

DGI Directorate General of Human Rights and Rule of Law

Department for the Execution of Judgments of the ECHR

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COMMUNICATION

In accordance with Rule 9.2 of the Rules of the Committee of Ministers regarding the supervision of the execution of judgments and of terms of friendly settlements by the Advice on Individual Rights in Europe (The AIRE Centre) and the Greek Council for Refugees

Concerning the supervision of the cases of:

O.R. v. Greece, App No 24650/19
W.S. v. Greece (Application No. 65275/19);
T.A. and Others v. Greece (Application No. 15293/20);
T.S. and M.S. v. Greece (Application No. 15008/19);
N.N. and Others v. Greece (Application No. 59319/19);
A.I. and Others v. Greece (Application No. 11588/20).

Introduction

1. This submission, addressed to the Committee of Ministers, is submitted by the AIRE Centre (Advice on Individual Rights in Europe) and the Greek Council for Refugees (GCR) in the context of the supervision of the execution of judgments and of the terms of friendly settlements concerning the cases of *O.R. v. Greece* (Application No. 24650/19); *W.S. v. Greece* (Application No. 65275/19); *T.A. and Others v. Greece* (Application No. 15293/20); *T.S. and M.S. v. Greece* (Application No. 15008/19); *N.N. and Others v. Greece* (Application No. 59319/19); *A.I. and Others v. Greece* (Application No. 11588/20), currently being supervised under the standard supervision procedure.
2. **The AIRE Centre** is a London-based NGO which promotes awareness of European law rights and assists marginalised individuals and persons in vulnerable circumstances in relation to those rights by providing legal advice to individuals, other advisers and lawyers. The Centre has been involved in the litigation of over 150 cases either as applicants' representatives or as third-party interveners before the European Court of Human Rights (ECtHR) including a number of Art. 4 ECHR cases such as *Rantsev v. Cyprus and Russia*, *CN v. the United Kingdom*, *J. and Others v. Austria*, *Chowdury and Others v. Greece*, *IC v. Moldova*, *TV v. Spain*, *FM and others v. Russia*, and *GN v. Lithuania* (pending) and *AS v. Latvia* (pending). **The Greek Council for Refugees** (GCR) is an NGO, founded in 1989, that specializes in the provision of 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 UN Economic and Social Council (ECOSOC) since 2001 and it is a member of the Racist Violence Recording Network (RVRN) and the recently established Recording Mechanism of Informal Forced Returns under the auspice of the GNCHR.
3. The undersigned organizations wish to provide updated information with regards the reception conditions and detention/detention conditions of Unaccompanied and Separated Children (UASC) in Greece within the framework of the supervision of the execution of the above judgments of the ECtHR in respect of Greece.
4. The AIRE Centre and GCR recognise that since 2020 onwards a number of welcome positive efforts as regards the detention and reception of unaccompanied children have been made by the Greek Authorities, which have the potential to contribute in a positive step forward. These measures have, to a certain degree, led to the closure of the supervision of the Rahimi Group of cases (CM/ResDH(2023)259, 21-9-2023). These are in particular the abolition of "protective custody" of unaccompanied children in December 2020,¹ the establishment of the Special Secretariat for the Protection of the Unaccompanied Minors (February 2020), succeeded by the General Secretariat for Vulnerable Persons and Institutional Protection (2023), the operation of the National Emergency Response Mechanism (NERM)² and the adoption of Law 4960/2022, which establishes a national guardianship system (in force since Jan 2024).
5. **Despite these welcome developments and without underestimating the general measures adopted, the efforts made by the authorities and progress thus far, there still remain significant challenges for the protection of UASC in Greece. These may give rise to similar violations as those identified by the above judgments of the Court in particular with regards the living/detention conditions of UASC, including gaps in the guardianship system.**
6. **In light of the above and taking into account the situation of extreme vulnerability of asylum-seeking children, the submitting organisations kindly request that the Committee of Ministers keep the supervision of the execution of these Judgments open in order to ensure the full compliance of the authorities and that similar and repetitive violations are prevented.**

¹ Art. 43 of L. 4760/2020.

² Mechanism for homeless UASC or those in precarious conditions, operational since April 2021, involves UNHCR, child protection agencies and police authorities. It aims to promptly trace, identify, and refer these children to emergency accommodation facilities, with the process managed and overseen by the GSVPIP ([UNHCR, 2021](#)).

