentioned that in 2022 in *Safi and others v. Greece*, application no 5418/15, 7-7-2022, with regards the shipwreck of a fishing boat leading to the death of 11 refugees, including young children and women, the European Court of Human Rights found a violation of the substantive limb of Article 2 ECHR due to the failure of the Authorities to conduct a timely and effective search and rescue operation, *inter alia* delays in initiating the operation, use of inappropriate operation means (high-speed pursuit craft unequipped for rescue operations) and a number of oversights of the conduct and organisation of the operation, which according to the Applicants was not a SAR operation but a pushback one. In January 2024, the European Court of Human Rights found again a violation of the substantive limb of Article 2 ECHR due to a Hellenic Coast Guard operation at the borders. The Court found that Greece had not complied with its obligation to introduce an adequate legislative framework governing the use of potentially lethal force in the area of maritime surveillance operations and the operation in question had not been conducted in such a way as to minimize the use of lethal force and the possible risks to the life of the applicants' relative, ECtHR, *Alkhatib and Others v. Greece*, application no. 3566/16, 16-1-2024.
6. **Ineffective investigation:** Despite this background of *credible, consistent* and *numerous* allegations on pushback practices at the Greek-Turkish land and sea borders, no case has been effectively investigated by any Greek Court and the Greek penal justice system.

As it transpires from the official data submitted before the Greek Parliament, all cases for which a criminal investigation has been initiated by Greek Public Prosecutors of domestic Criminal Courts²⁰ (after the submission of a criminal complaint or *ex officio*), have been either archived following a preliminary investigation conducted by the Public Prosecutor (no criminal charge have been initiated against law enforcement bodies or other persons²¹ and *a fortiori* no case has been referred to a Court for a hearing) or they are still pending.²² Equally, no criminal charges have been brought in any case examined involving the potential criminal liability of the personnel of the Hellenic Cost Guard. Out of the total 123 pushback cases which have been investigated by the Public Prosecutor Office of the Piraeus Naval Court²³ between 1 January 2019 and 11 March 2024, 97 were archived, 22 are pending and 4 cases have been referred to other competent authorities according to jurisdiction.²⁴ This is a pattern of ineffective investigation of pushback allegations by domestic Court.

²⁰ Competent for examining criminal cases against the police and civilians.

²¹ There have been some cases where criminal charges were initiated against unknown perpetrators and, thus, they were also archived (in the archive of unknown perpetrators).

²² Reply of the Ministry Justice to the Parliamentary Question No 6153/31-07-2024, https://www.hellenicparliament.gr/Koinovouleftikos-Elenchos/Mesa-Koinovouleutikou-Elegxou?pcm_id=99b2a984-b843-4271-9904-b1be00f12542

²³ Competent for examining criminal complaints submitted against Hellenic Coast Guard personnel.

²⁴ Information provided by the Greek Government to the European Court of Human Rights within the framework of the examination of the *A.E. and others v. Greece* case (application no 15783/21).

7. At the same time a large number of Applications are now pending before the European Court of Human Rights. In June 2024, the European Court of Human Rights has for the first time held an oral hearing with regards two cases, *G.R.J. v. Greece* and *A.E. v. Greece* (applications nos. 15067/21 and 15783/21), which concerned alleged pushbacks for the island of Samos and the Greek-Turkish land borders of Evros river.²⁵ *A.E. v. Greece* case is supported by GCR.
8. Moreover, and despite relevant commitment of the Greek Authorities no Independent Border Monitoring Mechanism is in place. The Fundamental Rights Officer established within the Ministry of Migration and Asylum (MoMA) has been long criticized, including by the Greek Ombudsman and the Greek National Commission for Human Rights, due to the lack of independence, impartiality (the FRO is appointed by a Committee in which the personnel of the Administration/Ministries involved hold the majority) and effectiveness.²⁶ As of the National Transparency Authority (NTA) to which the Government refer allegation of pushbacks for investigation, the findings of the UN Special Rapporteur on human rights defenders, that NTA “*is not equipped to conduct independent investigations into the management of migration flows*” should be highlighted.²⁷
9. Finally, the situation human rights defenders working with migrants and asylum seekers and in particular those assisting victims/potential victims of pushbacks is a matter of concern. As noted *inter alia* by the UN Special Rapporteur on human rights defenders they are “*subjected to smear campaigns, a changing regulatory environment, threats and attacks and the misuse of criminal law against them*”.²⁸ In

²⁵ ECtHR, Press Release: Chamber hearing in the cases *G.R.J. v. Greece* and *A.E. v. Greece*, 04/06/2024, <https://hudoc.echr.coe.int/eng-press?i=003-7962917-11102548>

²⁶ Rule of Law Backsliding Continues in Greece - Joint Civil Society Submission to the European Commission on the 2023 Rule of Law Report, January 2023, https://rsaegean.org/wp-content/uploads/2023/01/RoL2023_JointSubmission_CS0_Greece.pdf, paras. 80-84 & Greece in Institutional Decline - Joint Civil Society Submission to the European Commission on the 2024 Rule of Law Report, January 2024, https://rsaegean.org/wp-content/uploads/2024/01/RoL2024_JointSubmission_CS0_Greece.pdf, paras. 108 -1; see also 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, para. 2.5.3.

²⁷ UN Special Rapporteur on human rights defenders, ‘Statement on preliminary observations and recommendations following official visit to Greece’, 22 June 2022, <https://srdefenders.org/statement-on-preliminary-observations-and-recommendations-following-official-visit-to-greece/>; see also Rule of Law Backsliding Continues in Greece, *ibid.*, para. 62 & Greece in Institutional Decline, *ibid.*, para.98-103.