I. The Court's findings and recommendations

7. In order to comply with obligations under Article 3, as they relate to the treatment of unaccompanied minors who have applied for international protection, the Court stated in this group of cases. (reiterating its statements from *Rahimi v Greece*, no. 8687/08, §60 and 62, 5 April 2011) that States must adopt measures to enable effective protection against Article 3 violations, particularly with respect to children and other vulnerable persons, including reasonable measures to prevent ill-treatment of which the authorities were or should have been aware.³ The Court's rulings are briefly summarised below.
8. In *O.R. v. Greece*, the Court found that the Greek authorities failed to have due regard to the applicant's vulnerable position as a minor and asylum-seeker.⁴ It noted that the applicant's situation was particularly serious given that he was left without any support for several months, including over winter.⁵ In regards to the applicant's living conditions whilst in a camp, the Court found that the applicant's testimony suggested the circumstances were such as to suggest a lack of safety, material and psychological deprivation, and a situation of vulnerability.⁶
9. In *W.S. v. Greece*, the Court concluded that Greek authorities had failed to provide adequate living conditions for an unaccompanied child who was effectively left to fend for themselves in Greece and that the conditions of their detention when placed in "protective custody" at police stations amounted to a violation of Article 3 ECHR.⁷ (27 and 28). The Court noted that despite the authorities being aware of the applicant's situation and status as an unaccompanied child without accommodation, they were not provided with access to basic necessities or a permanent legal guardian until one month and seven days after their initial application.⁸
10. In *T.A. and Others v. Greece*, the Court found that in all of the joined cases, the applicants were accommodated in conditions in the Samos reception identification centre that were incompatible with Article 3 ECHR "for any individual, let alone for extremely vulnerable minors".⁹ The Court noted that the conditions at the Samos reception identification centre were characterised by severe overcrowding; lack of access to medical and sanitary facilities; insufficient food supply; and lack of security and that reputable reports stated that conditions for unaccompanied children were "dire".¹⁰
11. In, *T.S. and M.S. v. Greece*, the Court found that Greece failed to take prompt action to provide the applicants with shelter.¹¹ Moreover, the Court noted that the combined factors of the applicants' age, length of detention, and unsuitability of detention conditions, meant that their treatment in detention exceeded the severity threshold for an Article 3 violation.¹² In its finding of a violation of Article 5 § 1, the Court highlighted that domestic legislation failed to provide a time limit for detention which, combined with the conditions of detention, resulted in the applicants' detention being unlawful.¹³
12. Similarly, in *N.N. and Others v. Greece*, the Court emphasised the appalling conditions in "protective custody" and the fact that the applicants had to live on the streets and in substandard housing for several months.¹⁴ It highlighted that the applicants were only placed in appropriate accommodation following interim measures applications and that the Greek authorities' delay in doing so stemmed by shortcomings in the proceedings for the registration and age assessment of asylum-seekers.¹⁵ These circumstances led to a violation of Article 3.

³ *O.R. v. Greece*, no. 24650/19, § 57, 23 January 2024; *W.S. v. Greece*, Application No. 65275/19, 23 May 2024, § 25-28; *T.S. and M.S. v. Greece*, Application No. 15008/19, 3 October 2024, § 70-71.

⁴ *O.R. v. Greece*, Application No. 24650/19, (ECtHR Judgment of 23 January 2024), § 57.

⁵ *O.R. v. Greece*, Application No. 24650/19, (ECtHR Judgment of 23 January 2024), § 63.

⁶ *O.R. v. Greece*, Application No. 24650/19, (ECtHR Judgment of 23 January 2024), § 65.

⁷ *W.S. v. Greece*, Application No. 65275/19, 23 May 2024, § 27-28.

⁸ *W.S. v. Greece*, Application No. 65275/19, 23 May 2024, § 27-28.

⁹ *T.A. and Others v. Greece*, No. 15293/20, 3 October 2024, § 12.

¹⁰ *T.A. and Others v. Greece*, No. 15293/20, 3 October 2024, § 7.

¹¹ *T.S. and M.S. v. Greece*, Application No. 15008/19, 3 October 2024, § 73.

¹² *T.S. and M.S. v. Greece*, Application No. 15008/19, 3 October 2024, § 78.

¹³ *T.S. and M.S. v. Greece*, Application No. 15008/19, 3 October 2024, §§ 84-85.

¹⁴ *N.N. and Others v. Greece*, Application No. 59319/19, 19 December 2024, § 12.

¹⁵ *N.N. and Others v. Greece*, Application No. 59319/19, 19 December 2024, § 12.

13. The Court underscored its finding of the extreme vulnerability of children in *A.I. and Others v. Greece*, and reiterated that the delays in placing the applicants in appropriate shelters resulted from the shortcomings in the registration and age assessment process for asylum-seekers.¹⁶ Not only this, but the Court also noted that for one of the applicants, even though they were promptly registered as an unaccompanied minor, their placement in a shelter only took place four and a half months later.¹⁷

14. These submissions are made by the AIRE Centre and GCR to draw the Committee's attention to **four** issues arising out of the violations found by the ECtHR in these cases (**See Section II (A-D) from § 27-46 of these submissions**) and to enable the Committee to properly consider whether general measures have been adopted by the Greek State in respect of these issues so as to prevent new violations of Article 3 ECHR.¹⁸ Based on the conclusions reached by the ECtHR, such measures, must include:

- A) The adoption of operational measures by the Greek authorities in order to prevent further violations and protect future potential victims of violations of Article 3 ECHR. In particular and in the context of unaccompanied minors, this includes:
- B) Ensuring that unaccompanied children are not detained, including placement in *de facto* detention in fully inadequate conditions;
- C) Providing unaccompanied children with living conditions appropriate to their needs without undue delay and with due regard to the individual's vulnerability; and
- D) Ensuring that the Greek authorities comply with their obligations to appoint a guardian.

A. The adoption of operational measures by the Greek authorities in order to prevent further violations and protect future potential victims of violations of Article 3 ECHR

15. Read in conjunction with other ECHR articles and related jurisprudence, Article 1 of the ECHR obliges Contracting States to secure to everyone within their jurisdictions the rights and freedoms under Section I of the Convention. In respect of Article 3 ECHR,¹⁹ this entails, *inter alia*, the obligation on the State to take all reasonable steps to prevent harm of which they knew or ought to have known, as set out by the case of *Osman v. United Kingdom*.²⁰ States must therefore ensure effective protection is provided, particularly to children and other vulnerable persons, and implement reasonable measures to prevent ill treatment of which the authorities had or should have been aware.²¹ The Committee of Ministers will therefore need to be satisfied that the Greek state has taken identifiable reasonable steps to prevent future violations of Article 3 ECHR. These steps must include operational measures to ensure they are aware of situations which risk violating Article 3.

B. Ensure that unaccompanied children are not detained, including placement in *de facto* detention in fully inadequate conditions;

16. The placement of unaccompanied minors in “protective custody” at police stations in Greece has constituted a violation of Article 3 and amounts to *de facto* detention.²² This is due to the “very nature of police stations” as places designed to accommodate individuals for short periods of time, notwithstanding the existence of specific issues such as overcrowding, a lack of outdoor space, and unsanitary conditions.²³ In establishing this, the Court referred to the findings by the Committee for the Prevention of Torture (CPT) following visits to Greece that detaining unaccompanied migrants in police stations for several days or weeks without assistance or

¹⁶ *A.I. and Others v. Greece*, Application No. 11588/20, §§ 7-8.

¹⁷ *A.I. and Others v. Greece*, Application No. 11588/20, § 8.

¹⁸ Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, 964th meeting 10th May 2006, amended on 18 January 2017, Rule 6.2 (b)(iii).

¹⁹ *M. and others v. Italy and Bulgaria*, App no 40020/03 (ECtHR, 17 December 2012).

²⁰ *Osman v. United Kingdom*, App no 23452/94 (ECtHR, 28 October 1998).

²¹ *O.R. v. Greece*, no. 24650/19, § 57, 23 January 2024.

²² *W.S. v. Greece*, Application No. 65275/19, 23 May 2024, §26.

²³ *Sh.D. and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia*, No. 14165/16, 13 June 2019, § 48.

psychological and social support is unacceptable.²⁴ The Court has also noted that it is unsuitable for minors to be placed in detention centres with adults.²⁵ Moreover, the placement of unaccompanied minors in detention has also amounted to an unlawful deprivation of liberty under Article 5§1.²⁶ In *T.S. and M.S. v. Greece*, the Court found that this was the case due to being detained for nine days and the conditions of detention, namely the presence of adults in the facility.²⁷

17. **The Committee of Ministers must be satisfied that, following the December 2020 abolition of “protective custody” measures, Greece has not applied other measures that amount to *de facto* detention of unaccompanied children and that unaccompanied children are not exposed to conditions which are unsuitable to their vulnerable position.**

C. Provide unaccompanied children with living conditions appropriate to their needs without undue delay and with due regard to the individual’s vulnerability

18. The Court has repeatedly highlighted the substantial delays in the Greek authorities placing unaccompanied minors in living conditions appropriate for their age.²⁸ This includes circumstances where the authorities were explicitly aware of the fact that the relevant applicants were minors in need of appropriate accommodation.²⁹ It has also made clear that these failures stem from shortcomings in the proceeding for registration and age assessment of minors.³⁰ In its assessment thereof, the Court has highlighted in particular the extreme vulnerability of minors.³¹ Overall, this has led to unaccompanied minors in Greece being left to fend for themselves in living conditions inappropriate for their age and human dignity, relying on the support of strangers and NGOs or indeed without the ability to meet their basic needs at all.³²
19. The cases also demonstrate a failure on Greek authorities’ behalf to consider adequately and address additional, specific vulnerabilities relevant to the applicants. For example, in *O.R. v. Greece*, the applicant informed the authorities of his traumatic family history when applying for international protection, a fact which was later confirmed by a social worker’s assessment.³³ Nonetheless, the authorities failed to take any steps to address this particular vulnerability.³⁴
20. It is further evident that one of the shortcomings in the Greek asylum processes for unaccompanied children has been the failure to provide interpretation services, resulting in applicants not having access to relevant information in an comprehensible way.³⁵ Another shortcoming was the failure of the authorities to follow the age assessment procedures, preventing minors from being identified promptly and placed in appropriate accommodation.³⁶
21. Significantly, even where the Greek authorities placed unaccompanied children in accommodation, this did not meet the required standards to prevent a violation of Article 3. In *T.A. and Others v. Greece*, the Court noted that the conditions in the so-called “safe zone” intended to house minors had been “patently inadequate” with overcrowding, sleeping in shifts, a lack of sanitary facilities and incidents of unauthorised adults entering the zone.³⁷ This

²⁴ *Sh.D. and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia*, No. 14165/16, 13 June 2019, § 50.

²⁵ *T.S. and M.S. v. Greece*, Application No. 15008/19, 3 October 2024, § 78.

²⁶ *T.S. and M.S. v. Greece*, Application No. 15008/19, 3 October 2024, §85.

²⁷ *T.S. and M.S. v. Greece*, Application No. 15008/19, 3 October 2024, §84.