²⁸ Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor - Visit to Greece (A/HRC/52/29/Add.1), 2 March 2023, <https://srdefenders.org/country-visit-report-greece/>, para. 114 and more recently on criminal investigations intimated against Human Rights Defenders, <https://srdefenders.org/greece-criminal-investigations-opened-against-human-rights-defenders-panayote-dimitras-tommy-olsen-madi-williamson-and-ruhi-akhtar-joint-communication/> (2-3-2023) and <https://x.com/MaryLawlorhrds/status/1796128631355318338> (30-5-2024); see also European Commission, 2024 Rule of Law Report Country Chapter on the rule of law situation in Greece, 24 July 2024, available at: https://commission.europa.eu/document/download/6741f4b2-6a10-44ba-b40c-97a5a38e6827_en?filename=21_1_58062_coun_chap_greece_en.pdf, p. 32-33; GNCHR, *Statement of*



September 2023, the Athens Bar Association has issued a Legal Opinion in order to clarify that lawyers providing legal advice and assistance to persons arriving in Greece and wishing to apply for international protection can in no way be considered as facilitating irregular entry or stay.²⁹

Asylum Procedure & Safe Third Country concept

10. Without underestimating the high international protection recognition rate in those asylum applications in which an in merit examination has been conducted,³⁰ which also demonstrates the mainly refugee-like profile of persons arriving in Greece, a number of administrative obstacles introduced by L. 4636/2019 and successively by L. 4636/2022, has as a result a considerable number of applications to be rejected without an in-merit examination or on formal grounds.³¹ No legal aid is provided at first instance. A registry of lawyers operating under the Ministry of Migration and Asylum provides free legal aid in second instance asylum procedures. However, out of the total number of 10,973 Appeals submitted before the Appeals Committees in 2023,³² free legal aid has been provided in 5,915 cases (53.9%).³³
11. Greek Authorities continue to apply the safe third country concept pursuant to the Joint Ministerial Decision No 42799, Gov. Gazzete B' 2425/07-06-2021 - successively renewed-³⁴ by which Türkiye has been qualified as a safe third country for applicants whose country of origin is Syria, Afghanistan, Somalia, Pakistan and Bangladesh. However, already since March 2020 and “*without this being likely to change in the near future*”, as also acknowledge by the Greek Authorities³⁵ and the

[22 April 2024 on human rights defenders working with migrants and asylum seekers, https://www.nchr.gr/ta-nea-mas/1743-dilosi-eeda-gia-tous-yperaspistes-anthropinon-dikaiomaton-pou-drastiriopoiyntai-sto-prosfygiko-metanasteftiko.html](https://www.nchr.gr/ta-nea-mas/1743-dilosi-eeda-gia-tous-yperaspistes-anthropinon-dikaiomaton-pou-drastiriopoiyntai-sto-prosfygiko-metanasteftiko.html) (in Greek).

²⁹ Athens Bar Association, Legal Opinion No 143 (on the provision of legal assistance to newly arrived third country nationals), 11-9-2023, <https://elenaforum.org/greece-athens-bar-associations-interpretation-of-the-greek-bar-code-on-guaranteeing-the-lawyer-asylum-applicant-relationship-without-criminalisation/>.

³⁰ A total of 64,212 asylum applications have been registered in 2023. The three first nationalities of asylum seekers applied in 2023 were Syrians (14,015), Afghans (9,488) and Palestinians (6,736). The overall in-merit recognition rate (first instance) in 2023 was 76.65%, AIDA Report on Greece, Update 2023, June 2024, https://asylumineurope.org/wp-content/uploads/2024/06/AIDA-GR_2023-Update.pdf, pp. 9-11.

³¹ Out of the total 52,314 Decisions issued in 2023, in 3,454 cases the application has been rejected as inadmissible pursuant to the safe third country concept and in 9,938 cases the examination has been interrupted and the case has been archived due to implicit withdrawal, see Ministry of Migration and Asylum, Statistical Data December 2023, https://migration.gov.gr/wp-content/uploads/2024/01/Report_A_December-2023_International-Protection_Appendix-A_NEW.pdf, p. 8.

³² Ministry of Migration and Asylum, Statistical Data, December 2023, https://migration.gov.gr/wp-content/uploads/2024/01/Report_A_December-2023_International-Protection_Appendix-A_NEW.pdf, Table 10b

³³ Communication from Greece, Communication/Updated Action Plan MSS (application number 30696/09) group of cases v. Greece, DH-DD(2024)934, 20 August 2024, [https://hudoc.exec.coe.int/ENG?i=DH-DD\(2024\)934E](https://hudoc.exec.coe.int/ENG?i=DH-DD(2024)934E)

³⁴ JMD 458568, Gov. Gazette B' 5949/16-12-2021, JMD 734214, Gov Gazette B' 6250/12-12-2022, JMD 538595, Gov Gazette B' 7063/15-12-2023.

³⁵ See CJEU, Case C-134/23, Opinion of Advocate General, 13 June 2024, para. 16.

European Commission³⁶, the Turkish authorities have unilaterally suspended readmissions under the EU – Turkey Statement.

12. **Safe Third Country concept:** By a 2021 Joint Ministerial Decision Türkiye has been qualified as a ‘safe third country’ for applicants whose country of origin is Syria, Afghanistan, Somalia, Pakistan and Bangladesh.³⁷ Since March 2020 any readmissions to Türkiye of applicants for international protection whose applications have been deemed as inadmissible on the basis of the concept of ‘safe third country’ have been ceased, “without this being likely to change in the near future”, as also acknowledge by the Greek Authorities.³⁸ Despite the above, Greek Authorities continue to reject Applicants originated from Syria, Afghanistan, Somalia, Pakistan and Bangladesh as inadmissible pursuant to the ‘safe third country’ concept vis-a vis Türkiye.³⁹ In 2022 and 2023, more than 10,000 inadmissible decision have been issued at first and second instance.⁴⁰
13. Furthermore, Greek Authorities do not apply Article 38(4) of the Directive 2013/32/EU (Article 91(5) L. 4939/2022) and do not provide an in-merit examination to Applicants whose applications have been deemed inadmissible.⁴¹ The only available possibility for Applicants rejected as inadmissible is to submit a new subsequent application for international protection. In accordance with the procedural rules applied, said subsequent application may be considered admissible under the conditions that “new” and “substantial” elements or findings have arisen or been presented by the applicant.⁴² Moreover, any subsequent asylum application after the first is subjected to a 100 euros fee.⁴³ The practice of applying the safe third country concept despite the lack of prospect of readmission to said third country is now under consideration by the CJEU in the Case C-134/23, supported by GCR and Refugee Support Aegean (RSA).

³⁶ European Commission and High Representative of the Union for Foreign Affairs and Security Policy, Joint Communication to the European Council: State of play of EU-Türkiye political, economic and trade relations, 29 November 2023.

³⁷ JMD 42799, Gov. Gazzete B' 2425/07-06-2021, successively renewed by JMD 458568, Gov. Gazette B' 5949/16-12-2021, JMD 734214, Gov Gazette B' 6250/12-12-2022 and JMD 538595, Gov Gazette B' 7063/15-12-2023.

³⁸ See CJEU, Case C-134/23, Opinion of Advocate General, 13 June 2024, para. 16.

³⁹ For a detailed analysis see PRO ASYL and Refugee Support Aegean (prepared by Minos Mouzourakis), The Concept of “Safe Third Country” Legal Standards & Implementation in the Greek Asylum System, February 2024,

<https://www.refworld.org/reference/research/acadothers/2024/en/147678>

⁴⁰ 2022: 3,409 first instance inadmissibility decisions and 2,696 second instance inadmissibility decisions; 2023: 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, https://asylumineurope.org/wp-content/uploads/2023/06/AIDA-GR_2022-Update.pdf, p. 128

⁴¹ See also Third period report submitted by Greece under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2022, 13-9-2023, CCPR/C/GRC/3, para. 182, “In-merit asylum procedures are not available to applicants not readmitted to Turkey [...]”.

⁴² Article 94(2) L. 4939/2022

⁴³ Article 94(10) L. 4939/2022

14. This practice has as a result those rejected on admissibility grounds to remain in prolonged legal limbo. Asylum seekers whose application is terminated as inadmissible, they are not entitled to legally stay on the territory and they face the risk of detention. In addition, they are deprived any reception conditions, access to healthcare and/or any other benefit foreseen for asylum seekers and they face the risk of being exposed to destitution and/or degrading living conditions.

Detention

15. The number of third country nationals in administrative detention remains high. According to the official statistics, during 2023 a total number of 19,003 persons have been detained in Pre-Removal Detention Facilities (PRDFs) across the country. On 31 December 2023 a total number of 2,325 third-country nationals remained in administrative detention. Out of those 2,064 were detained in PRDFs and 261 third-country nationals were detained in police stations or other police facilities countrywide. Out of the total 2,064 persons detained in PRDFs at the end of 2023, 1,003 persons (48.59%) were asylum seekers. Moreover, on 31 December 2023, 33% of persons detained in PRFCs, had been in detention for a period exceeding six (6) months.⁴⁴
16. Although the number of persons detained during the past few years remains high, this has not been mirrored by a corresponding increase in the number of forced returns. With a total number of 20,540 detention orders following a removal decision issued in 2023, the total number of forced returns was in 2023 (14.07%) 2,892, out of which vast majority concerns only one nationality (citizens of Albania, 68.15%). This number is another indication of the lack of proper individual assessment and the failure to apply the proportionality test before resorting to detention.⁴⁵
17. A 2020 amendment in L. 3907/20211 with regards the Return of third country nationals residing irregularly on the territory, reversed the rule that detention in view of removal should only be applied as a “last resort”, by removing the obligation to first examine alternatives to detention, thus making detention the default option.⁴⁶ This amendment is not in line with Article 15 of EU Return Directive and international standards. In July 2024 a draft law tabled to the Parliament, foreseen the obligation to examine alternatives to detention before issuing a detention order in view of return. However this provision has not been incorporated in the final piece of legislation adopted by the Parliament.⁴⁷ L. 4636/2019 and successively L. 4939/2022 introduced extensive maximum time limits for the detention of asylum seekers. According to said provisions,⁴⁸ the detention of an asylum seeker may be

⁴⁴ AIDA, Report on Greece, update 2023, June 2024, pp. 225-226 & Information provided by the Directorate of the Hellenic Police, 18 January 2024.

⁴⁵ AIDA, Report on Greece, update 2023, June 2024, pp. 225-226 & Information provided by the Directorate of the Hellenic Police, 18 January 2024.

⁴⁶ Article 51 L. 4686/2020

⁴⁷ Draft Law of the Ministry of Justice tabled on 22-7-2023 (Article 46) and L. 5130/2024 voted on 2-8-2024 (Gov. Gazette A 127/2024).

⁴⁸ Article 50 L. 4636/2019 and successively Article 50 of L.4939/2022.



prolonged up to a maximum of 18 months, not including the maximum detention period of 18 months which may be imposed in view of removal.⁴⁹ Thus, the total detention period of a third country national within the migration context may reach 36 months (18 months while in the asylum procedure + 18 months in view of removal). Moreover, the detention of those whose removal is not feasible, including in view of readmission to Türkiye, remains a matter of concern.⁵⁰

18. Furthermore, Article 40 L. 4939/2022 provides that all persons in mainland Reception and Identification Centers (RICs) or Closed Controlled Access Centers (CCACs) on the islands are subject to an up to 25-day “*restriction of their personal liberty within the premises of the RIC/CCAC*”. The measure applies to all newly arrived persons on the islands and all persons willing to apply for asylum on the mainland, as registration of new asylum application on the mainland only takes place in 2 RIC facilities (RIC of Malakasa and RIC of Diavata) and in practice amounts to a **de facto** detention measure applied in a generalized, indiscriminate manner. The duration of this *de facto* detention measure in practice depends on the registration capacity/workload of the relevant Authorities.⁵¹ An infringement letter has been sent to the Greek Authorities by the EU Commission on the ground that this provision leads to blanket and **de facto** detention of asylum seekers, while in accordance with EU law, the detention of asylum seekers can only be imposed exceptionally and under the condition that one of the grounds prescribed in Directive 2013/33/EU is met.⁵²
19. **Detention conditions** remain a matter of significant concern, in particular by taking into consideration that in many case detention is applied for prolonged periods. Let alone that detention in police station is still applied, conditions in PRDFs do not meet basic standards. As again underlined by the CPT, which during the most recent visit of the Delegation visited 6 out of 7 PRDFs in Greece, in most PRDFs third country nationals are detained in “*prison-like conditions*”. In addition, “*the facilities were not appropriately adapted for the detention of foreign nationals. Many cells or rooms had broken doors, windows, heating systems and/or beds. In several centres sanitary facilities were in a poor state of maintenance and detained persons were usually not provided with detergent to clean their cells and received insufficient hygiene products to keep their clothes and themselves clean. One general complaint received in all detention centres that was also observe by the delegation was the lack of sufficient and suitable clothing adapted to the season. Much of the accommodation areas were infested with cockroaches and bed bugs. Several centres did not regularly provide heating and warm water [...] In all the PDRCs and special holding facilities, there was a total lack of any purposeful or recreational activities on offer. Further, the centres were not staffed with suitably qualified personnel [...] Healthcare services often remained insufficient to meet the*

⁴⁹ Article 30 L. 3907/2011.