²⁸ See: *N.N. and Others v. Greece*, Application No. 59319/19, 19 December 2024, § 12; *W.S. v. Greece*, Application No. 65275/19, 23 May 2024, § 27; *T.A. and Others v. Greece*, Application No. 15293/20, §§ 9 & 11; *T.S. and M.S. v. Greece*, Application No. 15008/19, 3 October 2024, § 73; and *A.I. and Others v. Greece*, Application No. 11588/20, § 8.

²⁹ *O.R. v. Greece*, no. 24650/19, 23 January 2024, § 61; and *A.I. and Others v. Greece*, Application No. 11588/20, § 8.

³⁰ See for example: *N.N. and Others v. Greece*, Application No. 59319/19, 19 December 2024, § 12.

³¹ *T.A. and Others v. Greece*, Application No. 15293/20, § 12 and *A.I. and Others v. Greece*, Application No. 11588/20, § 7.

³² See for example: *A.I. and Others v. Greece*, Application No. 11588/20, § 8 and *O.R. v. Greece*, no. 24650/19, 23 January 2024 § 63.

³³ *O.R. v. Greece*, no. 24650/19, 23 January 2024, § 66.

³⁴ *O.R. v. Greece*, no. 24650/19, 23 January 2024, § 67.

³⁵ *N.N. and Others v. Greece*, Application No. 59319/19, 19 December 2024, § 12.

³⁶ *N.N. and Others v. Greece*, Application No. 59319/19, 19 December 2024, § 12.

³⁷ *T.A. and Others v. Greece*, Application No. 15293/20, § 7.

demonstrates that not only were there substantial shortcomings in the Greek authorities' ability to identify and provide accommodation for vulnerable, unaccompanied minors, but also that attempts to provide accommodation did not result in conditions suitable to the children's vulnerability.

22. This suggests that, as part of the judgment execution, the Greek Government must implement measures to ensure that the Greek authorities recognise the vulnerability of unaccompanied asylum-seekers and meet their basic living needs. The Court noted that States must provide protection which is "effective", suggesting that measures introduced must have a genuine, practical impact.³⁸ The Committee must therefore be satisfied that the measures introduced by the Greek government enable effective protection.

23. The AIRE Centre and GCR thus urge the Committee to satisfy itself that Greece has put measures in place to fulfil its obligation to provide care and protection to unaccompanied minors by ensuring unaccompanied minors are provided with living conditions appropriate to their age and needs (e.g. have access to suitable accommodation, food, hygiene facilities, education and care). This should include ensuring the reception system has sufficient capacity for UASC and increasing the number of dedicated facilities for unaccompanied children expediently (e.g. accommodation that is not shared with adults).

D. Ensure that the Greek authorities comply with their obligations to appoint a permanent guardian

24. As explained above, Contracting States have an obligation to provide care and protection to highly vulnerable members of society. In *O.R.*, the Court found that the competent authorities did not do everything that could reasonably have been expected of them to fulfil this obligation.³⁹

25. To ensure the safety, security and wellbeing of minors (both accompanied and unaccompanied), and to avoid subjecting them to degrading and inhuman treatment, it is imperative that the Greek authorities act quickly and efficiently to appoint a permanent guardian in these circumstances. The Committee must be satisfied that the Greek government has implemented measures that ensure the guardianship legislation is effectively realised for unaccompanied children.

26. The AIRE Centre and GCR thus urge the Committee to satisfy itself that Greece has put measures in place to ensure that permanent guardians are appointed for unaccompanied minors and minors are placed in suitable accommodation as soon as possible. Such measures should include ensuring that the General Secretariat for Vulnerable Persons and Institutional Protection, and the competent Public Prosecutors (PPs) have the capacity to process the appointment of permanent guardians in a timely and efficient manner.

II. The current situation of unaccompanied and separated children and main challenges

A. *De facto* detention of UASC in the island's Closed Controlled Access Centres (CCAC's) and mainland Reception and Identification Centres (RICs).

27. Despite the abolition of "protective custody" of UASC in December 2020, *de facto* detention of unaccompanied and separated children continues to apply in the islands' CCACs and mainland RICs in conditions which have been repeatedly found to be unacceptable.

28. Article 40 L. 4939/2022 provides that newly arrived persons should be placed in CCACs or RICs for a period not exceeding 25 days in order for the registration and identification procedures to be completed. During this period a decision imposing "the restriction of their liberty within the premises of the facility" is issued. Upon arrival, unaccompanied and separated children are placed in the so-called "safe area" of CCAC's and RIC's. They are prohibited from exiting the

³⁸ *O.R. v. Greece*, no. 24650/19, 23 January 2024, § 57.

³⁹ *O.R. v. Greece*, no. 24650/19, 23 January 2024, § 68.

“safe area”, which is in most cases a fenced container section guarded by security personnel and where they have been subject to “restriction of liberty” until their placement and transfer to shelters for minors.⁴⁰ As mentioned above, according to national legislation the stay within the premises of CCAC’s and RIC’s may not exceed 25 days.⁴¹ However, depending on the number of children arriving, the registration capacity and the availability of places in accommodation facilities for UAMC, the period, during which they remain in the “safe areas” of CCAC and RICs, may be significantly prolonged, for weeks or months, depending on the circumstances.