⁵⁰ AIDA, Report on Greece, update 2023, June 2024, p. 229.

⁵¹ AIDA, Report on Greece, update 2023, June 2024, pp. 230-231.

⁵² European Commission, **January Infringements package: key decisions**, 26 January 2023, https://ec.europa.eu/commission/presscorner/detail/en/inf_23_142

needs of the persons detained". The Delegation also received "once again" credible and consistent allegations of deliberate physical ill-treatment by police officers.⁵³

20. **Procedural Guarantees in detention.** Persons in detention are not sufficient informed of the content of the Decisions received, the grounds of their detention, their rights and their situation in a language they could understand, as -as a rule- no interpretation is available in detention facilities.⁵⁴

In addition, no free legal aid scheme to challenge detention/return decision and most persons in detention they do not have the change their case to be examined before a Court. Out of a total number of 24,174 detention orders (in return/deportation and asylum procedure) issued in 2023, a total of 5,001 Objections against Detention –domestic remedy to challenge detention- have been submitted before domestic Courts (20.7%).⁵⁵ The fact that national legislation provides that in any event Detention Orders prolonging the detention should additionally automatically (*ex officio*) reviewed by a Court every three months does not counter-balance the lack of effective access to Courts to challenge detention. In practice this *ex officio* review remains theoretical and ineffective, as corroborated by official data. In 2023 out of the total 6,369 Detention Orders transmitted for review, it was only a percentage of 0.5% (25 Orders) which have not been approved by domestic Courts.⁵⁶

Moreover, the law provides that an administrative appeal can be submitted against a return/deportation decision, which is also a precondition in order a person to challenge his/her removal before Courts. In 2023, out of the total number of return and deportation decision issued (29,869) it was only 367 decisions challenged by an administrative Appeal (1.2%).⁵⁷

Living Conditions of asylum seekers

Islands

21. **Conditions in the CCACs:** Prevailing conditions in the new EU funded Multi-Purpose Reception and Identification Centers (MPRICs) in the Eastern Aegean Islands, officially known also as Closed-Controlled Access Centers (CCACs), include barbed-wired fencing, extensive surveillance systems and security

⁵³ CPT Report to the Greek Government 2024, para. 19, 25 and p. 3

⁵⁴ Council of Europe: Committee for the Prevention of Torture, *ibid*, para. 32

⁵⁵ RSA, Immigration detention in Greece in 2023, May 2024, https://rsaagean.org/wp-content/uploads/2024/05/2024-05_RSA_Detention2023_EN.pdf, in practice an even lower number of detainees had access to justice as a person in detention may submit Objections against detentions against any Detention Order which is issued every 3 months (in removal procedure) or 50 days (in asylum procedure). Thus the total number of Objections against detention submitted per year may refer to a lower number of detainees.

⁵⁶ AIDA, Report on Greece, update 2023, June 2024, p. 239

⁵⁷ RSA, Immigration detention in Greece in 2023, *ibid*.

controls.⁵⁸ There have been also disproportionate limitations to CCACs residents' freedom of movement⁵⁹, while also arbitrary de facto detention practices were implemented⁶⁰ that were deemed illegal by competent national Courts' decisions⁶¹.

22. As found by the European Ombudsman's decision following an own initiative inquiry on how the European Commission ensures respect of fundamental rights in EU funded migration management facilities in Greece, "[t]he external fencing and surveillance infrastructure do not create a physical environment conducive to wellbeing and are, rather, reminiscent of detention facilities. The external and internal fences may also have negative health (including mental health) consequences on vulnerable migrants and those who have fled difficult circumstances. It is questionable how respect for human dignity and protection of the best interests of the child and of vulnerable individuals can be ensured if residents are forced to stay in such an environment".⁶² The above concerns vis-à-vis conditions in the island CCACs, including their detention-like nature, prompted the EU Ombudsman to recommend for a fundamental rights impact assessment to be carried out by the EU Commission with respect to their operation.⁶³

⁵⁸ See OXFAM & GCR, New report uncovers stories from "prison-like" EU funded refugee center, 6 March 2022, <https://www.oxfam.org/en/press-releases/new-oxfam-report-uncovers-stories-prison-eu-funded-refugee-center>; GCR, *The new Closed Controlled Facility in Samos: An isolated 'modern prison'?*, November 2021, <https://www.gcr.gr/el/ekdoseis-media/reports/item/1839-i-nea-kleisti-elegxomenidomi-samou-mia-apomonomeni-sygxroni-fylaki> (in Greek); GCR and OXFAM, *Contribution to the European Ombudsman's own-initiative inquiry OI/3/2022 MHZ on how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece*, 9 March 2023, <https://www.ombudsman.europa.eu/en/doc/correspondence/en/167055>; RSA, *What is happening today in the refugee structures on the Aegean islands: Serious problems in the EU-funded structures*, May 2023, <https://rsaegean.org/wp-content/uploads/2023/05/ccac-aegean-islands-greece.pdf>; Amnesty International, *Greece: Samos: "We feel in prison on the island": Unlawful detention and sub-standard conditions in an EU-funded refugee centre*, 30 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/greece-unlawful-detention-on-samos-must-not-become-the-blueprint-for-the-eu-migration-pact/>

⁵⁹ According to the General Regulation for the Operation of Closed Controlled Access Centers (CCACs), entry-exit for residents of the CCACs is only allowed between 7am to 9pm. Article 7 (2) of the Regulation stipulates that "for as long as" third country nationals and stateless persons reside in the CCACs, "they shall enjoy the right of entry and exit from the CCAC during the hours specified in a decision of the Head of the Reception and Identification Service, which shall apply uniformly to all the CCACs of the territory and shall move freely in predetermined areas so as to not obstruct the proper functioning of the CCAC".