29. A number of rulings issued by Greek Administrative Courts **during 2025** (the latest having been issued in October 2025), corroborate that the situation of children in the “safe areas” in CCACs on the islands and Malakasa RIC, in Attica region, amounts to **de facto detention** applied for prolonged periods of time.⁴²
30. The *de facto* detention measures applied against UASC have also been highly criticized by the UN and Council of Europe bodies. In its most recent concluding observations on Greece (2022), the UN Committee on the Rights of the Child (UNCRC) expressed concerns regarding the practice of immigration detention of children for identification and urged the state to implement **a complete ban** on placing children in immigration detention.⁴³ Following its 2023 visit, the CPT recommended the Greek Authorities to “*end the detention of unaccompanied and separated children in the CCACs*” by underling at the same time that “*Greece has developed a panoply of support measures under the Special Secretariat for Protection of Unaccompanied Minors within the Ministry of Migration and Asylum outside of the detention framework, which are well renowned*” (para 136). In 2025 the Commissioner for Human Rights referred to “*the situation of unaccompanied children being held for prolonged periods in de facto detention in inadequate and overcrowded facilities [...]*”, acknowledged that “*changing routes may create new challenges for authorities*”, the Commissioner notes that “*such changing circumstances should not result in deprivation of liberty or the placement in conditions not in line with the Convention*”.⁴⁴
31. In addition, conditions to which UASC are consistently exposed in “safe areas” in the islands’ CCACs and mainland’s RICs do not meet the requirements of the Convention. Firstly, the facilities, including the safe areas, are inappropriate for minors due to their carceral design, which is akin to a detention facility. In addition, significantly poor material conditions are documented, including overcrowding, poor state of repair, deplorable hygiene conditions and lack of cleaning products. Other reported insufficiencies include: lack of appropriate clothing; bedding and sleeping accommodation; lack of medical care, mental health care and psychological support; lack of adequate food and clean water; appropriate recreational activities; lack of access to formal education, etc. For example, in **2022**, the EU Ombudsperson has highlighted that CCACs are “*reminiscent of detention facilities*” and “*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*”.⁴⁵ In the **2023** CPT report, the CPT notes noted that “*the CCACs are not appropriate places for holding children, due to their carceral design and insufficient staffing levels and support offered*” (para. 136).⁴⁶ A number of documents from EU Commission agencies and services, between **August 2024 and February 2025**, also reflect the lack of basic conditions for the reception of

⁴⁰ AIDA Report on Greece, Update 2023, June 2024, p. 61.

⁴¹ Article 40 L. 4939/2022.

⁴² For Samos CCAC see HRLP, Court acknowledges de-facto detention, declares it unlawful in groundbreaking decision, 21 February 2025, <https://www.humanrightslp.eu/post/court-acknowledges-de-facto-detention-declares-it-unlawful>; For Leros CCAC see ERBB, Greek Court Rules Minor's Stay in Leros "Safe Zone" as Unlawful Detention, 12 March 2025, <https://equal-rights.org/articles/141>; For Malakasa RiC see ERBB, Court Declares Unlawful Detention of Two Minors in Malakasa Camp in Athens, 7 April 2025, <https://equal-rights.org/articles/144>; For Kos CCAC see ERBB, One more time, the Greek Administrative Court finds that a minor’s stay in the so-called “safe zone” of the Closed Controlled Access Centre of Kos constitutes unlawful de facto detention, 6 June 2025, <https://equal-rights.org/articles/148> & ERBB, Unlawful Detention of Unaccompanied Minors in the “Safe Area” of the Kos CCAC, October 2025, <https://equal-rights.org/articles/165>.

⁴³ UN Committee on the Rights of the Child, concluding observations on Greece, 2022, §§ 39(b); 40.

⁴⁴ CoE, Commissioner for Human Rights, Memorandum on migration and border control, following the Commissioner’s visit to Greece from 3 to 7 February 2025, para. 14.

⁴⁵ 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, <https://www.ombudsman.europa.eu/en/decision/en/170792>, para 48.

⁴⁶ Ibid, p. 4.

unaccompanied children in the CCACs of Samos, Kos and Leros.⁴⁷ Equally, the Greek Ombudsman in a **2024** Report found that “*the appearance, particularly of the RIC and CCAC is more akin to a detention centre than to a reception and accommodation area for newly arrived residents*”.⁴⁸ Moreover, in a written intervention at the **end of 2024** the Greek Ombudsman further underlined that “*by taking into consideration the prolonged stay of [...] unaccompanied children, there are strong concerns as to whether their housing conditions meet the required safety and protection*”.⁴⁹

32. During 2025, the ECtHR has repeatedly granted Interim Measures (pursuant to Rule 3 of the Rules of the Court) in cases of UASC, who remained for prolonged periods in *de facto* detention and under significantly substandard and dangerous conditions in the “safe area” of different CCACs:

- In **February 2025**, the ECtHR granted interim measures for four (4) unaccompanied children in *de facto* detention and degrading conditions in Samos CCAC **for a period up to four months** (*O.A. and others v. Greece*, no. 2570/25).⁵⁰ The applicants argued that their detention conditions amounted to inhuman and degrading treatment, considering *inter alia* the lack of access to medical and psychological care, unsanitary conditions, lack of food and improper bedding, lack of adequate clothing amidst harsh weather conditions, and lack of appointed guardians - *O.A. and others v Greece*, Application no 2570/25.
- In **May 2025** Interim measures were granted again for the Samos CCAC “safe area” for the case of **45** unaccompanied children remaining in *de facto* detention for an average period of 142 days⁵¹ - *M.A.F. v Greece*, 13997/25 & *K.M. and others v Greece*, Application no 14651/25.
- In **June 2025** interim measures were granted for **13** unaccompanied children in Leros CCAC “safe area”, some of whom had been detained for nearly six months⁵² - *A.A. and Others v. Greece*, Application no. 18333/25.
- In **July 2025** interim measures were granted for **9** unaccompanied minors remaining detained in the Kos CCAC “safe area”, some of them in *de facto* detention for almost 5 months⁵³ - *A.I. and Others v. Greece*, application no. 18509/25.

33. In all the above cases the Court indicated to the Greek government to provide the children with **appropriate reception conditions**, including **adequate food and water, new and clean clothing and bed linen, cleaning and hygiene products** and (where applicable) **appropriate medical and psychological care** and to ensure their **speedy relocation** to a shelter for unaccompanied minors or to a proper accommodation facility according to the procedures prescribed by national law.

34. The number of UASC remaining in CCACs and RICs facilities varies depending on the number of arrivals, the registration capacity of the Authorities and in particular the availability of places in facilities for UASC across the country. The lack of places in accommodation facilities for UASC in the mainland is a key factor prolonging their stay in CCACs and RICs. As of 1 October 2025, 239 unaccompanied and separated children were in RICs and CCACs.⁵⁴ It is crucial to note that the number refers to UASC already registered by the Authorities and not to those whose registration is pending.

⁴⁷ Solomon.gr, Unaccompanied Children Sleep on the Floor in Shifts in Greece’s ‘Model Camps’. The EU Is Aware, 31-3-2025, <https://wearesolomon.com/mag/focus-area/migration/unaccompanied-children-sleep-on-the-floor-in-shifts-in-greece-model-camps/>.

⁴⁸ Greek Ombudsman, THE CHALLENGE OF MIGRATORY FLOWS AND REFUGEE PROTECTION, April 2024, <https://www.synigoros.gr/el/category/default/post/ek8esh-or>, p. 41.

⁴⁹ GCR, News from the field, February 2025, <https://gcr.gr/en/news/press-releases/item/nea-apo-to-pedio-4/> and Document no 329497/ 363041/66068/2024, <https://gcr.gr/wp-content/uploads/20250103110228502.pdf>

⁵⁰ HRLP, SAMOS CCAC “SAFE” ZONE : ECtHR GRANTS INTERIM MEASURES, 14 February 2025, <https://www.humanrightslp.eu/post/samos-ccac-safe-zone-ecthr-grants-interim-measures>

⁵¹ HRLP, interim measures granted for 46 unaccompanied children, 21 May 2025, <https://www.humanrightslp.eu/post/interim-measures-granted-for-46-unaccompanied-children>.

⁵² ERBB, European Court of Human Rights orders Greece to urgently provide essential aid and transfer 13 unaccompanied children to safe accommodation, 7 June 2025, <https://equal-rights.org/articles/152>

⁵³ ERBB, European Court of Human Rights Issues New Decision to Ensure the Urgent Protection of De Facto Detained Unaccompanied Minors, 4 July 2025, <https://equal-rights.org/articles/154>.

⁵⁴ Ministry and Migration and Asylum, Situation Update: Unaccompanied Minors (UAM) in Greece, 1-10-2025.

35. Moreover, the situation of unaccompanied children arriving in Crete, the main entry point for 2025, is also worrying. There is no first reception facility for newly arrived persons on the island and unaccompanied minors are transferred together with the general population upon arrival to the “Agyia former exhibition center” where they remain up until their transfer to a mainland RIC, predominantly Malakasa (mainland) RICs. Conditions in the Agyia former exhibition centre fall below even the most basic standards. Prolonged waiting periods in the Agyia former exhibition centre have occurred during the second half of 2025.⁵⁵

B. Reception of Unaccompanied and Separated children after RICs and CCACs.

36. After reception and identification procedures in CCACs or RICs conclude, UASC are transferred to an accommodation facility for unaccompanied children in the mainland. According to national legislation, the General Secretariat for Vulnerable Persons and Institutional Protection is the responsible authority for the management of accommodation requests and the coordination placement of UAMS to appropriate accommodation facilities.⁵⁶
37. Child arrivals in the country doubled in 2024, with the number of unaccompanied minors reaching 3,000, compared to 1,490 in 2023.⁵⁷ As of September 2025, a total of 30,157 refugees and asylum-seekers arrived in Greece by sea, 20% of which were children and 30% thereof were identified upon arrival as unaccompanied or separated children.⁵⁸
38. The total number of unaccompanied children registered in the islands’ CCACs and mainland’s RICs in 2024 and the first 9 months of 2025 (Jan - Sept) was **5,747** children, 3,833 in 2024 and 1,914 in the first 9 months of 2025 respectively. These numbers refer only to newly arrived unaccompanied children registered in CCACs and RICs.
39. As well as hosting unaccompanied children after their transfer from CCACs and RICs, the dedicated facilities for UASCs on the mainland also host unaccompanied children who are identified in precarious conditions or homelessness by the National Emergency Response Mechanism (NERM). The NERM telephone line has received a total of **2,367** calls concerning accommodation requests in 2024 and the first 9 months of 2025.⁵⁹
40. According to Greece’s National Strategy on Unaccompanied Minors 2021-2025, in order to meet the needs and ensure the rights of unaccompanied minors, the capacity of the accommodation system for unaccompanied minors in the country should be at least 2,500 places.⁶⁰ Moreover in the 2022 concluding observations on Greece, the UNCRC urged the state to “[p]rovide all refugee, asylum-seeking and unaccompanied children with sustainable, open and quality accommodation and shelter outside detention, including by increasing reception capacity and quality, implementing the European Union relocation initiative, promptly closing ‘safe zones’ and developing a protection database”.⁶¹