⁶⁰ Amnesty International, *Greece: Asylum Seekers Being Illegally Detained in new EU-funded camp*, 2 December 2021, <https://www.amnesty.org/en/latest/news/2021/12/greece-asylum-seekers-being-illegally-detained-in-new-eu-funded-camp/>

⁶¹ GCR, *The Administrative Court of Syros ruled unlawful the measure of prohibiting the exit of an Afghan asylum seeker from the new CCAC of Samos*, 20 December 2021, <https://www.gcr.gr/en/news/press-releases-announcements/item/1867-the-administrative-court-of-syros-ruled-unlawful-the-measure-of-prohibiting-the-exit-of-an-afghan-asylum-seeker-from-the-new-closed-controlled-access-facility-of-samos-cf-samos>

⁶² 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*, 11 July 2022, para 48, <https://www.ombudsman.europa.eu/en/decision/en/170792>

⁶³ *Ibid*, Suggestions 3.

23. Additionally, according to the recently issued report of the Committee for the Prevention of Torture (CPT) following its own delegation visit to Greece, the excessive security in the CCACs makes these facilities “*unsuitable for accommodating children and persons in a vulnerable situation*” and “*the use of barbed wire on the multiple perimeter security fences surrounding each section of the CCACs, including those accommodating families, women, children and persons with special needs and vulnerabilities, is excessive and unnecessary, and should be removed*” and make these facilities.⁶⁴
24. **Challenges related to the safety and compliance with basic standards:** Poor or inhuman and degrading conditions and/or uninhabitable housing units, no functioning sanitary facilities and insufficient availability of electricity, hot water, heating or cooling, as well as concerns with regards to hygiene and the safety of vulnerable groups have been reported since the beginning of the operation of the CCACs.⁶⁵ The CPT found that the CCACs on the islands “*face significant shortcomings, and the basic reception and protection needs of applicants for international protection are often not met*”.⁶⁶ Moreover, the CPT delegation, during the visit at the Kos and Samos CCACs, observed that “*when the number of asylum seekers arriving on the islands increases, the [reception] systems break down quickly and many persons find themselves being subjected to treatment which could be described as inhuman and degrading*”.⁶⁷
25. The Greek Ombudsman notes the number of complaints received with regards Samos CCAC from September 2023 onward and in particular in the light of the sharp increase in the number of new arrivals. The complaints referred to a resident population of 4,000 people living in substandard conditions: unsuitable accommodation without beds; residents, including single women with minors and unidentified men, were sleeping unregulated in unsuitable accommodation without beds; prolonged water outages and limited access to water, a problem that first occurred in the summer of 2022; inadequate food supplies and poor sanitation facilities, posing a health risk to residents.⁶⁸ The Greek National Commission for human rights following a field visit in February 2024 in Samos CCAC has identified mainly the same issues of concern: overcrowding; single women and single parent

⁶⁴ CPT Report to the Greek Government 2024, paras 105-106.

⁶⁵ See GCR and OXFAM, Contribution to the European Ombudsman's own-initiative inquiry OI/3/2022 MHZ on how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece, 9 March 2023, <https://www.ombudsman.europa.eu/en/doc/correspondence/en/167055>; RSA, What is happening today in the refugee structures on the Aegean islands: Serious problems in the EU-funded structures, May 2023, pp. 11, 20, 24, 31, <https://rsaegean.org/wpcontent/uploads/2023/05/ccac-aegean-islands-greece.pdf>

⁶⁶ CPT Report to the Greek Government 2024, p. 4

⁶⁷ *Ibid.*

⁶⁸ Greek Ombudsman, *The Challenge of Migratory Flows and Refugee Protection - Reception Conditions and Procedures*, April 2024, p. 31, <https://www.synigoros.gr/en/category/default/post/ek8esh-or>



families with minor children sleeping in the floor in mix accommodation with unrelated men; limited access to water; no doctor present at the CCAC.⁶⁹

In the autumn of 2023, hundreds of asylum seekers, including children, slept out in the open on Rhodes island, until they were transferred to facilities on the nearby islands of Kos and Leros or in the mainland.⁷⁰ On Kos and Leros, due to new arrivals the centers remained overcrowded until the end of the year in spite of continued efforts by the authorities to decrease the number of residents.⁷¹ Additionally, over the last year, there has been a significant increase of arrivals in South-western Greece (i.e. Crete island, Gavdos island, etc), where no Reception and Identification Centers or any other form of migration/accommodation infrastructure exist.⁷² The authorities have been proven unable to effectively manage the situation, leaving people for days or even weeks in miserable conditions and bypassing the reception and identification procedures provided by law or even arbitrarily submitting people to automatic detention.

26. The Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence, in its country monitoring, expressed concerns regarding the implementation of the Istanbul Convention, specifically by highlighting security risks for women when accessing sanitary facilities in the Mavrovouni reception facility on Lesbos island.⁷³ Additionally, the CPT found that "[n]o proper assessment of special needs and vulnerabilities or medical screening was being carried out upon arrival at the CCACs visited".⁷⁴ FRA also observed that "vulnerability assessments, even if part of the procedure, as in Greece, do not cover every woman at times of large arrivals, often due to shortages of medical staff".⁷⁵

27. Particularly amidst the increased number of arrivals in the latter half of 2023, ongoing challenges with respect to the ability of the island CCACs have been further accentuated, while a number of **Interim Measures** were granted by the ECtHR in 2023 and 2024. On 18 September 2023, the ECtHR granted interim measures in a case concerning a vulnerable single mother, survivor of gender-based violence, and her heart-diseased 6 months-old daughter, who remained **de facto** detained and in inadequate for their vulnerabilities living conditions in the

⁶⁹ GNCHR, On-site visit to Samos: Reception conditions at the KED Samos do not meet basic standards, 9 April 2024, <https://www.nchr.gr/ta-nea-mas/1735-epitopia-episkepsi-eeda-sti-samo-mi-symfones-me-ta-vasika-protypa-oi-synthikes-ypodoxis-stin-ked-samou.html> (in Greek).