⁵⁵ *Inter alia* Kathimerini.gr, Failures leave migrants stranded on Crete, 16-9-2025 <https://www.ekathimerini.com/in-depth/society-in-depth/1280937/failures-leave-migrants-stranded-on-crete/>; RSA, Crete – Gavdos: 7,336 refugee arrivals in the first half of 2025, lack of management plan, 9-7-2025, <https://rsaegean.org/en/crete-gavdos-7336-refugee-arrivals-h1-2025/>.

⁵⁶ Article 65, 66KΘ and 66Α L. 4939/2022.

⁵⁷ GCR, Child migrant and refugee arrivals in Greece double in 2024, as children report alarming camp conditions, 11 December 2024, <https://gcr.gr/en/news/item/diplasiastikan-oi-afixeis-paidion-metanaston-kai-prosfygon-stin-ellada-to-2024-eno-katagrafontai-anisychitikes-synthikes-stis-prosfygikes-domes/>.

⁵⁸ United Nations High Commissioner for Refugees (UNHCR), Greece Sea arrivals Dashboard - September 2025, <https://data.unhcr.org/en/documents/details/119359>.

⁵⁹ (1778 calls concerning accommodation requests between 1-1-2024 and 1-1-2025 and 589 accommodation requests between 1-1-2025 and 1-10-2025), see Ministry of Migration and Asylum, Situation Update: Unaccompanied Minors (UAM) in Greece, <https://migration.gov.gr/en/statistika/> - according to the official data since the launch of the NERM telephone line and by 1-1-2024 NERM has received 6452 accommodation requests. Since the launch of the telephone line and by 1-1-2025 NERM has received 8230 accommodation requests. Since the launch of the telephone line and by 1-10-2025 NERM has received 8819 calls regarding accommodation requests.

⁶⁰ National Strategy for the protection of Unaccompanied Minors, 2021-2025, p. 38, <https://migration.gov.gr/en/ethniki-stratigiki-asynodeyton-anilikon/> (in Greek).

⁶¹ UNCRC Concluding Observations on Greece (2022), § 40(h).

41. Despite the increase in arrivals and the target set by the National Strategy, available places have significantly decreased, which contributes to the long waiting periods in CCACs and RICs. Between January 2023 and October 2025, there was a reduction of more than 500 places in long term accommodation facilities and a reduction of 90 places in emergency accommodation facilities (see table below). As of October 2025, there were **1,745** places available in long-term accommodation facilities for unaccompanied children and **150** places in emergency accommodation facilities (1,895 in total).

	Long term accommodation facilities ⁶²	Emergency accommodation facilities
January 2023	2,272	240
January 2024	2,060	200
January 2025	1,775	155
October 2025	1,745	150

Source Ministry of Migration And Asylum, Situation Update: Unaccompanied Minors (UAM) in Greece [2023](#), [2024](#), [2025](#)

42. This reduction reveals a structural weakness within the child protection system, pushing it to its operational limits. It also results in the prolongation of the waiting period which unaccompanied and separated children experience in CCACs and RICs across the country in *de facto* detention and exposed to significant substandard conditions.

C. Guardianship

43. The establishment of a national guardianship system by Law 4960/2022, launched in January 2024, has been a welcome development, as previous legislation had never entered into force. A number of structural shortcomings, including the capacity of the system, should be further assessed. A number of issues have already arisen, first and foremost, delays in appointment of Guardians and/or lack of Guardians in particular for newly arrived unaccompanied children and especially in the mainland.⁶³ Covering all unaccompanied children and appointing guardians in a timely manner are the main challenges identified in the assessment of the guardianship system by the main actors of the scheme.⁶⁴ As reported, as of January 2025, 120 guardians have been appointed by the Public Prosecutors,⁶⁵ a number non-sufficient to cover the need of unaccompanied children present in the country. Also, instability persists due to resignations of appointed Guardians, coupled with delays in the timely disbursement of salaries for both Guardianship Officers and Coordinators by the competent Guardianship Service Providers have been identified as challenges within the system.⁶⁶

D. Age assessment

44. In its 2022 Concluding Observation, the UNCRC already noted its serious concern regarding the generalised and inappropriate determination procedures and urged the state to “[e]nsure

⁶² This includes shelters and Supported Independent Living (SIL) apartments.

⁶³ Greek National Commission on Human Rights, Note on the 7th National Report to the Council of Europe in the context of the Revised European Social Charter, Follow-up to Collective Complaint No. 173/2018 International Commission of Jurists (ICJ) and the European Council for Refugees and Exiles (ECRE) v. Greece, April 2025; ERBB, ‘Suspended and Secluded: The State of Unaccompanied and Separated Children in Greece’, 2025 Report, <https://directus.equal-rights.org/assets/1bd72379-f47e-4aaa-8638-a431751e0eaa>.

⁶⁴ GSVPIP, EUAA, UNICEF, and the implementing partners METAdrasi and PRAKSIS, Report on the Guardianship System Evaluation, 2025, <https://data.unhcr.org/en/documents/details/118708> https://data.unhcr.org/en/documents/download/118708&ved=2ahUKEwiDILDR0fGQAxXVQ_EDHe2BmI0QFnoECBkQAQ&usq=AOvVawIcu5QIAkY9sDVrpj9rj_9

⁶⁵ European Commission, Communication on the status of migration management in mainland Greece, COM(2025) 170, 4 April 2025, p. 9.

⁶⁶ GSVPIP, EUAA, UNICEF, and the implementing partners METAdrasi and PRAKSIS, Report on the Guardianship System Evaluation, 2025, <https://data.unhcr.org/en/documents/details/118708>

*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 CRC/C/GRC/CO/4-6 14 documentary or other forms of evidence available, and ensure access to effective appeal mechanisms".*⁶⁷

45. In August 2025, a new Joint Ministerial Decision (JMD)⁶⁸ amended the age assessment procedure. The new JMD *inter alia*:

- i) **provides that all stages (including X-Rays) to occur cumulatively and on the same day, with priority given to the results of medical examinations (X-rays)**, contrary to the obligation to conduct age assessments using the least intrusive method and use medical examinations only as a measure of last resort⁶⁹ and against the fact that guarantees put in place by EU and international law to ensure a holistic and multidisciplinary age-assessment procedure(a development welcomed by the ECtHR).⁷⁰ Moreover, increased weight on the result of the X-Ray examinations as provided by the JMD, means that even where all previous results indicated that the applicant is a child the results of the X-Rays take precedence, contrary to the presumption of minority;
- (ii) **reduces the appeal deadline from 15 to 5 days, without suspensive effect**, hindering access to an appeal procedure in practice; and
- (iii) **introduces a presumption of majority upon refusal to undergo medical testing.**

The provisions above entail the risk that unaccompanied children are not properly identified and are excluded from any protection foreseen by Law for UASC, including guardianship, reception conditions, protection from detention, etc.

46. In addition, the new JMD provides that the presumption of minority during the procedure applies only to individuals registered as minors, excluding those unaccompanied children wrongly registered as adults.⁷¹ Those wrongfully identified as adults are not appointed with a guardian to provide support during the age assessment procedure, remain in accommodation facilities with unrelated adults, are not protected from detention and might be detained with unrelated adults, and are excluded from any guarantees provided for unaccompanied minors.⁷² However, as the Court has already found, the principle of presumption of minor age, is an inherent element of the protection of the right to respect for private life of a foreign unaccompanied individual declaring himself or herself to be a minor.⁷³

III. Recommendations to the Committee of Ministers

47. In light of the above, The AIRE Centre and GCR urge the Committee to recognise the necessity of satisfying itself, before adopting a Resolution in this case that:

- i. **The Greek state has taken identifiable reasonable steps to prevent future violations of Article 3 ECHR. These steps must include operational measures to ensure they are aware of situations which risk violating Article 3.**
- ii. **Greece ensures that unaccompanied children are not detained, including in de facto detention and are not exposed to inadequate conditions.**
- iii. **Greece has put measures in place to fulfil its obligation to provide care and protection to unaccompanied minors by ensuring unaccompanied minors are provided with living conditions appropriate to their needs (e.g. have access to**

⁶⁷ UNCRC Concluding Observations on Greece (2022), § 39(c) and 40(c).

⁶⁸ JMD no 147627, Gov Gazette B 4581, 22 August 2025.

⁶⁹ Article 25, Directive 2013/32/EU; see also "X-ray examinations are physically intrusive since they use ionising radiation that may be harmful. There is also opposition on ethical grounds to using radiation if it is not for medical purposes. Sexual maturity examinations are of a highly intrusive nature, conflicting with the rights of dignity, integrity and privacy, and should be precluded for age-assessment purposes", *Darboe and Camara v. Italy*, application no 5797/17, 21 July 2022, § 87.

⁷⁰ *Darboe and Camara v. Italy*, application no 5797/17, 21 July 2022, § 155.

⁷¹ Contrary to art. 80 par. 3 e) of l. 4939/2022.

⁷² *Darboe and Camara v. Italy*, application no 5797/17, 21 July 2022, § 145.

⁷³ *Darboe and Camara v. Italy*, application no 5797/17, 21 July 2022, § 153.

suitable long-term accommodation, food, hygiene facilities, education and care). This should include ensuring that the capacity of the reception scheme for UASC can cover the needs of unaccompanied children (e.g. accommodation that is not shared with adults) by, *inter alia*, increasing the number of available places.

- iv. Greece has put measures in place to ensure that permanent guardians are appointed to unaccompanied children. Such measures should include:
 - 1. ensuring that the General Secretariat for Vulnerable Persons and Institutional protection (GSVIP) and the PPs have capacity to process the appointment of permanent guardians in a timely and efficient manner; and
 - 2. ensuring that the number of Guardians available can cover the needs.
- v. Greece has put measures in place to ensure the ongoing monitoring of the living conditions and well-being of unaccompanied minors and take immediate steps to relocate any individuals found to be in an unsafe situation.