⁷⁰ FRA, Fundamental Rights Report 2024, 5 June 2024, p. 104, <https://fra.europa.eu/en/publication/2024/fundamental-rights-report-2024>

⁷¹ *Ibid.*

⁷² See RSA, Crete and Gavdos have no reception and identification procedures despite the increased arrivals, <https://rsaegean.org/en/arrivals-crete-gavdos/>; Reuters, Greece pledges to help islands of Crete, Gavdos handle surge in migrant arrivals, 1 April 2024, <https://www.reuters.com/world/europe/greece-pledges-help-islands-crete-gavdos-handle-surge-migrant-arrivals-2024-04-01/>

⁷³ FRA Report 2024, *ibid.*, p. 106.

⁷⁴ CPT Report to the Greek Government 2024, p.5.

⁷⁵ FRA Report 2024, *ibid.*, p. 106.



Samos CCAC with no access to appropriate medical care, pending reception and identification procedures and the registration of their asylum application for close to a month.⁷⁶ On 7 February 2024, the ECtHR once more granted interim measures in the case of a single mother and her infant child, who were detained upon their arrival, in degrading conditions, without an assessment of their vulnerabilities, in the **Samos** CCAC.⁷⁷ On 12 December 2023, in a case represented by GCR, the European Court of Human Rights (ECtHR) granted interim measures for two Afghan women and their five accompanied minor children (the applicants), who, following their arrival, had been residing in the Kos CCAC in completely unsuitable and unsafe conditions, without access to necessary healthcare, without privacy, and exposed to harassment and to the risk of gender-based violence.⁷⁸

28. Violations of the right to privacy and freedom of movement: In April 2024, the Hellenic Data Protection Authority, an independent public authority, has imposed a €175,000 administrative fine on the Greek Ministry of Migration and Asylum for violating data and privacy protection regulations in its implementation of high-tech surveillance and security systems deployed in the reception and accommodation facilities for asylum seekers on the Eastern Aegean islands, after the watchdog's own initiative investigation.⁷⁹ The UN Working Group on the use of mercenaries and private military and security companies has also raised concerns as of respect to the right to privacy within the CCACs. The Working Group noted the use of high-tech security systems in the migration centers which includes cameras and motion sensors, and the use of algorithms that automatically predict behaviors and flag threats. The UN Working Group experts concluded that "*These disproportionate security and surveillance measures developed by private technology companies infringe on the fundamental rights of those held in these centres, including their rights to freedom of movement and privacy*".⁸⁰

Mainland

⁷⁶ HRLP, **Interim measures granted by the ECtHR for a woman and her daughter on Samos**, 18 September 2023, <https://tinyurl.com/yf5h7btX>

⁷⁷ I Have Rights, **Degrading conditions in Samos CCAC: The European Court of Human Rights grants Interim Measures**, 7 February 2024, <https://tinyurl.com/yac4cmuc>

⁷⁸ GCR, **Absolutely inadequate conditions in the new Closed Controlled Access Center (CCAC) of Kos: The European Court of Human Rights has granted Interim Measures**, 14 December 2023, <https://tinyurl.com/46rjsrj>

⁷⁹ Data Protection Authority (DPA), Ministry of Migration and Asylum receives administrative fine and GDPR compliance order following an own-initiative investigation by the Hellenic Data Protection Authority, 3 April 2024, <https://www.dpa.gr/index.php/en/enimerwtiko/press-releases/ministry-migration-and-asylum-receives-administrative-fine-and-gdpr>

⁸⁰ OHCHR, Press Release, *UN human rights experts call on Greece to strengthen oversight of private security industry*, 16 December 2022, <https://www.ohchr.org/en/press-releases/2022/12/un-human-rights-experts-call-greece-strengthen-oversight-private-security>

29. **Conditions in the reception facilities in the mainland:** As regards the temporary reception facilities in the mainland, increasingly throughout 2023, amidst the handover of site management activities to the Greek state, the situation has evolved into one where less (independent) actors have been present or regularly accessing the camps, hindering regular effective monitoring.⁸¹ Since 2022, all the reception facilities in the mainland have been renamed to “*Controlled Access Facilities for Temporary Accommodation of the Asylum Seekers*”, while the construction of high fences and walls, and the installation of surveillance systems in a number of mainland camps has created conditions of isolation and exclusion, which some residents have compared to prisons.⁸²
30. Additionally, as underlined by the Greek Ombudsman, as it is also the case of new facilities on the islands, most of the facilities in the mainland are located outside urban areas, often in remote locations such as Malakasa and Schisto or Samos.⁸³ The camps’ location creates clear challenges in terms of access to goods and services, and fosters a strong sense of isolation of residents from local communities.⁸⁴ *[P]ersisting challenges, particularly concerning the remote location [of camps] which hampers accessibility of vital services, such as health care and psychological support, as well as access to employment opportunities and interaction with local communities – essential for integration*” were also flagged in February 2024 by the UN High Commissioner for Refugees, during his visit to Greece.⁸⁵ The negative impact of isolated, camp-based accommodation to integration prospects was highlighted in a UNHCR-commissioned study published in December 2023, which based on a survey carried out between May-July 2022.⁸⁶ Moreover, the Greek Ombudsman has expressed concerns about the use of old buildings as accommodation facilities and emphasized that “*the use of former factories poses serious health risks to residents, as large numbers of beneficiaries are packed into confined spaces without adequate ventilation*”.⁸⁷
31. **Access to medical care and health services on the islands and mainland:** Access to medical and mental health support have continued being a cause of concern in both islands and mainland camps. Significant shortages of sufficient professionals are reported particularly on the islands, with no doctor present in

⁸¹ ECRE, *AIDA Country Report on Greece 2023 Update*, June 2024, pp. 194-197.

⁸² See ECRE, *AIDA Country Report on Greece 2022 Update*, June 2023, p. 163; RSA, *Refugee camps in mainland Greece*, June 2024, https://rsaegan.org/wp-content/uploads/2024/05/RSA_RefugeeCampsMainland.pdf

⁸³ Greek Ombudsman, Report 2024, p. 25.

⁸⁴ *Ibid.*

⁸⁵ UNHCR, Press Release, *UN High Commissioner of Refugees wraps up visit to Greece, welcomes progress on integration and urges continued efforts*, 22 February 2024, <https://www.unhcr.org/europe/news/press-releases/un-high-commissioner-refugees-wraps-visit-greece-welcomes-progress-integration>

⁸⁶ Casalis M. et.al., **Home for Good? Obstacles and Opportunities for Refugees and Asylum Seekers in Greece**, December 2023, pp. 41-42, <https://tinyurl.com/ycyacy57>

⁸⁷ Greek Ombudsman Report 2024, p.25.

different CCACs for prolonged periods.⁸⁸ Moreover, the General Hospitals of the islands are under-staffed, not all medical specialists are available and there is a lack of specialized medical equipment.⁸⁹

32. The situation is further compounded by the isolated nature of all camps (islands and mainland), which serves as an added obstacle, *inter alia* hindering applicants' ability to access medical and mental health support outside the camps, particularly given the ongoing lack of transportation in some mainland camps, and the difficulty applicants frequently face in accessing transportation where available due to the lack of sufficient resources.

33. Recent key official data by the Ministry of Asylum and Migration on the reception of asylum seekers in Greece during the first half of 2024 highlighted and confirmed the persistent staffing challenges in health services countrywide.⁹⁰ Specifically, according to the data provided by the Minister of Migration and Asylum to Greek Parliament, only 29 doctors are employed across all camps, averaging just one doctor per 635 people among the 18,412 residents. 13 of the 32 camps on islands and mainland have no doctors at all. Camps without doctors at all include Samos, Kos, Chios, Corinth, Kyllini, Pyrgos, Volos, Serres, Katsikas, Filippiada, Alexandria, Vagiochori, and Sintiki.⁹¹ Out of those some housing hundreds or even thousands of residents on 30 June 2024, such as Samos (2,255 residents), Kos (1,263 residents) and Katsikas (789 residents). Extremely poor and/or insufficient access to healthcare and quality of care, in Kos, Samos and Lesbos CCACs, was confirmed by the CPT, who highlighted that "the healthcare teams are totally inadequate to address the needs of the centres' population".⁹² Furthermore, there are constant challenges in accessing healthcare due to the lack of interpreters and cultural mediators in public healthcare facilities (hospitals, social clinics, etc.).⁹³

Unaccompanied children (UACs)

34. Since 2020 onwards there has been a number of welcome developments with regards the protection of UACs in Greece. These include the abolition of "protective custody" in December 2020,⁹⁴ the operation of the National Emergency Response

⁸⁸ GCR & OXFAM Submission 2023 to the European Ombudsperson, pp. 12, 13, 15.

⁸⁹ *Ibid.*

⁹⁰ Official Statistics, provided by the Minister of Migration and Asylum to Greek Parliament for the parliamentary review, 9 August 2024, https://www.hellenicparliament.gr/Koinovoulftikos-Elenchos/Mesa-Koinovouleutikou-Elegxou?pcm_id=f2260914-1be3-4d93-b8c5-b1b700cc9cfa

⁹¹ RSA, *Persisting severe reception deficiencies in understaffed camps*, Official 2024 Statistics, <https://rsaeean.org/en/stats-reception-of-asylum-seekers-jun-24/>

⁹² CPT Report to the Greek Government 2024, p.5

⁹³ See AIDA Report Greece 2023 Update, p. 212, and UNHCR, *Inter-Agency Protection Monitoring for Refugees in Greece: Key findings*, Section on health, <https://tinyurl.com/3z6t3y9f>

⁹⁴ Article L. 4760/2020, Gov. Gazette A 247/11.12.2020.



Mechanism under the MoMA (April 2021),⁹⁵ supporting the identification and referral of UACs to reception facilities, the provision of a ten-year residence permit for former UACs, namely for adults who arrived in Greece as unaccompanied children and successfully completed at least three years of secondary education in a Greek secondary school before they turned 23⁹⁶ and the implementation of the National Guardianship project since January 2024 onwards.⁹⁷ The practical implementation in practice of these positive developments should be further monitored in order the sustainability of said improvements to be assessed as well protection gaps to be addressed. This in particular refers to the:

- the reduction to the long term accommodation places for UAM since August 2024 onwards⁹⁸ amid an increasing number of about 1,500 UAM arriving up until July 2024, triple the figure from the first half of 2023,⁹⁹
- lack of transitional arrangements for accommodation of recognized refugees was also highlighted in the case of unaccompanied children reaching adulthood in shelters,
- delays, up to 4 weeks according to GCR's experience, in appointing a guardian
- the fact that the 10 - year resident permit for UAMs is only applicable to persons arrived as UAMs and who have reached the age of majority. Unaccompanied children whose asylum application has been rejected continue to be undocumented and in legal limbo.¹⁰⁰
- the number of 508 unaccompanied children detained in PRDFs in 2023, albeit for very short periods.¹⁰¹

⁹⁵ National Emergency Response Mechanism, <https://migration.gov.gr/en/tag/ethnikos-michanismos-epeigoysas-antapokrisis/>

⁹⁶ It should be noted that *“the requirement to successfully attend three years of school in Greece before turning 23 can be challenging for many former unaccompanied children. Many unaccompanied and formerly unaccompanied children cannot enroll in school because places are limited (especially when enrolling in the middle of the year). Even when they do manage to enroll, they may struggle to follow classes in Greek, as many are not supported in learning the new language.”* PICUM, *Greece: what the new migration code means for undocumented people*, 18 July 2023, <https://picum.org/blog/greece-new-migration-code-undocumented-people/>

⁹⁷ UNICEF, *A Network of Care for Unaccompanied Minors in Greece*, 28 August 2024, <https://www.unicef.org/greece/en/stories/network-care-unaccompanied-minors-greece> and European Ombudsperson's Decision, para 24.

⁹⁸ Up until July 2024 the number of accommodation places for UAMs was 2024 long term places and 155 short term place. Since August 2024 the number of long term accommodation places is 1771. The number of short term accommodation places remains 155 MoMA, see MoMA, *Situation Update: Unaccompanied Minors (UAM) in Greece*, 1 September 2024, https://migration.gov.gr/wp-content/uploads/2024/09/SGVP_Statistics-September_EN.pdf

⁹⁹ Save the Children/GCR, *Refugee and migrant children arrivals in Greece quadruple this year*, 17 July 2024, <https://gcr.gr/en/news/item/2308-child-migrant-arrivals-in-greece-quadruple-this-year/>.

¹⁰⁰ PICUM, *Greece: what the new migration code means for undocumented people*, 18 July 2023.

¹⁰¹ AIDA, *Report on Greece, update 2023*, June 2024, p. 232 & Information provided by the Directorate of the Hellenic Police, 18 January 2024



35. In addition, and without underestimating these welcome developments, it should be mentioned that significant protection concerns remain in particular with regards the living conditions of UACs in the CCACs on the islands and the age assessment procedure.
36. **Living Conditions in the CCACs’ “safe areas”:** Unaccompanied children on the islands are placed upon arrival to the so-called safe areas of the CCAC. These are a fenced container section of the CCACs, guarded by security personnel, where UACs are not allowed to exit until their placement and transfer to shelters for minors.¹⁰² In general, during 2023, the waiting period for the placement of UAMs in a ‘restriction of liberty status’ in CCAC to shelters for minors was reduced, but there were still periods that the transfers from the CCAC to shelters were conducted with delay (2 to 3 weeks).¹⁰³ Concerns have also been expressed about the absence of creative activities during the day and confinement in a non-child friendly, prison-like environment, especially when the waiting time for placement to shelters has increased.¹⁰⁴ As reported, “[i]magine that when an unaccompanied child is placed in the safe area, they are still wearing the wet clothes they wore during the boat journey. There is nothing to do in the safe area, no activities at all, recreational or otherwise. They are bored, and the place feels like a prison – it’s not at all child-friendly. It is a container with barbed wire around it. In that sense, children who travelled with their families can exit the camp, while unaccompanied children cannot”.¹⁰⁵
37. The CPT, following its own delegation visit to Greece, recommended the Greek authorities to end the detention of unaccompanied and separated children in the CCACs, as it is not in line with the principle of the “best interests of the child”.¹⁰⁶ Namely, according to the CPT’s report, at both Kos and Samos CCACs, “unaccompanied and separated children were held in a dedicated section surrounded by high mesh fences topped with rolls of barbed wire” and complained about the lack of structured activities, no provision of adequate clothing, the quantity of food little food, insufficient psycho-social support and legal advice, unsafe conditions for girls and their confinement to the section.¹⁰⁷
38. **Age assessment:** Ongoing challenges with respect to the proper and timely identification of UAMs, including the lack of specialized staff and the non-uniform application of age assessment procedures throughout the territory, persist and have

¹⁰² AIDA Report Greece 2023 Update, June 2024, p. 61.

¹⁰³ See SCI, *Child migrant arrivals in Greece quadruple this year*, 17 July 2024, <https://www.savethechildren.net/news/child-migrant-arrivals-greece-quadruple-year>

¹⁰⁴ AIDA Report Greece 2023 Update, p. 61.

¹⁰⁵ Save the Children/GCR, *Refugee and migrant children arrivals in Greece quadruple this year*, 17-7-2024, <https://gcr.gr/en/news/item/2308-child-migrant-arrivals-in-greece-quadruple-this-year/>

¹⁰⁶ CPT Report to the Greek Government 2024, paras. 131-136.

¹⁰⁷ *Ibid*, p. 4.



continued resulting in cases of UAMs being registered as adults.¹⁰⁸ In 2022, the Fundamental Rights Officer (FRO) of Frontex issued an Opinion regarding the engagement of Frontex staff in the screening and registration of UAMs in Greece, underlining that “*Frontex should refrain from conducting any screenings of unaccompanied minors below the age of 15 without the presence of a legal guardian*”.¹⁰⁹ The United Nations Committee on the Rights of the Child (UNCRC) noted that the Greek authorities use a “*generalized and inappropriate age determination procedure*”, that particularly affects UAMs and urged the Greek government to “[e]nsure that the age determination procedure is multidisciplinary, scientifically based, respectful of children’s rights, harmonized across the country, and used only in cases of serious doubt about the claimed age, and takes into consideration documentary or other forms of evidence available, and ensure access to effective appeal mechanisms”.¹¹⁰ According to the recent Greek Ombudsman’s report, there have been “*a number of problems, obstacles and malfunctions in the implementation of the age assessment process*”.¹¹¹ These included *inter alia* skipping the psychosocial assessment stage of the procedure contrary to the legal provisions due to the lack of training of the psychosocial team of the Unit conducting the age assessment inside the CCAC, significant delays in the process due to delays in the scheduling of appointments at the hospital, lack of interpretation in the hospital and inability of the hospital staff to carry out the psychosocial assessment.¹¹² The International Rescue Committee Hellas in Greece also observed occasional shortcomings with the institutions accredited to do an age assessment: doctors and medical staff were not always aware of the specific legislative and policy framework.¹¹³

Athens, 16 September 2024
GREEK COUNCIL FOR REFUGEES

¹⁰⁸ GCR Submission to the Committee of Ministers of the Council of Europe concerning the groups of cases of M.S.S. v. Greece and Rahimi v. Greece, July 2023, p. 9.

¹⁰⁹ Frontex, The Fundamental Rights Officer: Annual Report 2022, 6 July 2023, https://frontex.europa.eu/assets/fundamental/FRO_annual_report_2022.pdf, p.17.

¹¹⁰ Committee on the Rights of the Child, Concluding observations on the combined fourth to sixth periodic reports of Greece, CRC/C/GRC/CO/4-6, 28 June 2022, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhskUnpRWbJJ8grjvY7NioBbNegSKzpHhRh7t1C4fXfuno%2F9%2B%2FtqPce9EsPqoQOpluleSFsw9CiWaWvzLTDWnXapCrXLWRVlwINKIsF7ZZPj5>

¹¹¹ Greek Ombudsman Report 2024, p. 151, <https://www.synigoros.gr/en/category/default/post/ek8esh-or>

¹¹² *Ibid.*

¹¹³ EUAA Asylum Report 2024, p. 230, <https://euaa.europa.eu/asylum-report-2024/463-assessing-age-applicant-claiming-be-child>